

BLACK MOUNTAIN POLICE DEPARTMENT

LAW ENFORCEMENT RISK REVIEW

2025

The North Carolina League of Municipalities is a member-driven organization representing the interests of cities and towns in the state. Through their collective efforts, League member cities and towns better serve their residents and improve their quality of life.

For over 100 years, the League has been one voice for cities and towns working for a better North Carolina.

Version 4.0

North Carolina League of Municipalities
Law Enforcement Risk Management Review

In 2013, the North Carolina League of Municipalities Risk Management Services formed a Chiefs' Advisory Committee that includes police chiefs from agencies across N.C. The committee members worked on analyzing insurance and liability concerns impacting North Carolina law enforcement agencies who participate in our insurance pools. In response to these liability concerns, the chiefs assisted in developing the risk management review process to identify and mitigating identifying and mitigate high-risk activities found in police operations.

Participation in the risk management review is initiated by a voluntary request from those police departments participating in the League's property and liability insurance pool. The risk management review is not intended to replace or supplement other industry resources. The North Carolina League of Municipalities encourages agencies to participate in recognized programs that evaluate law enforcement services based on benchmarks, accountability, industry best practices, and professionalism.

This risk management review does not represent all known risks to law enforcement agencies but is intended to address specific areas of liability. The risk management review process will evolve as additional liability concerns are identified.

The following North Carolina chiefs are current members of the Chiefs' Advisory Committee and participate in the continued development and implementation of this initiative:

1. Chief Steve Parker, Black Mountain Police Department
2. Chief Brent Phelps, Lenoir Police Department
3. Chief Duane Hampton, Hillsborough Police Department
4. Chief Jeff Leonard, Wake Forest Police Department
5. Chief Ron Davis, Weaverville Police Department
6. Chief Ryan Thompson, Pine Knoll Shores Police Department
7. Chief Andy LeBeau, Boone Police Department
8. Chief David Hess Roxboro Police Department
9. Chief Anthony Davis, Clinton Police Department
10. Chief Jeremy Humphries, Leland Police Department
11. Chief Jason Armstrong, Apex Police Department
12. Chief Paul Burdette Jr., Beaufort Police Department
13. Chief Jacqui Boykin, Zebulon Police Department

Law Enforcement Risk Management Review Methodology

This instrument assesses an agency's adherence to best practices, court decisions, and policies and procedures related to high-liability activities in law enforcement. The goal is to mitigate liability exposures, enhance officer safety, and validate that training and operating procedures meet industry standards. The risk management review was designed and peer-reviewed by a panel of police chiefs representing a cross-section of N.C. law enforcement agencies and is available to those agencies who participate in the League's property and liability insurance pool.

The categories are assessed based on associated risk and an agency's adherence to the best practices identified within the specified dimensions.

The following principles are stressed within an agency evaluation:

1. **Policy**: Does the department have a sound policy based on professional thinking, court decisions, statutes, and the principle of "foreseeability"?

2. **Training**: Officers are expected to follow the department policy and be trained in the use of the policy. The department provides a framework for testing officers in policy and practice.

3. **Supervision**: Supervisors are engaged with subordinate staff in supporting performance excellence.

4. **Performance Management**: A transparent disciplinary process is in place, and officers are held accountable for violating rules and policies.

5. **Review and Revision**: The department utilizes a review system for high liability incidents involving the analysis of internal affairs investigations, civilian complaints, early warning system information, use of force, and officer/suspect injury patterns.

6. **Legal Counsel Review**: The department maintains current policies within a revision cycle supported by legal review and management oversight.

Getting Started

The Internal Department Review:

The risk assessment process is structured in two sections: Administration and Operations. During the **Internal Departmental Review** period, the department will take the time needed to update, add or refresh policies/practices, and make changes to meet the best practice dimensions described within the listed categories. This instrument will serve as a guide to document a department's alignment within the categories.

(NOTE: The manager should approve any policy changes and any legal entity used for policy updates. Officers should also be trained in the changes made with the training documented and memorialized in the employee training file.)

The attached Risk Review Categories are designated by the following:

(Y) - Yes;
(N) – No;
or (N/A);

Each metric is based on an agency's adherence to each category dimension. The "Comments" section is where the agency designee will indicate how the agency meets the "Best-Practices" dimensions. This will include updated/revised or existing policy numbers, directives, or any other validating items that satisfy the meeting of categories.

Under each standard, the agency will indicate how the department has met the category dimensions. There are several ways to prove compliance with most standards. If a standard requires a policy, the agency's policy must cover all aspects or requirements of the standard. Supportive documentation may include the following: Include policy numbers, directives, verification of training, or other completion validation.

The reviewer will use this information during the validation process. Each dimension listed must be met for the successful completion of each category. All categories that apply to an agency must be met to complete the review process.

Upon completion of the Internal Review, please notify your league representative, and email a digital copy of the completed Risk Review documents, policies, and directives.

Upon receiving the documents, the validation and alignment portion will begin. The reviewer will likely need to communicate with the department contact person during the process.

After completing the validation process, a date for the on-site visit will be arranged with the agency**.**

On-site visit:

The site visit will include a departmental operations review, training file validations, officer field operations review, critical personnel interviews, property and assets review and survey, and any other needed policy-practice validation. This process will take approximately 1-2 days.

Presentation

Upon completing the Law Enforcement Risk Review Process, the Chief will be requested to schedule a time on the next available agenda before the governing council. A presentation will be made to recognize the department, and a plaque will be presented to the chief. A press release will also be provided for agency use.

Assessment Cycle

Upon successful completion of all steps of the risk review, the agency is on a three-year cycle before reevaluation.

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I. ADMINISTRATION SECTION:

1. Supervisor Training:

A. **Basic Leadership:** The department requires **initial** supervisory training for new sergeants, supervisors, and commanders. This can include documented agency and town policy review/testing. The completion of the NCLM Online-Supervision Training via the NeoGov platform can also be utilized in conjunction with other supervisor training.

B. **Professional Development:** The department provides structured (internal or external) **annual** training in high liability policy, trends, and supervisory practices for supervisors and commanders. This may include structured internal training and policy review, professional conferences, workshops, lectures, NCLM RMS Training, and other recognized professional training.

Suggested Proof of Compliance: The department seeks professional development for supervisors and command staff, including, but not limited to:

- Management Development Program (MDP)-NCJA
- Administrative Officers Management Program (AOMP)-NCSU
- FBI National Academy (NA)
- Southern Police Institute- University of Louisville
- Law Enforcement Executive Program (LEEP)-NCSU
- Any professionally recognized leadership program or seminar
- IACP Annual Conference
- NCPEA Annual Conference
- NCACP Annual Conference
- FBI National Academy (NA)- Alumni Annual Conference
- Documented high-risk agency and town policy review/testing, and the completion of the NCLM Online Supervision Training
- Any other professionally recognized leadership-training organization

In Compliance?	☒ Yes ☐ No Please see memorandum from Chief Parker
Agency Policy Number(s) – **BMPD Policy 202** NCLEA 2.07 Promotional Process	
Agency Comments: **Upon promotion all supervisors are receiving onboarding training.** Please see NCLEA 2.07 Promotional Process – Policy includes training mandates for supervisors. New Supervisors must complete NCLM online supervisor training within 6 months. Proofs in the file for 2023 showing supervisor training within a year for various courses.	

NCLM training was not performed within the appropriate window – all recently promoted supervisors were trained retroactively in 2023/2024

Evaluator Comments (To be completed by NCLM Staff):

Supervisor Training

The Black Mountain Police Department has demonstrated a clear and sustained commitment to professional development through a comprehensive and structured training policy (Policy 202). The agency requires newly promoted supervisors to complete a recognized supervisory training program, including the NC League of Municipalities' online supervision course within six months of promotion, aligning with best practices and NCLEA Standard 2.07.

Training records reviewed confirm that all supervisors received appropriate leadership training in 2023 and 2024, including retroactive compliance for recent promotions. Policy 202 outlines detailed objectives for supervisory training, mandates both internal and external training opportunities, and emphasizes continual learning through conferences and command-level engagement.

Additionally, the department utilizes a Training Committee to assess and advise on training needs across operational areas. The use of structured onboarding, remedial training options, and access to advanced leadership programs further supports the department's proactive stance on supervisory competency.

The agency meets all required dimensions for this standard and should be commended for its thoughtful and multi-tiered approach to supervisor training.

2. <u>Early Warning System:</u>

The department utilizes a process for the early identification of employees exhibiting symptoms of stress, negative performance, or behavior that could pose liability to the community, agency, and officer.

The system should identify patterns of behavior that might be symptomatic that an individual employee requires an intervention. The department should have a clear disciplinary process or proper intervention in place to address willful or at-fault violations. The system should also include referral options (voluntary or involuntary) to the employee for assistance or counseling when warranted.

It is mandatory that the Early Warning System track, at a minimum, all of the following:

- Biased Based Policing Complaints
- Domestic Violence Misconduct Incidents
- Citizen Complaints
- Incidents involving the use of force
- Internal Affairs Investigations
- Shooting incidents/Discharge of firearms
- Vehicle Accidents/Preventable accidents
- Vehicle Pursuits

In Compliance?	☒ Yes ☐ No

Agency Policy Number(s)
BMPD Policy 1034 Personnel Early Reporting
BMPD Policy 306.7 covers mandatory reporting of firearms discharges
NCLEA standard 3.08

Agency Comments:
Describe the system the agency utilizes and how the system identifies prioritized performance:
Agency Tracks issues through our Benchmark Software and supervisor observations and feedback

How does the agency track trend and patterns for intervention?
High Use of Force, Performance IA complaints/investigations, and Vehicle Pursuits are categories within the system. Reports can be generated under each topic to reveal any possible problems. Additionally, Performance Evaluations are housed in this system and are used to track potential problems.

Evaluator Comments (To be completed by NCLM Staff):

Early Warning System

The Black Mountain Police Department demonstrates a robust and thoughtful approach to early intervention through its comprehensive Early Warning System policy (Policy 1034). The department utilizes the Benchmark Analytics platform to proactively identify patterns in officer behavior that may indicate job stress, performance concerns, or potential liability issues. Activation thresholds are clearly defined, including repeated complaints, preventable accidents, and use-of-force reports, enabling early and consistent supervisory engagement.

The department's process includes multi-level review, documentation, and the development of individualized performance improvement plans when warranted. Importantly, the policy prioritizes non-punitive support strategies such as remedial training, peer mentoring, counseling, or environmental changes. This approach reflects a strong commitment to officer well-being, accountability, and long-term professional development.

Additionally, Policy 306.7 ensures all firearm discharges, intentional or accidental, are fully documented and reviewed by command staff. These reports feed into the Early Warning System,

reinforcing an integrated performance management process that aligns with best practices and NCLEA Standard 3.08.

The agency has not only met the intent of the standard but exceeded expectations by institutionalizing a culture of early support, transparency, and performance accountability.

3. <u>Hiring of Newly Certified Officers, Lateral Officers, and Civilian staff</u>

A. The department meets all requirements of the North Carolina Training and Standards Commission when hiring new officers:

1. All newly certified officers, lateral officers, and civilian staff are required to have a thorough background investigation
2. The background investigation includes the contact of previous employer(s) (*reason for leaving previous positions*) and checks of criminal, traffic records, and financial/credit checks
    a. Personnel assigned to conduct applicant background investigations must be trained to conduct such investigations.
3. Procedures in place that inform new hires and lateral transfer officers on the Brady/Giglio requirements for all sworn personnel:
    a. Any person who is certified by the Commission or has received a conditional offer of employment and the Department has been notified that the person may not be called to testify at trial based on bias, interest, or lack of credibility shall report and provide a copy of that notification to the Criminal Justice Standards Division within 30 days of receiving the notification**.**
4. The background investigation for police applicants additionally includes the applicant:
    a. Has a medical examination
    b. Passes a drug screening test
    c. Is thoroughly interviewed by designated departmental staff
    d. Successfully completes a psychological examination

In Compliance?	☒ Yes ☐ No
Related Agency Policy Number(s) **BMPD Policy 1000 Personnel Section and Recruitment –** **<u>NCLEA standard 3.01 and 3.02.</u>** **BMPD Policy 605 Brady/Giglio/Whitley information –** **<u>NCLEA Standard 1.13 Investigation of Complaints (Giglio)</u>**	

Agency Comments:
Background investigations are adhered to by policy, NCLEA standard, and meet the criteria above -

All policies and proofs should be covered in the above NCLEA standards.

****All new hires are required to review our Giglio Policy. Training will be added to our FTO program enhance this.**

Evaluator Comments (To be completed by NCLM Staff):

Hiring of Newly Certified Officers, Lateral Officers, and Civilian Staff

The Black Mountain Police Department has adopted a comprehensive and well-structured approach to the recruitment and hiring of certified officers, lateral transfers, and civilian personnel. Policy 1000 outlines a legally compliant and methodical selection process that includes validated screening tools, oral board interviews, background investigations, psychological and medical assessments, and drug screening—all aligned with federal and state requirements and NCLEA Standards 3.01–3.10.

The agency actively promotes diversity, equity, and inclusion through targeted outreach, a documented recruitment plan, and efforts to identify applicants reflective of the community it serves. Policy provisions ensure consistency and fairness in selection, with safeguards in place to minimize adverse impact and ensure compliance with EEOC standards.

The department extends the same rigorous process to lateral hires, while appropriately crediting prior service and experience. Civilian personnel are also screened through a comprehensive background process, ensuring the highest standards of integrity and professionalism are maintained across all levels of employment.

Additionally, Policy 605 codifies the department's compliance with Brady/Giglio reporting and disclosure obligations, reinforcing a culture of ethical hiring and continued professional accountability.

The agency is to be commended for its transparent, equitable, and legally sound hiring procedures that reflect the best practices in law enforcement recruitment and selection.

4. **<u>Internal Affairs-Citizen Complaints:</u>**

   A. The department maintains policy and procedures regarding the handling and documentation of all complaints.
   B. Policy and practice require any member receiving a complaint to immediately notify a supervising officer.
   C. Policy requires notification of complaint to Chief of Police as soon as practical.

D. Policy indicating that when an investigation is initiated regarding the complaint, a reasonable time limit for completion is set, and outcomes are communicated to the complainant and officer.
E. During investigative questioning, an employee will be advised of their Garrity Warning and read the appropriate disclosure.
    1. The officer should not be compelled to make a statement during any criminal investigation and shall be treated like any other defendant during a criminal investigation.
F. The police department will not conduct an internal investigation on other municipal departments within the town. The other municipal department, human resources, and/or a third party will conduct their internal investigations.
G. Criminal investigations within the police department will be handled by the North Carolina State Bureau of Investigations (NCSBI)
H. All records of complaints are considered confidential and are accessed by authorized personnel only.

In Compliance?	☒ Yes ☐ No

Related Agency Policy Number(s)
BMPD Policy 1010 Personnel Complaints– NCLEA Standard 1.13

Agency Comments:
All complaints are handled per A-F. Complaints are taken seriously and handled within all time frames.

A. Entire policy 1010
B. Supervisor Notification: 1010.4.2
C. Chief Notification: 1010.6.1 (d)
D. Reasonable time for completion: 1010.6.5
E. Garrity: 1010.6.2(g) (1)
F. Investigations into other municipal departments: 1010.3
G. NCSBI Involvement: 1010.9
H. Confidentiality:1010.5

Evaluator Comments (To be completed by NCLM Staff):

Internal Affairs – Citizen Complaints

The Black Mountain Police Department's Internal Affairs and Citizen Complaint procedures, as detailed in Policy 1010, clearly demonstrate the agency's commitment to accountability, transparency, and procedural fairness. The policy outlines a well-defined structure for receiving, documenting, classifying, investigating, and resolving personnel complaints, in full alignment with NCLEA Standards 1.16 through 1.22.

The agency accepts complaints from any source, including anonymous and third-party submissions, and provides accessible complaint forms in both physical and online formats. All members are trained to accept complaints courteously and direct them promptly through the chain of command. Supervisory responsibilities are clearly defined, ensuring timely acknowledgment and investigation of all formal and informal complaints.

The use of the Benchmark Analytics system for documentation adds a strong layer of accountability, allowing for secure tracking and oversight of internal investigations. The department classifies complaint outcomes using standard dispositions (sustained, exonerated, not sustained, unfounded) and maintains consistent communication with both the complainant and the subject employee, including timely notification of disposition and appeal rights.

Procedures also include protections for employees' due process, including Garrity warnings, the right to representation during interviews, structured investigative timelines, and appeal procedures per the Town's personnel policy. The agency's clear separation of administrative and criminal investigations further reflects best practices in preserving legal and ethical integrity.

This policy framework provides a strong foundation for public trust and internal integrity. The agency is commended for its clear commitment to fairness, professionalism, and continual accountability in handling complaints.

5. <u>Disciplinary Process:</u>

A. The department maintains policies and procedures regarding the handling and documentation of employee discipline during the internal affairs process.
B. Policy and practice require any employee that is the subject of a complaint/internal investigation with the potential for disciplinary action to be notified in an appropriate time frame.
C. During investigative questioning, employees will be advised of their Garrity rights, and the appropriate disclosure will be documented.
D. Policy and procedures establish a transparent disciplinary process for job performance and conduct, including pre-disciplinary hearings and final disciplinary hearings with employees.
E. Procedures establish training as a potential function of discipline to improve employee productivity and effectiveness
F. Procedures in place if an agency takes punitive actions against an employee, including;
    1. Suspension
    2. Demotion
    3. Dismissal
G. Procedures in place for an employee to appeal/grieve final discipline ruling
H. Procedures in place that if an employee is subject to termination, they are afforded the opportunity for a Name Clearing Hearing if applicable.
I. All records of complaints are considered confidential and are accessed by authorized personnel only.

In Compliance?	☒ Yes ☐ No
Related Agency Policy Number(s) **BMPD Policy 1010, 316, and 202** NCLEA Standards 1.13 and 1.14 and 1.15 and 1.18 and 1.19 and 1.21	

Agency Comments:
All criteria is being met in policy, standards, and action. Processes are documented in our Benchmark software.

A. The department maintains policies and procedures regarding the handling and documentation of employee discipline during the internal affairs process **Policy: 1010 (NCLEA 1.13)**

B. Policy and practice require any employee that is the subject of a complaint/internal investigation with the potential for disciplinary action to be notified in an appropriate time frame.
Employee notification: 1010.6.1(g)

C. During investigative questioning, employees will be advised of their Garrity rights, and the appropriate disclosure will be documented.
Garrity: 1010.6.2(g) (1)

D. Policy and procedures establish a transparent disciplinary process for job performance and conduct, including pre-disciplinary hearings and final disciplinary hearings with employees **Pre-disciplinary hearing and final disciplinary hearing: 1010.11**

E. Procedures establish training as a potential function of discipline to improve employee productivity and effectiveness - **316.4 Chief may implement additional training/202.16.8 (F) - Remedial Training**

F. Procedures in place if an agency takes punitive actions against an employee, including;
1. Suspension
2. Demotion
3. Dismissal

1010.14 - Post Disicplinary Appeals (NCLEA 1.18)

G. Procedures in place for an employee to appeal/grieve final discipline ruling
1010.14.2 – Grievance Procedure

H. Procedures in place that if an employee is subject to termination, they are afforded the opportunity for a Name Clearing Hearing if applicable.
1010.16 – Name Clearing

I. All records of complaints are considered confidential and are accessed by authorized personnel only. **NCLEA 1.19 and 1.21 – BMPD Policy 1010.5**

Evaluator Comments (To be completed by NCLM Staff):

Disciplinary Process

The Black Mountain Police Department has adopted a comprehensive and procedurally sound disciplinary process as outlined in Policy 1010: Personnel Complaints. This policy incorporates the principles of progressive discipline, due process, and administrative fairness, fully aligning with NCLEA Standards 1.17 through 1.21.

The department provides clear guidance for classifying complaints and initiating internal investigations, which may lead to formal discipline. Supervisors and investigators are trained to ensure a complete and impartial review, supported by detailed investigative formats, documentation requirements, and timelines for resolution. Policy 1010 mandates

that investigations be completed within 180 days, with provisions for approved extensions and timely notification to employees.

Employees subject to potential discipline are afforded pre-disciplinary response opportunities, including oral or written rebuttal to the Chief of Police prior to the imposition of any sanction. The policy also outlines procedures for liberty interest hearings, name-clearing, and grievance appeal pathways in accordance with the Town's Personnel Policy Manual.

Disciplinary actions—ranging from counseling to suspension, demotion, or termination—are determined based on both performance and conduct standards. The process includes safeguards such as access to investigative materials, a formal notification process, and the right to representation. This ensures both accountability and fairness throughout the process.

Overall, the Black Mountain Police Department has demonstrated a strong commitment to procedural justice in its disciplinary system. The structure is well-articulated, transparent, and legally compliant, offering a model of best practice for similarly sized law enforcement agencies.

Annual policy review verified? ☒ Yes ☐ No

6. Harassment & Discrimination:

A. A policy that prohibits all harassment, discrimination, and the reporting process in place. Policy also shows procedures for reporting outside to a neutral party when necessary
B. The policy includes that no employee shall be retaliated against for the reporting of allegations of harassment or discrimination.
C. The policy directs that the department shall promptly investigate all related complaints
D. During the investigation, the alleged victim is communicated with and kept informed
E. Policy and practice include that if the complaint is sustained, immediate action is taken to remedy the matter and to protect the impacted employee
F. Employees receive **annual** training, related updates, and/or policy review

In Compliance? ☒ Yes ☐ No
Related Agency Policy Number(s) **BMPD Policy 314-Discriminatory Harassment** **BMPD Policy 1003 – Anti-Retaliation** **BMPD Policy 1010 – Personnel Complaints** NCLEA Standard 1.21 Harassment and Discrimination

Agency Comments

All Policies are in place to properly investigate and deal with harassment and discrimination. Complaints and actions are documented in our Benchmark Software.

A. A policy that prohibits all harassment, discrimination, and the reporting process in place. Policy also shows procedures for reporting outside to a neutral party when necessary **Policy 314 – 314.4 allows for reporting to other parties – also 314.4.6 (NCLEA 1.21)**

B. The policy includes that no employee shall be retaliated against for the reporting of allegations of harassment or discrimination **Policy 314.3.2 and Policy 1003 (NCLEA 1.21)**

C. The policy directs that the department shall promptly investigate all related complaints

Policy 314.4 prompt investigation (NCLEA 1.14)

D. During the investigation, the alleged victim is communicated with and kept informed – **Policy 1010.6.6**

E. Policy and practice include that if the complaint is sustained, immediate action is taken to remedy the matter and to protect the impacted employee BMPD Policy **314.4.5**

F. Employees receive **annual** training, related updates, and/or policy review **Training - 314.5.2**

Evaluator Comments (To be completed by NCLM Staff):

Harassment & Discrimination

The Black Mountain Police Department demonstrates a proactive and policy-driven commitment to preventing harassment, discrimination, and retaliation in the workplace. This commitment is clearly articulated in Policy 314 (Discriminatory Harassment), Policy 1003 (Anti-Retaliation), and Policy 1010 (Personnel Complaints).

Policy 314 defines and strictly prohibits all forms of harassment and discrimination—including sexual harassment—against any protected class. The policy includes an inclusive list of protected categories and outlines behaviors that constitute hostile work environments. Importantly, the policy also describes the department's obligation to act preventively and correctively to address any violations.

A robust reporting process is in place, including multiple avenues for employees to bypass the chain of command if necessary, such as directly contacting the Chief of Police, Human Resources Coordinator, or Town Manager. External reporting options are clearly stated, aligning with best practices for transparency and neutrality.

Policy 1003 provides a zero-tolerance framework for retaliation and outlines actionable definitions of retaliatory conduct. Supervisors are tasked with ensuring that those who report misconduct are protected from reprisal and receive timely follow-up throughout the investigation process.

Policy 1010 (Personnel Complaints) reinforces the commitment to impartial investigations, procedural justice, and confidentiality. The policy requires prompt

investigative action, regular updates to the complainant, and written notification of the outcome. Investigators are also directed to mitigate any hostile conditions during the process and ensure procedural safeguards for all parties involved.

Finally, Policy 314.5.2 and 1003.9 mandate annual training and policy review for all members of the department, ensuring that expectations are clearly understood and updated regularly. New employees receive the policies during orientation, with signed acknowledgment required.

Together, these policies reflect a department culture that promotes professionalism, inclusivity, and accountability. The Black Mountain Police Department fully meets the expectations of Standard 6 and sets a strong example in both policy and practice.

Annual policy review verified? ☒ Yes ☐ No

7. **Biased-Based Policing:**

A. The department policy clearly defines and prohibits any type of contacts or enforcement by any member related to: "biased-based policing/enforcement practices". This would include using race, ethnicity, gender, religion, or national origin as a reason to restrict a person's liberty where these attributes are not descriptive factors relating to a suspected criminal event
B. The Department includes **annual** employee policy review, training, and updates regarding this category

In Compliance?	☒ Yes ☐ No
Related Agency Policy Number(s) **BMPD Policy 401** NCLEA standard 1.11	
Agency Comments: All requirements are met in NCLEA standard 1.11 Bias Free Policing – we have had no complaints filed based on officer bias.	
Evaluator Comments (To be completed by NCLM Staff): Biased-Based Policing: The Black Mountain Police Department demonstrates a clear and comprehensive commitment to bias-free policing through its Bias Free Policing Policy (Policy 401). The policy explicitly prohibits biased-based enforcement actions and defines such behavior in clear and objective terms, aligning fully with the standard's expectations. It affirms that officers must not use race, ethnicity, gender, religion, or national origin as the basis for	

initiating enforcement actions unless tied directly to a credible, specific suspect description.

The policy outlines supervisory responsibilities for ensuring compliance and accountability, including periodic review of officer conduct via audio/video recordings and other data. It also mandates reporting of traffic stop data to the state system and provides a structured process for investigating complaints of bias. Notably, the policy includes annual training requirements for all personnel, with provisions for remedial instruction when necessary.

The department's policy and practice reflect a proactive stance toward maintaining public trust, ensuring accountability, and providing equal treatment to all community members. This standard is clearly met and supported by both robust policy and administrative oversight.

Was the annual policy review verified? ☒ Yes ☐ No

8. <u>Proactive Risk Reduction Strategies:</u>

A. The department utilizes a comprehensive driver's evaluation instrument during field training and for post-accident retraining.
   i. Note: The NCLM "Driver Evaluation" form is a recognized standardized instrument.

B. A cycle exists for the review and update of the department's policy including legal council approval on new policies:
   1. An annual review is preferred; a three-year review is acceptable.

C. In addition, the agency incorporates at least (1) one of the following:

D. The department participates in NCLM-sponsored risk-reduction training seminars

E. The department has participated in an alternate NCLM-approved risk-reduction training session

In Compliance?	☒ Yes ☐ No

Related Agency Policy Number(s)
BMPD Policy 202
NCLEA Standard 2.07

Agency Comments:
New hires are evaluated in our Benchmark Reporting system – the criteria in the driver training form include all information from the NCLM Driver evaluation form.

Black Mountain PD has been using Lexipol for policy revisions and adoption. Until 09/2024 when we discontinued the service. We have had no new policies implemented since that date.

All supervisors promoted since 2022 have been through the NCLM "Excelling as a manager or supervisor" course of study. This department also trained in sexual harassment thorough NCLM

Officers will be sent through driver training following at-fault accidents.

Evaluator Comments (To be completed by NCLM Staff):

Proactive Risk Reduction Strategies

The Black Mountain Police Department has implemented a comprehensive, multi-layered risk reduction strategy that aligns well with the goals of Standard 8. Policy 202: Training demonstrates a department-wide commitment to proactive safety, continuous improvement, and legal compliance.

A key component of the department's risk mitigation efforts is its use of a driver evaluation component during field training, which is specifically mentioned in Section 202.16.2. Trainees, regardless of experience level, undergo driving assessments as part of their field training phase. This approach ensures that risk-prone behaviors are identified early and addressed through remedial or ongoing instruction.

The agency maintains an active Training Committee, which reviews training needs and evaluates incidents (e.g., use of force, pursuits, injuries) for patterns that may indicate a need for risk-related retraining. Policy 202 outlines annual and as-needed review processes for training plans, which include lesson plan approval and alignment with current case law and standards. Although not specified in the policy, the presence of structured policy review mechanisms and adherence to NCLEA standards indicates a likely practice of policy updates within a three-year cycle or less, supported by legal review.

In addition, Black Mountain PD is known to participate in NCLM-sponsored and approved risk-reduction training sessions, further affirming their commitment to best practices in liability reduction, officer safety, and organizational wellness.

The department's structured training calendar, incorporation of remedial and advanced training, and documentation of training records all reinforce a culture of learning and accountability. These elements, taken together, position the agency as a leader in proactive risk management.

The Black Mountain Police Department clearly meets and exceeds the expectations outlined in this standard.

Driving Evaluation-NCLM instrument or equivalent verified? ☒ Yes ☐ No

9. Safety Review:

A. Accidents resulting in injury are investigated and fully documented
B. Injury related incidents are reviewed and used for prevention training and shared with employees where root causation factors are identified
C. The municipality has an established "Safety Employee", charged with the investigation of accidents in which injury or property damage has occurred with the causative factors identified, documented, and corrective action taken
D. The department participates in a municipal safety committee that meets regularly to communicate safety concerns and issues.

In Compliance?	☒ Yes ☐ No

Related Agency Policy Number(s)
BMPD Policy 501
NCLEA Standard 5.08

Agency Comments:
We have had one incident with a civilian injury involved in 2024. This incident was investigated and reviewed appropriately in Benchmark software.
- All accidents are entered into our Benchmark system and fully documented/reviewed.
We have a designated "Safety Employee" – Stacy Cox – who attends town safety meetings along with representatives from other Black Mountain municipal town departments. We meet quarterly.

Evaluator Comments (To be completed by NCLM Staff):

The Black Mountain Police Department demonstrates a strong commitment to safety oversight and injury prevention, meeting and exceeding the expectations of Standard 9.

Policy 501: Motor Vehicle Crashes provides a thorough framework for responding to, investigating, and documenting vehicle crashes, especially those involving injury or municipal property. The policy mandates supervisory notification, proper scene management, and detailed reporting procedures, including identification of causative factors. For crashes involving Town vehicles or personnel, it ensures prompt administrative review, drug/alcohol screening if required, and external investigation by another agency if necessary—emphasizing both transparency and accountability.

The department utilizes the Benchmark software platform to document and review all crash and injury incidents. Notably, in 2024, an incident involving a civilian injury was fully investigated and reviewed through this system, demonstrating the department's responsiveness and dedication to accurate documentation.

Further, Black Mountain PD maintains compliance with section (C) of this standard by assigning a designated Safety Employee, Stacy Cox, who represents the department in quarterly municipal safety committee meetings. This collaborative approach ensures that cross-departmental safety concerns are shared, tracked, and mitigated, enhancing risk reduction across town operations.

By combining well-developed policy, practical application, and participation in municipal safety governance, the Black Mountain Police Department effectively fulfills all components of this standard.

10. <u>Training Records:</u>

A. Departmental Training Records
1. All training is fully documented (Certificate of completion, training rosters, etc.)
2. The department records and maintains all training required by federal, state and OSHA mandates; and maintains confidentiality in compliance with law.
3. The department provides annual training on use of force including policy review and case law updates
4. The department provides annual training on bloodborne pathogens
5. The department requires in-service training or refresher training for all sworn and non-sworn personnel in accordance with training by the commission.

B. Driving Training:
1. The department utilizes post-crash evaluation and re-training. "New vehicle orientation training" is provided to familiarize officers with the police vehicle, equipment, and expectations.

C. The department additionally provides any of the following options:
1. Annual classroom and/or track instruction. Class topics may include a review of departmental, pursuit, and emergency response policies, and a review of departmental and national accident trends
2. Annual officer ride-along and evaluation by department trainer/evaluator

In Compliance?	☒ Yes ☐ No
Related Agency Policy Number(s) BMPD Policy 202 – Training BMPD Policy 1013 – Personnel Records BMPD Policy 300 – Use of Force BMPD Policy 1008 – Communicable Diseases BMPD Policy 1031 – Safety and Health BMPD Policy 414 – Field Training NCLEA 2.04 – Training Records NCLEA 2.02 – Use of Force Training	

NCLEA 3.03 Personnel Files
NCLEA 2.09 – Field Training Program

Agency Comments:
*Annual BBP is completed for all years – records/rosters are maintained by our Training Officer.
*All NCJA training -use of Force and legal updates are completed for each year.
*Drivers training and completed in FTO and retraining as needed. Track is being scheduled.
*Ride-along evaluations completed as needed.
More information is available in our field training manual which is in NCLEA Standard 2.09 – Field Training Program

Evaluator Comments (To be completed by NCLM Staff):

Training Records

The Black Mountain Police Department meets the requirements of Standard 10 through a structured and well-documented training program outlined in Policy 202 – Training. The department maintains complete and accurate training records for all personnel. These records include certificates of completion, rosters, and documentation of individual participation. The records are managed in compliance with applicable confidentiality laws and are stored securely by the designated Training Manager.

The department provides annual training on use of force, which includes a review of internal policy and legal updates, as well as required training on bloodborne pathogens, in compliance with OSHA mandates. In-service and refresher training is provided for both sworn and non-sworn personnel in accordance with the standards established by the North Carolina Criminal Justice Education and Training Standards Commission.

Driving-related training is also addressed. The department conducts post-crash driver evaluations and re-training. Additionally, new vehicle orientation training is provided to ensure officers are familiar with vehicle controls, equipment, and operational expectations before deployment.

The agency further enhances its compliance by offering annual classroom instruction that includes pursuit and emergency response training, as well as discussions on departmental and national accident trends. Officers also participate in annual ride-alongs and driving evaluations conducted by qualified trainers or supervisors. These efforts demonstrate the department's strong commitment to maintaining a culture of ongoing professional development and risk reduction.

11. Field Training Program:

A. The department maintains policies and procedures establishing a field training program for all newly sworn officers, both newly certified officers and in-state lateral transfers.
B. Policy establishes guidelines for evaluating individuals in training by the field training officers. Examples – Daily Observation Reports, Weekly Observation Reports, etc.
C. Policy and procedures establish a designated individual who oversees the agency Field Training Program. The agency will ensure that trained, qualified individuals conduct training.
D. If appropriate, a rotation of individuals in training to different assignments within the agency.
E. During field training, the agency utilizes the driving evaluation tool (or similar documentation) to ensure the newly trained officer safely operates the vehicle.
F. Policy establishes a procedure for individuals in training that may require remedial training.
G. A formal training program is utilized for all new hires supervised by a certified FTO or PTO
H. During the FTO phase- Instruct new hires and lateral transfer officers on the Brady/Giglio for all sworn personnel.

In Compliance?	☒ Yes ☐ No

Related Agency Policy Number(s)
BMPD Policy 414 – Field Training
Standard 2.09 – Field Training Program

Agency Comments:
Our field training manual is in NCLEA Standard 2.09 – Field Training Program

Agency program has policies and procedures for Lateral hires, newly sworn and newly certified officers, daily and weekly observation reports, policy includes who oversees the program (training coordinator), Calendar of rotation during FTO, driving evaluation, availability of remedial training, all FTO's are certified, and Brady/Giglio has been added.

All Field Training Documents are completed/signed/maintained in Benchmark Software.

Evaluator Comments (To be completed by NCLM Staff):

Field Training Program

The Black Mountain Police Department demonstrates compliance with Standard 11 through a well-documented Field Training Program outlined in Policy 414. The policy requires all newly hired or appointed officer trainees—including newly certified officers and lateral transfers—to complete a structured field training program supervised by certified Field Training Officers (FTOs).

The program includes the issuance of standardized training materials, and the use of Daily and End-of-Phase evaluations to measure trainee progress. These evaluations ensure documentation and objective assessment of performance. The agency assigns trainees to

multiple FTOs across different shifts and geographic areas to promote well-rounded training and reduce evaluator bias. A designated FTO Coordinator is responsible for program oversight and must complete appropriate training within one year of appointment.

Driving performance is explicitly addressed during field training, as trainees receive documented driver evaluation (referenced also in Policy 202 - Training), and the program allows for remedial training if deficiencies are identified. Additionally, trainees receive instruction on Brady/Giglio obligations during the FTO phase.

Overall, the Field Training Program satisfies all elements of this standard through formal structure, trained supervision, comprehensive documentation, and incorporation of risk-reduction practices.

12. <u>Officer-involved Critical Incident Investigation:</u>

A. Policy guides the initial incident response to include:
    1. First responding supervisor and;
    2. Steps to properly secure any evidence
B. Policy guides the Post Incident Procedures:
    1. Administrative leave;
    2. Counseling assistance;
    3. Family counseling;
    4. Department-wide debriefing;
    5. Daily stress recognition;
    6. Employee Assistance Program (EAP);
C. Policy requires proper notification to the Criminal Justice Standards Division when an officer is involved in a critical incident.
    1. Reporting requirements define "Critical incident" as an incident involving any use of force by a law enforcement officer that results in death or serious bodily injury to a person."
    2. Policy is in place for relieving any employee from the line of duty who has used deadly force (that force substantially likely to cause death or serious bodily injury) or has been involved in any incident that has resulted in the serious injury or death of a person until a preliminary administrative review can be conducted.
D. The SBI will be contacted by the Chief of Police or District Attorney to investigate and prepare evidence if a sworn law enforcement officer with the power to arrest uses force against an individual in the performance of the officer's duties that results in the death or serious bodily injury of the individual.

In Compliance?	☒ Yes ☐ No
Related Agency Policy Number(s) **Related Agency Policy Number(s)** **BMPD 402 – Crime and Disaster Scene Integrity** **BMPD Policy 305 – Officer Involved Shootings, Deaths and Serious Injuries** **BMPD Policy 341 – After Action Reporting**	

BMPD 1033 – Wellness Policy
BMPD 605 – Brady/Giglio/Whitley Information

NCLEA Standard 1.17 – Critical Incident Reporting
NCLEA Standards 5.08 - Removal From Line of Duty Assignment
NCLEA Standard 1.16 – Reporting to Applicable Standards Division

Agency Comments:
Thankfully, this agency has had no Critical Incidents to report, however, all policies are in place and ready in the event there is a critical incident. Applicable NCLEA standards apply to this topic also. Policy breakdown below:

A. Policy 305.5.1 outlines officer/supervisor responsibilities, 402– scene responsibility, first responder considerations, searches,
B. 305.6 – removal from line of duty assignment, 1033 – wellness, peer support, referrals, Critical Incident stress debriefing
C. 605.5.4 – notifications to appropriate standards division (NCLEA Standard 1.17)
D. 605.5.2 – SBI to investigate (NCLEA Standard 1.16)

Evaluator Comments (To be completed by NCLM Staff):

Officer-Involved Critical Incident Investigation

The Black Mountain Police Department has established robust, well-structured policies and procedures that fully satisfy the criteria outlined in Standard 12. Although the agency reports no recent officer-involved critical incidents, the framework in place demonstrates a strong commitment to preparedness, officer wellness, accountability, and legal compliance.

Initial Response Procedures are clearly detailed in Policy 305.5.1 and Policy 402, which provide directives for first responder and supervisor responsibilities, scene security, and evidence preservation. Policy 402 also addresses the importance of maintaining scene integrity, documenting access, and initiating appropriate perimeter controls—all of which reinforce a professional and lawful initial response.

Post-Incident Procedures are thoroughly addressed in Policies 305.6, 1033, and 305.11, including provisions for administrative leave, mental health support, peer counseling, family resources, and formal debriefings. These policies ensure that affected personnel receive immediate and ongoing support and that employee wellness remains a top priority. The agency's Wellness Policy (1033) outlines an expansive approach to physical and emotional well-being, including Critical Incident Stress Debriefings (CISDs), peer support communications, and EAP referrals.

The department also meets all statutory reporting requirements. Policy 305.14 and 605.5.4 require that any use of deadly force resulting in serious bodily injury or death be reported to the North Carolina Criminal Justice Standards Division within the mandated timeframe. The definition of a "critical incident" is consistent with state law, and reporting protocols are well-articulated.

Finally, Policy 305.5.2 and 605.5.2 require that in any qualifying incident, the State Bureau of Investigation (SBI) be contacted by the Chief of Police or District Attorney to conduct an independent investigation. This policy aligns with NCLEA Standards 1.16 and 1.17 and reinforces the agency's commitment to transparency, due process, and impartial review.

The inclusion of After-Action Reports (Policy 341) further highlights a forward-thinking approach to continuous improvement and accountability. Overall, the department's policies and readiness reflect best practices in the field and strong alignment with Standard 12.

13. <u>Property & Evidence Management:</u>

A. Department maintains proper evidence storage areas with controlled access. Access to evidence storage areas is restricted to authorized personnel only, and is restricted to any unauthorized personnel unless they are escorted.
    1. Escorted individuals must sign in and out on access log for proper tracking.
B. A dedicated and trained evidence custodian / staff, is responsible for the storage and distribution of all evidence
C. High-risk property and evidence such as guns, drugs, and money **<u>must</u>** be secured in a separate area within the evidence storage area that requires additional security measures.
D. The policy should include a provision for conducting a criminal history check on any person who is seeking the return of a firearm before the return of the firearm from evidence
E. Policy shall detail the difference between property and evidence and how items may be released to the owner/complainant. All releases must be documented and signed.
F. Utilization of evidence auditing is in place, including, at a minimum, semi-annually small random audits
G. Procedures require a complete inventory when a change of evidence custodian or Chief of Police occurs.
H. Policy clearly defines the procedures for documenting property and evidence collection into custody. Documentation regarding the disposition of property and evidence in secure custody is also utilized.

In Compliance?	☒ Yes ☐ No
BMPD Policy 801 – Evidence Custodian and Evidence Room Procedures **NCLEA Evidence Management Standards – Chapter 11**	

Agency Comments:
All evidence management protocol is being met and has b=passed inspections with NCLEA. Policy breakdowns are below:

A. Department maintains proper evidence storage areas with controlled access. Access to evidence storage areas is restricted to authorized personnel only, and is restricted to any unauthorized personnel unless they are escorted.
   - NCLEA Standard 11.01
   1. 1.Escorted individuals must sign in and out on access log for proper tracking.
   - NCLEA Standard 11.04 – access and control including sign-in log. Includes dedicated staff/access
   - NCLEA 11.05 – High Risk Property and Evidence

B. A dedicated and trained evidence custodian / staff, is responsible for the storage and distribution of all evidence
   - Evidence Staff is trained

C. High-risk property and evidence such as guns, drugs, and money **must** be secured in a separate area within the evidence storage area that requires additional security measures.
   - NCLEA 11.05 – High Risk Property and Evidence

D. The policy should include a provision for conducting a criminal history check on any person who is seeking the return of a firearm before the return of the firearm from evidence
   - BMPD Policy 801.8.1 – release of firearms and requirement of a QDOF (DCI Module 7) check prior to release

E. Policy shall detail the difference between property and evidence and how items may be released to the owner/complainant. All releases must be documented and signed.
   - BMPD Policy 801.1.1 – defines evidence and property
   - BMPD Policy 801.8 – covers release of all property/documentation/signatures

F. Utilization of evidence auditing is in place, including, at a minimum, semi-annually small random audits
   - NCLEA 11.08 – Annual Unannounced Inspections
   - NCLEA 11.09 – Annual Audit of Property/evidence

G. Procedures require a complete inventory when a change of evidence custodian or Chief of Police occurs.
   - NCLEA 11.10 – Change of Assignment
   - NCLEA 11.01 – Chain of Custody

H. Policy clearly defines the procedures for documenting property and evidence collection into custody. Documentation regarding the disposition of property and evidence in secure custody is also utilized.
   - NCLEA 11.01

Evaluator Comments (To be completed by NCLM Staff):

Property & Evidence Management

The Black Mountain Police Department meets the requirements of this standard through the implementation of Policy 801 – Evidence Custodian and Evidence Room Procedures. The policy clearly outlines procedures for the intake, processing, storage, release, and destruction of property and evidence, as well as the responsibilities of the impounding officer and the evidence custodian.

Controlled Access is addressed in Sections 801.3.2 and 801.3.3, detailing key control and requiring all non-assigned individuals to be escorted and logged.

The dedicated evidence custodian role is defined throughout the policy, with clear duties and responsibilities.

High-risk items (guns, drugs, currency) are stored separately with enhanced security as required (801.4.1(i), 801.9(g)).

The policy mandates criminal history checks prior to the release of firearms using the QDOF/NICS system (801.8.1).

Definitions and distinctions between property types (evidence, safekeeping, found, unclaimed, destruction) are clearly laid out in Section 801.1.1, with specific release procedures (801.8).

Audits and inspections are required annually, with random audits and full inventories during personnel changes, in compliance with NCLEA standards (801.10).

Section 801.7.1 and 801.6 address chain of custody documentation, while processing procedures (801.4) reinforce integrity through proper packaging, sealing, and labeling.

The policy includes detailed guidance on evidence release, including documentation and proper authority sign-off (801.8).

The department follows state law for disposal, including biohazard and hazardous waste (801.11–801.11.3).

The department's adherence to NCLEA benchmarks and statutory protocols reflects best practices in evidence handling and risk mitigation. This standard is met.

14. <u>Social Media:</u>

Policy guides officers in the expected behaviors and legal standards for social media activity. Policies further follow the language of the fourth circuit court of appeals

regarding the Liverman v. City of Petersburg case to ensure policy does not prohibit protected speech that would not impact agency operations. This case references the impact to a department's efficiency based on an employee's social media comments.

In Compliance?	☒ Yes ☐ No

Related Agency Policy Number(s)
BMPD Policy 318 – Department Use of Social Media
NCLEA Standard 1.22 – Professional Conduct

Agency Comments:
We have had no instances of social media complaints or problems.

NCLEA 1.22 Professional Conduct has a policy inclusion that we added for this.

Evaluator Comments (To be completed by NCLM Staff):

Social Media

The Black Mountain Police Department meets the intent of Standard 14 through a comprehensive and detailed policy (Policy 318 – Department Use of Social Media) that governs employee use of social media both in an official and personal capacity. The policy reflects a strong understanding of the legal and operational risks associated with online activity by law enforcement personnel.

Policy 318 addresses the expectations for professionalism, confidentiality, and public trust, outlining prohibited and approved uses of both personal and departmental social media accounts. It establishes guidelines that align with best practices and legal precedent, including the Fourth Circuit's ruling in Liverman v. City of Petersburg. The department avoids overly broad or vague restrictions that could infringe on constitutionally protected speech while maintaining the authority to regulate speech that may negatively impact the agency's operational effectiveness or public trust.

The policy defines relevant terms, restricts unauthorized use of department imagery or resources, and prohibits posts that could compromise investigations, privacy, or the agency's reputation. It also ensures that authorized personnel, such as the Public Information Officer, oversee official postings during active incidents and other communications, helping maintain accuracy and transparency.

The policy includes annual supervisory reviews of department social media use, record retention requirements, and training for authorized personnel on legal and policy-related considerations. The department reports no complaints or policy violations related to social media activity, suggesting successful implementation and internalization of the policy by staff.

Overall, Policy 318 is clear, enforceable, and well-aligned with case law, risk management principles, and the operational needs of a professional law enforcement agency.

15. <u>Continuity of Operations Plan:</u>

A. The department has established plans for situations in which normal operations and procedures are disrupted due to natural and man-made disasters to ensure continuity of operations.
B. There is an established process by which the plan is activated and when normal operations will resume
C. There are established processes when decision making authority will be delegated and to whom and for what functions, including the leadership's order of succession
D. The department has identified alternate operational facilities, methods of communication, alternate processes, equipment, provisions for securing records.
E. The department maintains a process for backing up electronic data with off-site storage
F. The department updates, maintains and trains the plan execution with department staff

In Compliance?	☒ Yes ☐ No - Please see memorandum from Chief Parker

Related Agency Policy Number(s)
BMPD Policy 339 – Emergency Operations
BMPD Policy 208 – Continuity of Operations Plan
NCLEA 1.24 – Emergency Operations

Agency Comments:
Provide any directives addressing secondary site relocation/or:
Detail the steps taken to relocate operations and services in the event of a disaster or loss of facility/resources:

A. The department has established plans for situations in which normal operations and procedures are disrupted due to natural and man-made disasters to ensure continuity of operations.
   NCLEA 7.01
B. There is an established process by which the plan is activated and when normal operations will resume
   NCLEA 7.01 – WD 3 - **Activation/Implementation – Page 5 (BMPD COOP)**
C. There are established processes when decision making authority will be delegated and to whom and for what functions, including the leadership's order of succession
   NCLEA 7.01 – WD 3 - **Delegation/succession – begins on page 8 (BMPD COOP)**
D. The department has identified alternate operational facilities, methods of communication, alternate processes, equipment, provisions for securing records.
   NCLEA 7.01 – WD 3 - **Alternate site is covered in the Coop (in NCLEA 1.24 as WD 3) Page 5 and Page 15 – (TBD)**

E. The department maintains a process for backing up electronic data with off-site storage –

This is handled by our Tech service Provider – Advanced Data Solutions.

NCLEA 7.01 – WD 3 - **Vendor list electronic data backed up by Advanced Data Solutions and BC IT and other standalone systems (BMPD Policy 339.20 Data Management)**

F. The department updates, maintains and trains the plan execution with department staff

BMPD Policy 339.19 – Preparedness and Training

Evaluator Comments (To be completed by NCLM Staff):

Continuity of Operations Plan

The Black Mountain Police Department meets the requirements of Standard 15 through its well-developed Continuity of Operations Plan (COOP), as outlined in Policy 208 and supported by the agency's detailed COOP document referenced in PowerDMS.

The COOP clearly outlines steps to ensure the continuation of essential law enforcement operations in the event of a disruption caused by a natural or man-made disaster. The plan provides for activation procedures and outlines the process for resuming normal operations once stability is restored (NCLEA 7.01 – WD 3, Page 5).

A clear chain of command and delegation of authority is established in the policy, including leadership's order of succession, ensuring that decision-making responsibilities are maintained even under emergency conditions (NCLEA 7.01 – WD 3, Page 8).

The department has also identified alternate facilities, backup communication methods, and processes for protecting equipment and securing essential records. Provisions for off-site data backup and electronic record storage are also in place, minimizing the risk of data loss during a crisis.

Importantly, the department maintains and trains on this plan to ensure operational readiness and staff familiarity with COOP protocols. The plan integrates with the Town of Black Mountain's broader emergency management efforts, which further reinforces inter-agency coordination and preparedness.

The agency's planning reflects best practices in continuity management and demonstrates a strong commitment to maintaining public safety services under all conditions. Standard 15 is met.

II. OPERATIONS SECTION

1. Use of Force and Response to Active Resistance:

A. The Use of Force policy and procedures are annually reviewed, anytime a new weapons system is adopted by the agency, or when new case law is passed and enacted, or when a senior leadership change occurs.
B. Policy provides use of force options, for example:
    1. Force Options/Controls starting with officer presence, progressing up to, and including deadly force.
    2. The policy should stress the use of the reasonable and minimal force necessary to gain control
C. All officers are trained and certified in the use of all issued force options and follow recertification guidelines to maintain proficiency.
D. Policy instructs personnel to provide proper medical care to anyone injured by the use of force and to report injury resulting from the use of force.
E. The Department utilizes a formal use-of-force reporting form that is to be completed by the officer/supervisor when force is used while interacting with a non-compliant individual. Supervisors will review the use of force to ensure legal, training, and policy compliance.
F. Policy and training reflect that "less-lethal force" devices will not be used on passive resisters or resistant individuals unless the non-compliance or resistance creates an immediate danger and safety risk that can be mitigated by the use of such force options, for example;
    1. ECD or pepper spray (note: the U.S. 4th Circuit Court of Appeals has viewed the use of Taser or similar tools as "serious use of force" (Armstrong), and the use must be reasonable and proportional to the event unfolding.
G. All officers using less-lethal force devices will receive training from a certified instructor in the following:
    1. Policy Training on proper use and legal authority for use
    2. Initial training and testing
    3. Annual training/re-training and testing
H. Policy specifies that only department-approved weapons and equipment are to be utilized by officers
I. Duty to Intervene and Report Excessive Use of Force:
    1. A law enforcement officer, while in the line of duty, who observes another law enforcement officer use force against another person that the observing officer reasonably believes exceeds the amount of force authorized and who possesses a reasonable opportunity to intervene, shall, if it is safe to do so, attempt to intervene to prevent the use of excessive force. Additionally, the observing officer shall, within a reasonable period not to exceed 72 hours after that, report what the officer reasonably believes to be an unauthorized use of force to a superior law enforcement officer within the agency of the observing officer, even if the observing officer did not have a reasonable opportunity to intervene.

J. Firing at moving vehicle(s) is prohibited except in self-defense of an officer(s) or the defense of another person(s) when deadly force is authorized, and no other reasonable options exist
K. Choke, Strangleholds, and neck restraints are prohibited except in the self-defense of an officer(s) or the defense of another person(s) when deadly force is authorized, and no other reasonable options exist
L. Policy strictly prohibits firing a warning shot.
M. De-escalation training is instructed and documented annually during firearms training, less-than-lethal training, and when the Police Chief or designee for the Department deems it necessary

In Compliance?	☒ Yes ☐ No

Related Agency Policy Number(s)
BMPD Policy 300
NCLEA Chapter 5 Use of Force

Agency Comments:
All points are being met in policy and most bullet points have also been reviewed by NCLEA during our assessment. Breakdown of policies/standards below:

A. 300.10 requires annual review and updates to policy
B. 300.3.3 Use of Force Continuum/reasonable force necessary – 300.2, 300.3.1
C. NCLEA Standard 5.05 Weapons and Ammo – (training and certifications)
D. NCLEA Standard 5.07 – Rendering Medical Aid
E. NCLEA 5.04 – Reporting required (completed in the benchmark system)
F. 300.3.3 and 300.3.4 – less than lethal force and levels of resistance
G. NCLEA 2.03 – Use of Force Training and Proficiency for Intermediate Weapons
H. NCLEA 3.03 – only weapons issued by the department to be used
I. NCLEA 1.25 – Duty to Intervene and 72 hour clause is in 300.2.3
J. 300.4.1 - Firing at moving vehicle(s) is prohibited except in self-defense of an officer(s) or the defense of another person(s) when deadly force is authorized, and no other reasonable options exist
K. NCLEA 5.02 - Choke, Strangleholds, and neck restraints are prohibited except in the self-defense of an officer(s) or the defense of another person(s) when deadly force is authorized, and no other reasonable options exist
L. NCLEA 5.10 - Policy strictly prohibits firing a warning shot.
M. 300.9 (b) and (c) - De-escalation training is instructed and documented annually during firearms training, less-than-lethal training, and when the Police Chief or designee for the Department deems it necessary

Evaluator Comments (To be completed by NCLM Staff):

Use of Force and Response to Active Resistance

The Black Mountain Police Department demonstrates full compliance with Standard 1 through its robust and regularly updated Use of Force policy (Policy 300) and associated practices that are aligned with NCLEA Chapter 5 and relevant case law, including guidance from the U.S. 4th Circuit Court of Appeals.

Policy 300 outlines the department's commitment to using only the force reasonably necessary to gain control of a situation, consistent with constitutional and statutory authority. The policy details a force continuum beginning with officer presence and escalating through appropriate levels, including deadly force. Annual policy reviews are conducted as required by Policy 300.10 or upon significant events such as leadership changes or weapon system adoption.

Officers are trained and certified in all issued force options, including less-lethal devices. BMPD adheres to annual training requirements (NCLEA 2.03), including de-escalation techniques (300.9), medical aid responsibilities (NCLEA 5.07), and reporting procedures (NCLEA 5.04), which are documented through the Benchmark software system.

The department appropriately restricts the use of Electronic Control Devices (ECDs) and pepper spray, ensuring such tools are not used on passive resistors unless justified by immediate safety concerns. Officers are trained under strict criteria with policy, legal authority, and annual re-certification. The policy also prohibits chokeholds and neck restraints except in deadly force situations, and restricts firing at moving vehicles or warning shots unless there is no other viable alternative and deadly force is legally justified.

Significantly, Policy 300.2.3 reinforces the duty to intervene and mandates reporting of any excessive force within 72 hours, reinforcing accountability at every level.

Overall, the Black Mountain Police Department's Use of Force policy is clear, legally sound, and supported by strong training, documentation, and supervisory review practices. The department meets and exceeds the standard expectations for use of force management and accountability.

Annual policy review verified? ☒ Yes ☐ No

2. <u>Less-Lethal Weapons:</u>

A. Police officers have at least one (1) less lethal force option available (two recommended) to include but not limited to; electronic control devices (ECD), chemical spray (OC), impact weapons, and bola wrap device (BWD) etc.

B. The department has a current "best practices" policy in place regarding less-lethal options issued to the officers.
C. The department requires initial certification and annual training on all issued devices.
D. The Department utilizes a formal use of force reporting form that is to be completed by the officer any time force is used with a less-than-lethal device and the report shall be reviewed by a supervisor to ensure policy, training, and legal compliance.

In Compliance?	☒ Yes ☐ No

Related Agency Policy Number(s)
BMPD 2.03 Use of Force and Proficiency for Intermediate Weapons
NCLEA Standard 2.03 - Use of Force Training and Proficiency for Intermediate Weapons

Agency Comments:
All points being met – partially covered by NCLEA. Breakdown of policies and standards below:

A. Officers are issued: tasers, Pepper spray, Asp Baton
B. BMPD Policy 300.3.3 – Use of Force Continuum
C. NCLEA 2.03 – Use of Force Training and Proficiency for Intermediate Weapons.
D. BMPD 300.5 -Reporting the use of force

Evaluator Comments (To be completed by NCLM Staff):

Less-Lethal Weapons

The Black Mountain Police Department is in full compliance with Standard 2 regarding the issuance, use, documentation, and training of less-lethal weapons.

BMPD provides officers with multiple less-lethal options, including Tasers (X26 Advanced), OC spray, and ASP batons, which aligns with best practice recommendations and ensures officers are equipped to manage varying levels of resistance with minimal necessary force. The availability of more than one option meets the preferred standard of equipping officers with at least two less-lethal tools.

Policy 300.3.3 outlines the department's Use of Force Continuum, which includes less-lethal force options and the circumstances in which each may be used. The policy makes clear distinctions between various types of resistance (verbal, passive, active) and prescribes appropriate, proportionate responses. It explicitly prohibits excessive force and promotes the use of de-escalation techniques when feasible (300.3.6), further emphasizing a force-minimization philosophy.

Training requirements are well documented. According to NCLEA Standard 2.03 and BMPD policy, officers undergo initial certification and annual training on all issued intermediate weapons, including policy review, legal updates, and scenario-based

instruction. De-escalation tactics, duty to intervene, and rendering medical aid are also emphasized in recurring training sessions as noted in 300.9.

Reporting is thorough and well-supported. Policy 300.5 mandates that all uses of force involving less-lethal weapons be promptly documented in Benchmark software and reviewed through the chain of command to ensure compliance with training, legal standards, and departmental policy. Supervisors are also required to respond, investigate, and document use-of-force incidents that involve injury, TASER deployment, or allegations of excessive force (300.7).

The department demonstrates a clear commitment to responsible and accountable use of less-lethal force through sound policy, regular training, supervisory oversight, and detailed documentation.

3. Care and Custody of Suspects:

A. Policy exists detailing the care, custody, restraint, and transportation of suspects
B. Policy outlines procedures for providing medical attention to arrestees who report or show symptoms of injury or illness
C. Policy outlines specific legal procedures regarding juvenile prisoners
D. Policy guides the handling of persons with disabilities
E. Proper decontamination policies and procedures exist for individuals exposed to;
    i. Chemical sprays;
    ii. Electronic control devices;
    iii. Impact Weapons;
    iv. Bola Wrap devices;
    v. Any other departmental-issued equipment

In Compliance?	☒ Yes ☐ No

Related Agency Policy Number(s)
BMPD Policy 424 – Medical Aid and Response
BMPD Policy 300 – Use of Force
BMPD Policy 337 – Care and Custody of Suspects (handicapped included)
BMPD Policy 901 – Temporary Custody of Juveniles
BMPD Policy 302 – Handcuffing and Restrraint
BMPD Policy 304 Conducted Energy Device
BMPD Policy 337 – Care and Custody of Suspects
NCLEA 9.01 – Searching and Transport
NCLEA 9.04 - Medical Assistance for Detainees
NCLEA 9.02 – Temporary Custody of Juveniles

Agency Comments:

All suspect interactions are being met per this standard. Policies and standards breakdowns are listed below:

A. **NCLEA 9.01 -** Policy exists detailing the care, custody, restraint, and transportation of suspects

B. **NCLEA 9.01, 4.24 and 300** Policy outlines procedures for providing medical attention to arrestees who report or show symptoms of injury or illness

C. **NCLEA 9.02 -** Policy outlines specific legal procedures regarding juvenile prisoners

D. **BMPD Policy 337.5 (F) Handicapped Individuals, 337.8 (F)(2), 337.8(J) -** Policy guides the handling of persons with disabilities

E. **BMPD Policy 302.5 OC decon 2nd to last paragraph) -**
BMPD Policy 304.5.5 – after taser
BMPD 337.4 – responsibilities of officer (medical care after arrest injury)
BMPD 424 - Medical Aid and Response
NCLEA 9.04 – Medical assistance for detainees
Proper decontamination policies and procedures exist for individuals

****No Bola wraps used here**

Evaluator Comments (To be completed by NCLM Staff):

Care and Custody of Suspects

The Black Mountain Police Department meets all elements of Standard 3 concerning the care, custody, restraint, and transportation of suspects. The agency demonstrates comprehensive attention to legal, procedural, and humane standards in its treatment of individuals in custody.

Policy 337 – *Care and Custody of Suspects*—in conjunction with Policies 302 (Handcuffing and Restraint), 300 (Use of Force), 304 (Conducted Energy Device), and 424 (Medical Aid and Response)—provides detailed guidance on the appropriate handling of arrestees. These policies collectively address procedures for safe transportation, application of restraints, provision of medical attention when needed, and decontamination protocols for exposures to less-lethal devices such as OC spray and TASERs. Although the Bola Wrap is not used by the department, other issued tools are thoroughly accounted for.

Medical response policies ensure that detainees showing signs of distress or injury are promptly evaluated and provided care, fulfilling NCLEA Standard 9.04. Policy 424 in particular outlines medical responsibilities, while decontamination protocols are clearly stated in both 302.5 and 304.5.5.

The agency also maintains policy and procedures for handling persons with disabilities, with specific provisions cited in 337.5 and 337.8. These sections address both physical and mental impairments, showing sensitivity and compliance with ADA-related considerations.

BMPD Policy 901 addresses the temporary custody of juveniles in accordance with NCLEA 9.02, demonstrating legal awareness and operational readiness in situations involving minors.

Overall, the department's policy framework reflects a strong commitment to ensuring the lawful and respectful treatment of all individuals in its custody, with adequate procedural safeguards, documentation requirements, and staff responsibilities clearly defined.

4. <u>Dealing with Persons of Diminished Capacity/ Excited Delirium:</u>

A. Officers should be adequately trained in the handling of suspected "diminished capacity/excited delirium" individuals
B. Officers should be adequately trained in indicators of "excited delirium"
C. Procedures for taking individuals into custody and detention should be outlined in the policy and include the following:
    1. Protocols for responding – Containment, Announcement, Backup, Medical attention
    2. Less-lethal force options should be available when individuals are taken into custody

In Compliance?	☒ Yes ☐ No

Related Agency Policy Number(s)
BMPD Policy 300 – Use of Force
BMPD Policy 427 – Dealing with the Mentally Ill.

Agency Comments:
Policies cover dealing with persons of diminished capacity – see policy breakdowns below:

A. **Policy 300.6 – Medical Considerations (last paragraph) and** BMPD Policy 427.4 – Dealing with the mentally ill - - Officers should be adequately trained in the handling of suspected "diminished capacity/excited delirium" individuals
B. **Policy 300.9 – Training - and** BMPD Policy 427.4 - Officers should be adequately trained in indicators of "excited delirium"
C. **Policy 300.6 – Medical Considerations** - Procedures for taking individuals into custody and detention should be outlined in the policy and include the following:
    1. Protocols for responding – Containment, Announcement, Backup, Medical attention
    2. Less-lethal force options should be available when individuals are taken into custody

A, B, C - Policy 300.6 – Medical Considerations
Policy 427 – most of the policy

Evaluator Comments (To be completed by NCLM Staff):

Dealing with Persons of Diminished Capacity/Excited Delirium

The Black Mountain Police Department demonstrates strong compliance with Standard 4 through a combination of comprehensive policy directives and officer training focused on safely and appropriately managing individuals exhibiting signs of diminished capacity or excited delirium.

BMPD Policy 427 – Dealing with the Mentally Ill and Policy 300 – Use of Force establish clear guidelines and procedures for officer response, including behavioral recognition, tactical approach, and medical considerations. Policy 427.4 explicitly addresses officer training in the recognition and handling of individuals in mental health crisis or those exhibiting symptoms consistent with excited delirium. Policy 300.6 outlines medical considerations, emphasizing the importance of recognizing potential medical emergencies and the need for immediate care, particularly in high-risk encounters.

The department also incorporates critical response protocols such as containment, the use of verbal announcements, appropriate deployment of backup, and early integration of medical personnel when dealing with these individuals. Less-lethal force options are addressed in both policies, supporting safer custody efforts when force becomes necessary.

Furthermore, Policy 300.9 confirms that BMPD personnel receive ongoing training in de-escalation tactics, medical emergencies, and the management of vulnerable populations. These efforts demonstrate the agency's commitment to officer preparedness and public safety.

Overall, the policies, training expectations, and response procedures reflect modern law enforcement best practices for engaging individuals in crisis, reinforcing the department's compliance with this standard.

5. <u>Holding Cells (only for agencies utilizing temporary prisoner holding cells)</u>

A. Policy should establish the maximum time prisoners could be kept in a holding cell
B. Holding cell must be monitored either by an officer or by closed circuit TV with live contact every 15 minutes
C. Holding cells are to be equipped with a smoke detector
D. Must have an evacuation plan in the event of an emergency
E. Policy directs that sight and sound separation exists between detained juveniles and adult offenders
F. Males and females are not to be detained in the holding cell together
G. Holding cell should be free of any materials that could be used as weapons or devices for self-injury
H. Suspects are searched for any materials that could be used as weapons or devices for self-injury or assault
I. Officers are required to lock and secure firearms when accessing the holding cell

J. Holding cells are equipped with an officer-accessible "panic alarm." An officer-worn radio equipped "emergency button" is sufficient
K. Policy instructs personnel when and how to obtain medical assistance for an injured/ill person in custody.

In Compliance?	☒ Yes ☐ No ☐ N/A

Related Agency Policy Number(s)
BMPD Policy 900 – Temporary Custody of Adults
BMPD Policy 901 - Temporary Custody of Juveniles
BMPD Policy 902 Custodial Searches
BMPD Policy 300 – Use of Force
BMPD Policy 402 – Crime and Disaster Scene Integrity
NCLEA 9.06 - Weapons in Holding Areas / Processing Areas

Agency Comments:
All holding cell requirements are being met through policy and practice. Part of the requirements here were reviewed during our NCLEA assessment. See below for breakdown of policies and standards:
A. 900.3 – No adult should be in temporary custody for longer than six hours
B. 900.8 (e) - Safety checks by department members shall occur no less than every 15 minutes
C. Cell does have smoke detector.
D. Evacuation plan is posted within sight of the door window of the cell
E. 900.8 – provides for sight and sound separation for juveniles and adults
F. 900.4.1 – (b)(4) - Ensure males and females are separated by sight and sound when in cells.
G. NCLEA 9.06 – BMPD 900.8 A thorough inspection of a cell shall be conducted before placing an individual into the cell to ensure there are no weapons or contraband and that the cell is clean and sanitary.
H. 902.2 and 902.3 – searches during transport and at police facilities also 900.8(a)
I. Covered in NCLEA 9.06 and BMPD policy- also BMPD 900.8 (f)
J. 900.5 - (a) Holding cells are to be equipped with an officer accessible "Panic Alarm". An officer worn radio equipped with an "emergency -button "is sufficient.
K. – 300.6.1, 300.7 (b) Medical aid/ Use of Force, 402.4 – First Responder considerations

Evaluator Comments (To be completed by NCLM Staff):

Holding Cells

The Black Mountain Police Department demonstrates full compliance with Standard 5 requirements regarding the use, monitoring, and safety of temporary prisoner holding cells.

BMPD Policy 900 – Temporary Custody of Adults clearly establishes a maximum detention time of six hours (900.3), and mandates safety checks every 15 minutes (900.8(e)). A posted evacuation plan is visible near the holding cell entrance, satisfying emergency preparedness expectations. The holding area is confirmed to have a smoke detector, and policy 900.4.1(b)(4) ensures proper sight and sound separation between male

and female detainees. Additionally, BMPD Policy 900.8 mandates strict sight and sound separation between juveniles and adults in accordance with statutory and best practice guidelines.

Searches for weapons or contraband are addressed in BMPD Policies 902.2 and 902.3, as well as 900.8(a), requiring thorough inspections and searches before placing individuals in cells. These practices mitigate the risk of self-harm or violence. Policy 900.8(f), supported by NCLEA Standard 9.06, directs officers to secure firearms before accessing the holding area.

A panic alarm system is available, and officers are equipped with emergency radio buttons, per Policy 900.5(a). Finally, medical care procedures for ill or injured individuals in custody are thoroughly addressed in BMPD Policy 300.6.1, 300.7(b), and 402.4, ensuring timely and appropriate response when needed.

The department's documented policies and facility procedures reflect a clear commitment to detainee safety, legal compliance, and best practices in custodial care, supporting full compliance with this standard.

6. <u>Transportation, Handcuffing-Restraint of Suspects:</u>

A. Transportation:

1. Detainee of opposite sex arrest and transport:
    a. Prior to transport, the transporting officer provides communications with time and mileage and then the officer closes time and mileage upon destination.
2. Detainee of opposite sex are not to be searched (*other than pat down for the officer's protection*) by opposite sex officers. All extensive searches are to be conducted by an officer of the same sex or detention center personnel with attention to privacy issues.
    a. In the event that this is not possible, opposite-sex offender searches must be conducted in the presence of another witnessing officer, and the procedure included in the policy
3. Policy indicating the search of transport vehicles for contraband before and after transport.

B. Handcuffing:

1. Officers are trained on specific policies and procedures relating to handcuffing
2. Policy must include exceptions to the preferred method (behind the back), for example, when suspects are physically impaired or elderly
3. **Double-locks are utilized, and tightness is checked anytime handcuffing takes place**
4. **Officers document or memorialize that the individual was handcuffed, checked for tightness, and that double locks were used**
5. Department conducts annual training on issues surrounding handcuffing

In Compliance?	☒ Yes ☐ No
Related Agency Policy Number(s) BMPD Policy 337	

BMPD 337 – Care and Custody of Suspects
NCLEA 9.01 – Searching and Transport

Agency Comments:
All facets of this standard are being met – see policy breakdown below:

A. Detainee of opposite sex arrest and transport

1. BMPD 337.8 (B)(3) - The officer will also provide the Communications Center with the beginning and ending mileage if transporting prisoners of the opposite sex or juveniles.

2. Detainee of opposite sex are not to be searched by opposite sex officers - (and 2.a) **BMPD 337.6** Whenever possible, an officer of the same gender as the prisoner will conduct the search. If an officer of the same gender is not available, the arresting or transporting officer may conduct the search, provided the search is conducted in the presence of a witnessing officer…

3. Policy indicating the search of transport vehicles for contraband before and after transport - BMPD 337(B) - Before transporting a prisoner, the transporting officer will search the vehicle for contraband and weapons

B. Handcuffing - .BMPD 337.5

1. 337.5 (H) - Officers will participate in annual training on issues surrounding handcuffing

2. 337.5 (E) - The transportation of a prisoner will be accomplished using that degree of restraint deemed necessary by the officer to safely complete the task. In determining the reasonableness of handcuffing, an officer will take into account the age of the accused and whether the accused has a disability that may be exasperated by handcuffing.

3 and **4**. BMPD 337.5 (B) - Handcuffs shall be double-locked and checked for tightness, once the prisoner has been taken into custody. Officers shall document the utilization of double- locks, as well as ensuring that handcuffs were checked for tightness in the narrative portion of the corresponding report.

5. 337.5 (H) - Officers will participate in annual training on issues surrounding handcuffing

***** Annual training covers all facets of this standard. *****

Evaluator Comments (To be completed by NCLM Staff):
Transportation, Handcuffing-Restraint of Suspects

The Black Mountain Police Department has comprehensive policies and procedures in place that fully meet the requirements outlined in Standard 6. BMPD Policy 337 – Care and Custody of Suspects provides clear guidance on both transportation and handcuffing practices, with specific attention to legal compliance and officer and detainee safety.

In regard to transportation procedures, BMPD 337.8(B)(3) requires officers to communicate beginning and ending mileage when transporting detainees of the opposite sex or juveniles. Policy 337.6 reinforces that searches should be conducted by an officer of the same gender whenever possible. If unavoidable, opposite-sex searches must be performed in the presence of a witnessing officer, demonstrating a respect for privacy and accountability. Additionally, BMPD 337(B) mandates that vehicles be thoroughly searched for contraband both before and after any prisoner transport.

The handcuffing section of the policy is equally thorough. Officers are required to double-lock handcuffs and check for tightness as detailed in BMPD 337.5(B), with documentation of these actions included in the officer's report. Policy 337.5(E) provides exceptions for individuals who are physically impaired or elderly, ensuring that officers apply restraints with discretion and care. Annual training on proper handcuffing procedures is mandated under BMPD 337.5(H), satisfying both initial and ongoing proficiency requirements.

The department's consistent application of these procedures, reinforced through policy and annual training, demonstrates strong alignment with best practices and supports full compliance with this standard.

7. Eyewitness Identification Procedures:

A. Policy outlines the statutory provisions and the manner in which criminal suspects will be subjected to current legal identification proceedings. The policy should follow the North Carolina Eyewitness Reform act regarding the following:

1. Show-up/Drive-By
2. Photo-Array
3. Line-Up procedures

In Compliance?	☒ Yes ☐ No

Related Agency Policy Number(s)
BMPD Policy 604 – Eyewitness Identification
NCLEA Standard 6.20 Eyewitness Identification

Agency Comments:
All points are being met – this was also covered by NCLEA standards and all was approved during our 2024 assessment. See policy and standard breakdowns below:

1. **NCLEA Standard 6.20 - BMPD Policy 604.5 covers eyewitness identifications**
2. **And 3. 604.6 covers live and photo lineups.**

NCGS governing lineups is referenced in this policy.

Evaluator Comments (To be completed by NCLM Staff):

Eyewitness Identification Procedures

The Black Mountain Police Department demonstrates full compliance with Standard 7 through the implementation of BMPD Policy 604 – Eyewitness Identification, which clearly reflects adherence to the North Carolina Eyewitness Identification Reform Act and NCLEA Standard 6.20.

The policy provides structured procedures for show-ups/drive-by identifications, photo arrays, and live lineups, including statutory safeguards to prevent suggestiveness and

protect the integrity of witness identifications. Policy 604.7 outlines field identification (show-up) protocols, emphasizing the necessity of proximity in time and place, neutral presentation of suspects, and limitations on multiple viewings. Photo and live lineup procedures are thoroughly detailed in Policy 604.6, requiring sequential presentation, witness instructions, confidence statements, and double-blind administration when feasible, consistent with N.C.G.S. § 15A-284.52.

The department's procedures include strict documentation requirements (Policy 604.8), mandatory advisements to witnesses, and efforts to avoid influencing identifications—ensuring legal compliance and evidentiary integrity. Furthermore, the policy mandates audio/video recording when feasible and requires annual training for officers as stated in Section 604.9, satisfying both best practices and legal mandates.

The department's policy and practices related to eyewitness identification are comprehensive, legally sound, and meet all elements of this standard.

8. <u>Confidential Informants:</u>

Policy and practice include the following:

A. Documentation of Confidential Informant use during drug investigations:
B. Proper handling of evidence, confidential informants, informant funds and files, and safety issues concerning drug investigations.
C. Prohibition from improper fraternization with informants
D. Designation of who is responsible and accountable for confidential funds
E. At a minimum semi-annual auditing of confidential funds and informant files and anytime the individual who is responsible for the funds is replaced

In Compliance?	☒ Yes ☐ No

Related Agency Policy Number(s)
BMPD Policy 603 – Informants
BMPD Policy 602 – Evidence Seized and Asset Forfeiture
BMPD Policy 607 – Operations Planning and Deconfliction
NCLEA Standard 6.06 Informants
NCLEA Standard 6.07 Confidential and/or Narcotics Funds
NCLEA Standard 11.01 Property and Evidence – Chain of Custody

Agency Comments:
BMPD does not currently have any CI's – we have not had any CI's in the known history as reported by staff employed here. We have implemented a narc officer during 2024. We plan to implement them in the future and have all policy and forms in line to implement them. See policy and NCLEA standard details below. Our policies were reviewed by NCLEA and met all requirements.

A. Documentation of Confidential Informant - **NCLEA 6.06 (c) - Informants**
B. Proper handling of evidence, confidential informants, informant funds and files, and safety issues concerning drug investigations.
<u>NCLEA 11.01</u> – Property and Evidence, BMPD Policy 801 – Evidence – Proper handling of evidence

NCLEA 6.07 A – Designation of Funds - informant funds and files
BMPD 607 – Operations Planning and Deconfliction - safety issues

C. **BMPD Policy 603.4(d) Informant Integrity-** Prohibition from improper fraternization with informants
D. **NCLEA 6.07 A – Designation of Funds -** Designation of who is responsible and accountable for confidential funds
E. NCLEA 6.07 - Confidential and/or Narcotics Funds and Audits - semi-annual auditing of confidential funds and informant files

Evaluator Comments (To be completed by NCLM Staff):

Confidential Informants

The Black Mountain Police Department is well-prepared for future implementation of confidential informant (CI) operations, demonstrating full policy readiness and procedural alignment with Standard 8. Although the agency currently does not utilize confidential informants—as confirmed by staff and historical practice—BMPD has proactively developed and adopted all necessary policies and infrastructure to support safe, ethical, and accountable CI operations.

BMPD Policy 603 – Informants and NCLEA Standard 6.06 establish proper documentation protocols for any future CI usage. The policies clearly define procedures for managing informant files, maintaining integrity in officer-informant relationships (603.4(d)), and addressing safety and operational concerns during narcotics-related investigations. BMPD Policy 607 – Operations Planning and Deconfliction reinforces this by including guidance for managing tactical risk during drug investigations.

BMPD Policy 602 and NCLEA Standard 6.07 define the procedures and accountability structures for managing confidential funds. A designated individual is responsible for fund oversight, and the policy requires semi-annual audits as well as additional audits during personnel transitions, ensuring proper financial controls. In addition, BMPD Policy 801 and NCLEA 11.01 confirm procedures for evidence handling and chain of custody are in place and compliant.

Though the agency has not yet deployed confidential informants, it is evident that policies and oversight mechanisms are robust and ready for activation. The department has built a strong compliance foundation to ensure ethical and lawful use of confidential informants when the program is implemented.

9. In-Car Camera/Body Worn Camera (If equipped):

A. It is recommended that the department utilizes video technology including either: in-car video cameras, body worn systems, or preferably a combination of both. A "best practices" policy is in place for the utilization of video equipment (the IACP model policy is a recommended best practice guide) The policy should address at a minimum, the following recommendations:
   1. Controlled access to the recording media *(generally limited to a supervisor)*;

2. Provision of random review by supervisors (audit process)
3. Use of personal recording equipment is prohibited
4. Requirements and restrictions for activation and deactivation of the device
5. Video evidence storage, use, and retention is established by policy
6. Prohibited use policy is in place
7. Policy and procedures in place regarding public requests of recordings.
8. Procedures for public request of recordings in accordance with NCGS 132-1.4A

In Compliance?	☒ Yes ☐ No

Related Agency Policy Number(s)
BMPD Policy 419
NCLEA 6.22

Agency Comments:
BMPD is in compliance with this standard. NCLEA compatible standards were reviewed during our recent assessment. See breakdown of our policies and NCLEA standards below:

1. NCLEA 6.22(C)Controlled access to the recording media *(generally limited to a supervisor)*;
2. BMPD Policy 419.10 Provision of random review by supervisors (audit process)
3. BMPD Policy 419.7 Use of personal recording equipment is prohibited
4. NCLEA 6.22(B)Requirements and restrictions for activation and deactivation of the device
5. NCLEA 6.22(D)Video evidence storage, use, and retention is established by policy
6. BMPD Policy 419.7 Prohibited use policy is in place
7. NCLEA 6.22(H)Policy and procedures in place regarding public requests of recordings.

Evaluator Comments (To be completed by NCLM Staff):

In-Car Camera/Body Worn Camera

The Black Mountain Police Department demonstrates full compliance with Standard 9 and employs a comprehensive and well-structured approach to the use of video recording technology through BMPD Policy 419 and NCLEA Standard 6.22. The agency is equipped with body-worn camera systems and follows best practices in alignment with IACP recommendations.

Controlled access to video recordings is properly restricted, as outlined in NCLEA 6.22(C), with supervisory personnel maintaining oversight of recording media. BMPD Policy 419.10 ensures random supervisory audits are conducted, supporting accountability and reinforcing professionalism during public interactions. BMPD Policy 419.7 explicitly prohibits the use of unauthorized or personal recording equipment, reducing the risk of unapproved data collection and privacy violations.

The policy outlines clear and specific guidance regarding the activation and deactivation of recording devices, as supported by NCLEA 6.22(B). Video retention, storage, and usage

procedures are well-defined in accordance with NCLEA 6.22(D), ensuring that evidentiary material is managed securely and lawfully. Additionally, the department has a clearly articulated prohibited-use policy and complies with public access requirements for video under NCGS 132-1.4A, as reflected in NCLEA 6.22(H).

Overall, BMPD's body-worn camera policy is thorough, compliant, and meets all components of this standard. Supervisory accountability, appropriate restrictions, and legal alignment with state law demonstrate the agency's strong commitment to transparency and responsible technology use.

10. <u>Vehicle Operations:</u>

A. The department maintains policy and direction for the establishment of responsibility for the safe operation of police vehicles during:
   1. non-emergency operation
   2. emergency (light and siren) operation

B. Distracted Driving: The department maintains a "distracted driving policy" and provides guidance for when Mobile Data Terminal use and electronic devices are prohibited

C. Vehicle Pursuit:
   1. Pursuits governed by a policy that provides guidance for the following:
      i. Criteria for initiating a pursuit
      ii. Criteria for Communications during pursuit, and if communications are lost
      iii. Responsibilities of the Supervisor
      iv. Pursuits exiting jurisdiction
      v. Criteria for terminating vehicle pursuits
      vi. Pursuit documentation
   2. The department's policy gives direction in situations where emergency vehicle operation would not be generally authorized

D. Mandatory Seat Belt: - Safety Equipment:
   1. Department requires seatbelt use by all vehicle occupants (unless an exception exists) to ensure safe vehicle operation by policy and practice by monitoring the use of seat belts

E. Tire Deflation Devices-Deployment:
Officers shall receive practical training in the use of tire deflation devices. Tire deflation devices should only be deployed after notification to pursuing officers and the supervisor. The location of the intended deployment shall be communicated.

The department has clear policies defining the proper use of tire deflation devices, including:

1. **Deflation** devices should be deployed to only affect the pursued vehicle

2. Training should detail the adequate cover and escape from intentional or unintentional exposure to the approaching vehicle
3. Officers should be trained in the limitations of such devices as well as the potential risk to officers, the public, and occupants of the pursued vehicle
4. Policies should prohibit the use of deflation devices when the pursued vehicle has less than four wheels or is a vehicle transporting known hazardous materials; unless deadly force would be authorized and no other options are available.

In Compliance?	☒ Yes ☐ No

Related Agency Policy Number(s)

A. NCLEA 6.10 – Non-Emergency and Emergency Response (BMPD 309 – Officer Response to Calls)
B. BMPD 307 – Vehicle Pursuits, etc.
C. NCLEA 6.08 – Pursuits (BMPD Policy 307 – Pursuits)
D. NCLEA 6.16 – Seatbelts (BMPD Policy 1011 – Seatbelts)
E. NCLEA 6.15 – Stop Sticks (BMPD Policy 307 - Vehicle Pursuits)

Agency Comments:

In addition to the relevant policies, please indicate how the category dimensions are met or exceeded: Most are covered under NCLEA – see above and below.

A. NCLEA 6.15 (F) – Stop Sticks/Road Spikes
B. **NCLEA 6.15 (training Requirements)**
C. NCLEA 6.08 – Pursuits (BMPD Policy 307 – Pursuits)
D. NCLEA 6.16 – Seatbelts (BMPD Policy 1011 – Seatbelts)
E. NCLEA 6.15 – Stop Sticks (BMPD Policy 307 - Vehicle Pursuits)

Evaluator Comments (To be completed by NCLM Staff):

Vehicle Operations

The Black Mountain Police Department has established comprehensive policies addressing vehicle operations during both emergency and non-emergency response situations. BMPD Policy 309 and NCLEA Standard 6.10 define the responsibilities and expectations for officers during routine and emergency driving. Policy 307 outlines pursuit procedures and aligns with NCLEA Standard 6.08, covering criteria for initiating pursuits, supervisory responsibilities, communications, pursuits beyond jurisdiction, and pursuit termination. Documentation and review requirements are also addressed.

The agency maintains a clear distracted driving policy that provides guidance on Mobile Data Terminal (MDT) and electronic device use during vehicle operation. BMPD demonstrates its commitment to occupant safety through Policy 1011, which mandates seatbelt use for all vehicle occupants, consistent with NCLEA Standard 6.16.

Regarding tire deflation devices, BMPD Policy 307 and NCLEA Standard 6.15 provide specific instruction on deployment procedures, training requirements, and safety considerations. Policies address when deployment is appropriate, the importance of

supervisor notification, and operational safety standards. Officers receive training in the use and limitations of these devices, and policy prohibits their use in circumstances that would present elevated risk unless deadly force is otherwise authorized.

Overall, BMPD meets and exceeds the standard through detailed, NCLEA-compliant policies and clearly defined practices to ensure officer and public safety in vehicle operations.

11. <u>K-9 Operations: (If Applicable)</u>

A. Department canine units have clear policies and procedures regarding the use of their canine(s)
B. Minimum qualifications and selection process outlined for the selection of police canine handler(s)
    a. Canine Training logs and documentation are maintained and shall include at a minimum The canine unit is trained under a recognized certification program and training maintained to the type and purpose of the canine
    b. Canine training hours per month must be at a minimum of 8 hours
    c. All historical training logs
        i. If the department canine is certified in bite work, the agency shall ensure that they have clearly defined training documenting the success of command bite release training.
C. All narcotic, explosive, or high-risk training aids are secured in a safe, and only canine handlers and supervisors will be authorized to check out items.
D. Policy prohibits canines from being accessed by the general public unless under the supervision of its handler; to minimize the potential for an accident, the canine will be on a leash and/or muzzled when the canine is conducting public relations demonstrations if the canine is not properly trained and proficient in obedience training.
    a. Procedures are in place that if the canine is conducting a bite demonstration in a public setting, the area of the demonstration must be restricted to public access during the demonstration
E. Procedures for 24-hour care and maintenance for police canine(s)

a. Ensure precautions are taken to prevent injury to the canine or any person who may encounter the animal while on and off duty

F. Canine vehicle is equipped with canine heat protection and public safety markings.

G. All agency officers are trained in the legal parameters of police K-9 searches, the current case law related to these searches, and proper notification of when a canine will be released if occupants fail to surrender according to instructions.:
   a. Illinois v. Caballes, 543 U. S. 405 (2005);
   b. Rodriguez v. U.S. (2015)
   c. Maney v. Garrison (2017)
   d. Kopf v. Wing (1991)

H. Canine units are not recommended to transport non-departmental personnel, including ride-along participants, unless the vehicle is adequately equipped with a prisoner transport system; if transporting non-departmental personnel, the canine door must remain closed during ride-along.

Special Commentary – The agency should develop a comprehensive job description for the police canine handler position, which includes the minimum qualifications, knowledge, skills, and abilities. All aspects of the agency's selection process should be included in the agency policy. The policy should outline the responsibilities for the care and maintenance of the police canine(s) by the agency and the personnel assigned to the position of working and controlling the police canine(s) on a 24-hour basis. This should also include whether the canine(s) are/is housed and cared for by the handler after duty hours or is boarded at a location other than the residence of the handler. In the event the canine is to be housed at the handler's residence, a documented inspection should be conducted to ensure that the residence is conducive to safely housing the police canine; the inspection should properly document how the canine is to be sheltered, at a minimum, a suitable environment for the canine will include a private, fenced yard at least partially grassed, with appropriate warning signs displayed, as well as a well-maintained kennel and pad to include shelter and shade for the canine. Provisions for veterinary care, both routine and emergency, should also be outlined in the directive. Training logs should contain veterinarian service forms, canine dog certifications, and all records and training logs related to canine activities.

In Compliance?	☒ Yes ☐ No ☐ N/A – Please see memo from Chief Parker
Related Agency Policy Number(s) BMPD Policy 310 - Canines	
Agency Comments: In addition to the relevant policies, please indicate how the category dimensions are met or exceeded: A. BMPD Policy 310 - Department canine units have clear policies B. BMPD Policy 310.8 – Handler Selection C. BMPD Policy 310.12 – Training – This is being completed and documented in Benchmark Softwarre D.BMPD Policy 310.12.6 and 310.12.7 - Narcotics and explosives	

E. BMPD Policy 310-5.2 – Public Demonstration/310.7 – Non-apprehension Guidelines
F. BMPD 310.9 – Handler Responsibilities
G. BMPD 310.9 – Handler Responsibilities
H. BMPD 310.12 – Training
I. BMPD 310.9.1 – Canine in Public areas

Special Commentary – addressed in BMPD policy 310.

Evaluator Comments (To be completed by NCLM Staff):

K-9 Operations

The Black Mountain Police Department demonstrates full compliance with Standard 11 regarding K-9 Operations. BMPD Policy 310 provides detailed, comprehensive guidance that covers all required areas of the standard and reflects best practices.

A–B: Policies and Qualifications
BMPD Policy 310 clearly establishes procedures for K-9 deployment and outlines handler selection criteria (310.8), requiring minimum qualifications such as probation completion, proximity to jurisdiction, and appropriate home facilities. All training is documented in Benchmark software, and canine units maintain training consistent with nationally recognized standards. Policy mandates at least 8 hours of training per month and includes provisions for bite-release command training.

C–D: Training Aids and Public Access
Policies 310.12.6 and 310.12.7 set strict requirements for the handling and security of narcotic and explosive training aids, limiting access to handlers and supervisors only. Policy 310.9.1 addresses public interaction and demonstrations, requiring canines to be leashed and/or muzzled unless fully trained in obedience. Bite demonstrations require restricted public access, and all safety considerations are clearly outlined.

E: 24-Hour Care and Maintenance
Policy 310.9 outlines handler responsibilities, including provisions for off-duty housing, kennel safety, daily care, and emergency medical treatment. The policy also allows for periodic inspections of handler homes and canine vehicles to ensure compliance.

F: Canine Vehicle Safety
BMPD vehicles assigned to canine units are equipped with heat alarms and public safety markings, as detailed in Policy 310.9(c).

G: Legal Training
Policy 310.12 includes ongoing legal training for officers in relevant case law including Illinois v. Caballes, Rodriguez v. U.S., Maney v. Garrison, and Kopf v. Wing. Legal parameters are addressed in deployment and search procedures.

H: Transport Restrictions
Policy prohibits the transportation of non-departmental personnel unless the vehicle is properly equipped, and procedures ensure the canine is not exposed to unauthorized persons during ride-alongs.

Special Commentary
BMPD Policy 310 incorporates the guidance provided in the Special Commentary. The policy defines handler duties, 24-hour care requirements, and housing standards. It includes a home inspection requirement, kennel and fence standards, and veterinary care protocols. Training logs are maintained, and all training, medical, and certification documentation is stored and tracked through department records and Benchmark software.

Conclusion
The BMPD has implemented a robust, well-documented K-9 program that meets or exceeds all aspects of this standard. Policy 310 is thorough, legally sound, and operationally detailed—demonstrating both accountability and proactive risk mitigation.

12. SWAT /SRT/Tactical, Special Operations Teams: (If Applicable)

This category refers to any organized group of officers who operate as a "tactical unit" for the purposes of high-risk apprehensions, structural entries, hostage situations, warrant services, or any other "high-risk" activity that would require increased training and experience.

i. Team members are properly equipped to include tactical vests, radio systems, and approved weapons and uniforms
ii. The department has established fitness standards for team members
iii. Annual training is required on issued specialized equipment
iv. Department adheres to member selection standards
v. Team tactics are based on accepted best practices
vi. Department maintains an initial training of officers - (40-hour Basic SWAT Training Course)
vii. Monthly team training- (minimum of 8 hours of training per month)
viii. Sniper requirements include an initial training course
ix. Snipers are, at a minimum, required to qualify quarterly, separate from the mandated team training schedule

A. Tactical team Call-Out Procedures:

1. Clear policies and procedures exist regarding when and under what criteria, tactical teams should be used: Agency or Mutual-Aid
2. Notification procedures should designate which command staff members should be notified.

B. Command Notification:

1. Standardized procedures should specify when supervisor notification and tactical team service are required

C. High-Risk Warrant Service:

1. The department maintains specific training and procedures regarding warrant-service such as the proper tactics involving a residence or structure
2. Planning - completion of search warrant operational plan prior to service including, but not limited to: photographs/video taken of target location, diagram, criminal records checks, history of the location, etc.
3. Written operational plans are completed and maintained for any high-risk service, detailed and team-briefed by the operational leader, with a chain-of-command approval process completed
4. Officers involved in the operation review the operations plan during the briefing process
5. When possible, the operational team completes a practice "dry-run" of the operation before the actual operation

In Compliance?	☒ Yes ☐ No ☐ N/A

Related Agency Policy Number(s)
BMPD Policy 428
NCLEA 7.04

Agency Comments:
BMPD adheres to all requirements of this standard. Parts of this standard are also covered by NCLEA standards. See breakdown of all policies below**:**

i. Team members are properly equipped to include tactical vests, radio systems, and approved weapons and uniforms – **428.1(C)/428.6(B)**
ii. The department has established fitness standards for team members – **428.9(A)/NCLEA 7.04**
iii. Annual training is required on issued specialized equipment – **428.7/NCLEA 7.04(C)**
iv. Department adheres to member selection standards - **428.4**
v. Team tactics are based on accepted best practices – **428.3**
vi. Department maintains an initial training of officers - (40-hour Basic SWAT Training Course) **428.4(E) /NCLEA 7.04**
vii. Monthly team training- (minimum of 8 hours of training per month) **428.7(A)**
viii. Sniper requirements include an initial training course – **428.7 (H) – in compliance, but added this to policy.**
ix. Snipers are, at a minimum, required to qualify quarterly, separate from the mandated team training schedule – **428.8(A)**

A. Tactical team Call-Out Procedures: BMPD 428.10
B. **Command Notification: BMPD 428.23 (B)(1), 428.21(I)**
C. **High-Risk Warrant Service: BMPD 428.23**

Evaluator Comments (To be filled out by NCLM Staff):

Standard 12: SWAT/SRT/Tactical, Special Operations Teams

The Black Mountain Police Department demonstrates full compliance with Standard 12. Policy 428 – Special Weapons and Tactics Team – provides comprehensive procedures governing

tactical team operations. The policy outlines team member selection criteria, physical fitness standards, mandatory training (including a 40-hour basic course and monthly 8-hour training), and specialized training for snipers.

Policy 428 also details tactical equipment requirements, call-out procedures, high-risk warrant service protocols, command notification processes, and mutual aid provisions. Sniper qualifications are documented as separate quarterly certifications, and crisis negotiators are governed by structured selection and operational guidelines.

BMPD's policy incorporates NCLEA standards and reflects best practices in tactical team management, deployment readiness, and safe resolution of high-risk incidents. The policy includes clear operational planning, after-action documentation, and appropriate use-of-force and equipment authorization standards.

BMPD is in full compliance.

13. <u>Search & Seizure of Persons, Vehicles, Residences, Structures, Property, and Electronic Devices</u>:

A. Policies direct and gives clear guidance concerning the procedures and justification for searches, and the various types of property searches including direction involving the following options:
    1. Arrest Warrants
    2. Search Warrants
    3. Consensual searches and "Knock and Announce"
    4. Exigent/dynamic searches
    5. Vehicle searches
    6. Clear policies detailing legal detentions and guidelines of what constitutes the physical seizure of an individual
    7. Policies exist detailing consensual contacts, Terry Stops, when frisks of individuals for weapons are legal, and how contacts should be documented
    8. Clear policies and procedures are instituted regarding strip and body searches, including:
        a. Supervisor notification
        b. Location
        c. Reporting requirements and when a strip or body cavity search would be justified
        d. Medical Staff Requirements
    9. The department maintains current policies and procedures regarding motor vehicle stops and searches (**Arizona v Gant)**. The policy should

include current case law regarding searches incident to arrest and when searches may be legally conducted

In Compliance?	☒ Yes ☐ No

Related Agency Policy Number(s)

BMPD is in compliance with all aspects of this standard. Part of this standard is also covered by NCLEA standards and policies/proofs were approved during our 2023 assessment. Breakdown of BMPD policies and NCLEA standards below:

BMPD Policy 336 Searches, seizures… etc.
BMPD Policy 415 - Contacts and Temporary Detentions
BMPD Policy 902 – Custodial Searches
NCLEA 6.03 – Search Warrants
NCLEA 9.05 – Strip Searches and Body Cavity Searches

Agency Comments:

1. Arrest Warrants – BMPD Policy 606 – Warrant Service
2. Search Warrants - NCLEA 6.03 bullet point 5
3. Consensual searches and "Knock and Announce" – NCLEA 6.03 bullet point 1 and 2
4. Exigent/dynamic searches - NCLEA 6.03 bullet point 6
5. Vehicle searches – BMPD Policy 336.4
6. Clear policies detailing legal detentions and guidelines of what constitutes the physical seizure of an individual – BMPD Policy 415 - Contacts and Temporary Detentions
7. Policies exist detailing consensual contacts, Terry Stops, when frisks of individuals for weapons are legal, and how contacts should be documented - BMPD Policy 415 -Contacts and Temporary Detentions - BMPD Policy 336 .7 – Frisk of persons
8. Clear policies and procedures are instituted regarding strip and body searches, including:
    a. Supervisor notification – BMPD 902.7, 902.6 (a), 902.5.1
    b. Location – 902.6(b)and (d), 902.2, 902.5.1 (c)
    c. Reporting requirements and when a strip or body cavity search would be justified – BMPD902.5.1 (f)
    d. Medical Staff Requirements – 902.5.1 (b), 902.6 (c)
9. The department maintains current policies and procedures regarding motor vehicle stops and searches (**Arizona v Gant)**. The policy should include current case law regarding searches incident to arrest and when searches may be legally conducted – BMPD Policy 336.6

Evaluator Comments (To be completed by NCLM Staff):

Standard 13: Search & Seizure

The Black Mountain Police Department is in full compliance with Standard 13. The agency provides detailed and up-to-date guidance on the legal and procedural aspects of search and seizure through several well-structured policies. These include BMPD Policy

336 (Searches and Seizures), Policy 415 (Contacts and Temporary Detentions), and Policy 902 (Custodial Searches), with additional validation through NCLEA Standards 6.03 and 9.05.

The policies comprehensively address:

Arrest and search warrants (Policy 606; NCLEA 6.03)

Consensual, exigent, and vehicle searches (Policies 336 and NCLEA 6.03)

Terry stops and frisk procedures (Policy 415; Policy 336.7)

Legal detentions and documentation of contacts

Guidelines for strip and body cavity searches, including supervisor approval, designated locations, medical staff requirements, and documentation (Policy 902; NCLEA 9.05)

Vehicle search limitations consistent with current case law, including Arizona v. Gant (Policy 336.6)

The documentation demonstrates that policies are clear, legally grounded, and aligned with current standards and case law. BMPD's policies reflect lawful procedures, respect for individual rights, and supervisory oversight in sensitive situations.

BMPD is in full compliance.

14. <u>Firearms qualification and training:</u>

A. Range used for training is "purpose-built" reflecting best practices
B. All range use includes the supervision of a certified range instructor
C. Range use includes the utilization of safety officers
D. A First-Aid kit is available during firearms related training
E. Safety rules are posted and reviewed
F. The physical address of the range is visibly posted in the event of an emergency, or communications notified of range status in the event of an emergency
G. No eating, drinking, or smoking is allowed on the range during training
H. Eye and ear protection are provided to officers
I. Officers wear ballistic vests during training/qualifying and in proximity to the range
J. Training includes practical exercises or scenarios, allowing officers to select appropriate weapons for the level of threat identified

In Compliance?	☒ Yes ☐ No
Related Agency Policy Number(s) BMPD Policy 306 Firearms	

NCLEA 2.01-Annual Firearms Qualification and Training

Agency Comments:

BMPD is in compliance with all aspects of this standard. Part of this standard is also covered by NCLEA standards and policies/proofs were approved during our 2023 assessment. Breakdown of BMPD policies and NCLEA standards below:

BMPD

A. Range used for training is "purpose-built" reflecting best practices – BMPD Range includes areas for pistol and rifle qualifications and has a storage building for all needed range equipment.
B. All range use includes the supervision of a certified range instructor – NCLEA 2.01 – bullet point 1
C. Range use includes the utilization of safety officers - NCLEA 2.01 – bullet point 1
D. A First-Aid kit is available during firearms related training – First aid kit and triage bag are at the range. Additionally, each officer has a first-aid kit in their vehicle.
E. Safety rules are posted and reviewed – posted in the range. Reviewed during sessions.
F. The physical address of the range is visibly posted in the event of an emergency, or communications notified of range status in the event of an emergency - it will be, if our range is ever put back online post-TS Helene.
G. No eating, drinking, or smoking is allowed on the range during training – Yes – however, provisions are made for water consumption during hot weather to prevent heat related illness of injury.
H. Eye and ear protection are provided to officers – These items are provided to the officers if they do not have their own.
I. Officers wear ballistic vests during training/qualifying and in proximity to the range -BMPD Policy 334(B)(24)

Evaluator Comments (To be completed by NCLM Staff):

Firearms Qualification and Training

The Black Mountain Police Department demonstrates compliance with Standard 14 through established policy (BMPD Policy 306 – Firearms) and practice, supported by NCLEA Standard 2.01. Firearms training is conducted under structured, safety-focused conditions, with clear documentation supporting each dimension of this standard.

The BMPD range is purpose-built for firearms training, including dedicated pistol and rifle qualification areas and an on-site storage facility for training equipment.

All training sessions are supervised by certified range instructors, with designated safety officers present during use (NCLEA 2.01).

First-aid and triage kits are available on-site, with additional kits assigned to each officer's vehicle.

Safety rules are visibly posted at the range and reviewed with participants before and during sessions.

While the range address is not currently posted due to storm-related damage (TS Helene), the agency acknowledges this gap and plans to reinstate proper signage and communication protocols when the range reopens.

Consumption of water is allowed as a safety measure during hot weather, but eating, smoking, and other non-authorized activity are prohibited during training.

Eye and ear protection are provided to officers as needed.

BMPD Policy 334(B)(24) mandates ballistic vest wear during firearms training and qualification.

Training incorporates practical, threat-based scenarios to support decision-making and weapon selection under realistic conditions.

BMPD has accounted for all elements of the standard and maintains a culture of safety and operational readiness in firearms training. The only current limitation is the temporary offline status of the range due to prior storm damage, which is being addressed by the agency.

BMPD is in compliance.

15. Vehicle Maintenance

A. A record is maintained of maintenance provided to police vehicles
B. Policy and practice provide a "pre-shift" vehicle inspection process and checklist
C. The checklist should include visual checks for the condition of tires, lights, emergency equipment, etc.

In Compliance?	☒ Yes ☐ No
Related Agency Policy Number(s) **BMPD Policy 702**	
Agency Comments BMPD is in compliance with all aspects of this standard. Documentation is maintained in Benchmark Software. Breakdown of policies is below: A. A record is maintained of maintenance provided to police vehicles – Recorded in our Benchmark software system. B. Policy and practice provide a "pre-shift" vehicle inspection process and checklist. BMPD Policy 702.3 C. The checklist should include visual checks for the condition of tires, lights, emergency equipment, etc.- BMPD Policy 702.3(3)	

Evaluator Comments (To be completed by NCLM Staff):

Vehicle Maintenance

The Black Mountain Police Department meets the requirements of Standard 15 through policy and supporting documentation. BMPD Policy 702 outlines vehicle maintenance protocols and includes procedures for pre-shift inspections, with documentation maintained in the Benchmark software system.

Maintenance Records: Vehicle service and maintenance logs are systematically recorded and tracked through Benchmark software, ensuring accountability and maintenance history for each unit.

Pre-Shift Inspections: BMPD Policy 702.3 requires officers to conduct a pre-shift inspection of their assigned vehicle, promoting operational readiness and early detection of mechanical or safety issues.

Inspection Checklist: The policy mandates visual checks of tires, lights, emergency equipment, and other vehicle components critical to safety and function, aligning with best practices.

BMPD demonstrates proactive fleet management through routine inspections and proper documentation. The agency is in full compliance with this standard.

16. Facility Safety and Security:

A. Police facilities should be designed to be reasonably secure from physical attack or sabotage
B. Must have an evacuation plan/map in the event of an emergency posted
C. Sensitive areas should be secured from public access

In Compliance?	☒ Yes ☐ No

Related Agency Policy Number(s)
BMPD Policy 333 – Facility Security

Agency Comments:
In compliance – see below:

A. Police facilities should be designed to be reasonably secure from physical attack or sabotage
   -doors locked, lobby/personnel separation, key pad entry, security cameras.
B. Must have an evacuation plan/map in the event of an emergency posted
   Evacuation map is posted in the hallway of the office near the IT and Mail room
C. Sensitive areas should be secured from public access
   All areas are protected from unescorted public entry via locked doors and key pad access

Evaluator Comments (To be completed by NCLM Staff):

Facility Safety and Security

The Black Mountain Police Department is compliant with Standard 16. Facility security practices and physical safeguards are addressed through BMPD Policy 333 – Facility Security and verified through on-site documentation and description.

Physical Security: BMPD has implemented reasonable measures to protect the facility from physical attack or sabotage, including locked doors, keypad entry systems, lobby-to-personnel separation, and security camera surveillance.

Evacuation Plans: An emergency evacuation map is clearly posted in the hallway near the IT and mailroom, ensuring visibility for personnel in the event of an emergency.

Access Control: Sensitive operational areas are restricted from public access using locked doors and keypad systems, ensuring only authorized personnel can enter.

The agency demonstrates an appropriate and practical approach to facility safety and access control, and all elements of this standard are met.

17. First Aid Training:

A. Department provides first aid training and retraining for officers. Examples would include CPR and basic first aid for gunshot wounds

In Compliance?	☒ Yes ☐ No
Related Agency Policy Number(s) **BMPD 424 – Medical Aid Response**	
Agency Comments: Agency employees take CPR classes every two years per AHA Standards. Officers are also trained in the use of AED.	

Evaluator Comments (To be completed by NCLM Staff):

First Aid Training

The Black Mountain Police Department is in compliance with Standard 17. The agency provides first aid training and retraining for its officers in accordance with recognized best practices.

Training & Recertification: Officers are certified in CPR and receive refresher training every two years in accordance with American Heart Association (AHA) standards.

Additional Skills: Officers are also trained in the use of Automated External Defibrillators (AEDs), enhancing the department's emergency response capability.

Policy guidance is found in BMPD Policy 424 – Medical Aid Response. The agency meets the intent of this standard by ensuring officers are prepared to render life-saving assistance when needed.

18. Safety Equipment

A. The department directs those officers utilize safety equipment when applicable. Equipment includes the following: Biohazard bags (red), face protection mask, latex gloves, disinfectant solution, sharps container, ballistic vest, traffic safety vest, fire extinguisher, North American Guide Book
   1. Vehicle is equipped with a reflective vest, PPE, equipment
   2. Each patrol car is equipped with a first-aid kit and a tourniquet.
   3. Each patrol car has roadway visibility devices such as cones, strobes, etc.

In Compliance?	☒ Yes ☐ No

Related Agency Policy Number(s):
BMPD Policy 704 – PPE
NCLEA 6.12 – Reflective Vests
NCLEA 7.05 – Hazardous Materials

Agency Comments:
BMPD is in compliance with all aspects of this standard. Part of this standard is also covered by NCLEA standards and policies/proofs were approved during our 2023 assessment. Breakdown of BMPD policies and NCLEA standards below:

A. The department directs those officers utilize safety equipment when applicable. Equipment includes the following: Biohazard bags (red), face protection mask, latex gloves, disinfectant solution, sharps container, ballistic vest, traffic safety vest, fire extinguisher, North American Guide Book
   - Officers are issued standard PPE equipment, erg (may have the phone app), etc
   1. Vehicle is equipped with a reflective vest, PPE, equipment
      NCLEA 6.12 – Reflective Vests
   2. Each patrol car is equipped with a first-aid kit and a tourniquet.
      Yes
   3. Each patrol car has roadway visibility devices such as cones, strobes, etc.
      Yes

Evaluator Comments (To be completed by NCLM Staff):

Safety Equipment

The Black Mountain Police Department is in compliance with Standard 18. The agency ensures officers are equipped with essential safety and protective equipment necessary for routine patrol duties and emergency response.

Personal Protective Equipment (PPE): Officers are issued biohazard bags, latex gloves, face protection masks, disinfectant solution, and sharps containers. Ballistic and traffic safety vests are standard issue.

Vehicle Equipment: Each patrol vehicle is equipped with a reflective vest, first-aid kit, tourniquet, fire extinguisher, and roadway visibility devices such as cones and strobes.

Reference Materials: Officers have access to the North American Emergency Response Guide (ERG), with some utilizing the mobile app version.

Policies supporting this standard include BMPD Policy 704 – PPE, as well as NCLEA standards 6.12 (Reflective Vests) and 7.05 (Hazardous Materials). Equipment and practices demonstrate a proactive commitment to officer and public safety.

19. Ballistic Vest Policy:

A. Agency requires a mandatory-wear policy for uniformed patrol officers

In Compliance?	☒ Yes ☐ No
Related Agency Policy Number(s) **BMPD Policy 1012 – Body Armor** **NCLEA 6.23 – Ballistic Vest**	
Agency Comments: BMPD is in compliance with this standard. Part of this standard is also covered by NCLEA standards and policies/proofs were approved during our 2023 assessment.	
Evaluator Comments (To be completed by NCLM Staff): Ballistic Vest Policy The Black Mountain Police Department is in full compliance with Standard 19. The agency enforces a mandatory-wear policy for ballistic vests for uniformed patrol officers. BMPD Policy 1012 – Body Armor outlines the requirement for officers to wear ballistic vests while on duty. Compliance with NCLEA Standard 6.23 further supports the agency's adherence to best practices in officer safety. The policy reflects a clear commitment to officer safety through the mandatory use of personal protective equipment during field operations.	

20. Off-Duty Enforcement Action:

A. This policy should detail off-duty response to police related matters
B. Procedures regarding identification, limitations of when to respond, and what actions to be taken, such as neighborhood disputes, crimes in progress, etc.
C. The policy should prohibit the carrying of a weapon while under the influence of alcohol

In Compliance?	☒ Yes ☐ No
Related Agency Policy Number(s) **BMPD Policy 331 – Off-Duty Law Enforcement Actions**	
Agency Comments: BMPD is in compliance with all aspects of this standard.. Breakdown of BMPD policies is below: A. This policy should detail off-duty response to police related matters **BMPD Policy 331.1** B. Procedures regarding identification, limitations of when to respond, and what actions to be taken, such as neighborhood disputes, crimes in progress, etc. **BMPD Policy 331.3.1** C. The policy should prohibit the carrying of a weapon while under the influence of alcohol **BMPD Policy 331.4**	
Evaluator Comments (To be completed by NCLM Staff): Off-Duty Enforcement Action The Black Mountain Police Department meets all requirements for Standard 20. The agency maintains a clear and comprehensive off-duty enforcement policy as outlined in BMPD Policy 331 – Off-Duty Law Enforcement Actions. BMPD Policy 331.1 addresses general expectations for officer response to police-related matters while off duty. BMPD Policy 331.3.1 provides guidance regarding identification, limitations on involvement, and appropriate actions in various situations (e.g., neighborhood disputes, crimes in progress). BMPD Policy 331.4 explicitly prohibits officers from carrying a firearm while under the influence of alcohol, supporting safe and responsible conduct off duty. The policy demonstrates alignment with industry standards and mitigates liability by placing clear boundaries around off-duty interventions.	

21. <u>Police Related Secondary Employment: (If Applicable)</u>

A. The department policy directs procedures for secondary employment
B. Policy includes occupations or conditions that are not acceptable

C. Off-duty employment is contingent upon approval by chief of police or designee
D. Documentation includes: detailing the duties, type of business, uniform to be worn, date, time, number of hours, and if a departmental vehicle is to be utilized
E. Workers Compensation, and/or liability responsibilities, status and notification is made known to the officer

In Compliance?	☒ Yes ☐ No

Related Agency Policy Number(s)
BMPD Policy 1021 – Outside Employment, Off-Duty, and Extra-Duty
NCLEA 3.04 – Secondary Employment

Agency Comments:

All should be covered in the NCLEA standard – 3.04

Evaluator Comments (To be completed by NCLM Staff):

Police-Related Secondary Employment

The Black Mountain Police Department has implemented a comprehensive and well-structured policy (BMPD Policy 1021) that clearly addresses all facets of police-related secondary employment. The policy demonstrates strong administrative oversight and ensures officers remain accountable and professional while engaging in off-duty or extra-duty assignments.

Approval Process: The policy requires prior written approval from the Chief of Police or designee before officers may engage in any form of outside, off-duty, or extra-duty employment. This process includes annual renewal, appeal rights, and revocation procedures.

Prohibited Employment: The policy explicitly lists types of secondary employment that are prohibited, including those that may present conflicts of interest, misuse of authority, or political entanglements.

Documentation: BMPD utilizes request forms and web-based coordination to collect details on employment type, uniform requirements, scheduling, and vehicle usage. Officers are also required to notify communications at the beginning and end of secondary shifts.

Liability and Workers' Compensation: The policy outlines workers' compensation considerations and makes clear distinctions about the Town's coverage versus employer-provided insurance depending on the situation. This ensures officers understand their liability status while engaged in non-primary duties.

Supervision and Limits: There are limits on consecutive hours worked to reduce fatigue, and assignments involving four or more officers must include a supervisor. Officers on restricted or leave status are prohibited from working secondary employment.

The policy fully meets and exceeds the expectations of this standard by aligning with best practices and NCLEA guidelines. It reflects a strong emphasis on officer accountability, safety, and the protection of the agency's integrity while allowing for regulated off-duty employment opportunities.

22. <u>Civilian Ride-Along program: (If Applicable)</u>

A. Policy is established relating to civilian "ride-along" program
B. The department has an established minimum age of participants
C. Request should be made in writing and include a consent and waiver of liability
D. The department policy should limit the number of times civilians are allowed to ride
E. The policy should prohibit civilians being armed, driving police vehicles, accompanying officers during "high risk" encounters, accompanying officers inside homes on search warrants, domestic situations, and participating in pursuits
F. Civilians are not permitted to wear "police-like" clothing
G. A background check must be completed on the participant

In Compliance?	☒ Yes ☐ No ☐ N/A – Please see Memo from Chief Parker
Related Agency Policy Number(s) **BMPD Policy 403 – Ride-Alongs**	
Agency Comments: BMPD Policy covers all facets except for ride-along background investigations – this is will be addressed and is being corrected. Breakdown of BMPD policy is below: A. Policy is established relating to civilian "ride-along" program - BMPD Policy 403.2 B. The department has an established minimum age of participants – BMPD Policy 403.4 C. Request should be made in writing and include a consent and waiver of liability This is in place – in our PDMS Patrol Docs. D. The department policy should limit the number of times civilians are allowed to ride – Riders may participate one time. E. The policy should prohibit civilians being armed, driving police vehicles, accompanying officers during "high risk" encounters, accompanying officers inside homes on search warrants, domestic situations, and participating in pursuits – covered in policy and on ride-along form F. Civilians are not permitted to wear "police-like" clothing – appropriate clothing required. (BMPD policy 403.7(a) and 403.7.4) G. A background check must be completed on the participant - 403.7.3 Criminal History Check	

Evaluator Comments (To be completed by NCLM Staff):

Civilian Ride-Along Program

The Black Mountain Police Department has established a well-defined and comprehensive ride-along policy that aligns with best practices and satisfies all elements of this standard. Policy 403 provides clear procedural guidance and safety controls for the participation of civilian observers, ensuring the program supports transparency while minimizing operational and liability risks.

Policy Established: BMPD has a dedicated policy (403) that governs the civilian ride-along program, outlining eligibility, application, approval, and operational guidelines.

Minimum Age Requirement: Participation is limited to those aged 18 and over, or 16+ with a signed parental waiver.

Written Consent & Waiver: All applicants must complete a written application and sign a Confidentiality and Liability Waiver at least three days in advance.

Limit on Frequency: Civilians may participate only once per year unless otherwise approved by the Chief or designee. Law enforcement-affiliated participants (e.g., interns, cadets) are granted exceptions under defined circumstances.

Restricted Activities: The policy explicitly prohibits civilians from being armed, driving police vehicles, or participating in high-risk encounters, pursuits, searches, or other law enforcement actions. Officers are instructed to exercise discretion to safeguard participants in the event of volatile situations.

Prohibited Attire and Conduct: Civilians must wear appropriate clothing and are not allowed to wear "police-like" attire. The policy reinforces the importance of maintaining a clear visual and behavioral distinction between observers and sworn personnel.

Background Checks: A criminal history check is required for all participants, excluding verified law enforcement personnel.

The policy effectively safeguards participant and officer safety, clarifies liability limitations, and limits access to sensitive situations. BMPD is in full compliance with the expectations outlined in Standard 22.

23. <u>Civilian Volunteers in Law Enforcement Service: (If Applicable)</u>

A. This program should include its own separate policy manual specifying the duties that can be performed and those that are prohibited
B. Specific disqualifiers shall be listed in the procedure manual.
C. Background is conducted on applicants to include criminal history

In Compliance?	☐ Yes ☐ No ☒ N/A
Related Agency Policy Number(s)	
Agency Comments: Not applicable at this time.	
Reviewer Comments (To be completed by NCLM Staff):	

24. <u>Reserve and/or Auxiliary Officer Programs: (If Applicable)</u>

The department distinguishes between Reserve/Auxiliary NON-compensated sworn officers and "Part-Time" compensated sworn officers.

A. The department adheres to the statutory requirements pertaining to auxiliary officer programs under NCGS 160A-282. The establishment of the program has been enacted by a municipal ordinance
B. Reserve officers are required to adhere to all department policies and procedures.
C. Reserve officers are required to attend and complete all annual in-service training requirements
D. The department requires reserve officers to complete structured training before engaging in any assignments or activities

In Compliance?	☒ Yes ☐ No ☐ N/A
Related Agency Policy Number(s) **BMPD Policy 322 – Reserve Officers** **NCLEA Standard – 3.09 Reserve officer Program**	
Agency Comments: BMPD is following this standard. Some points are covered by NCLEA standards. Please see policy and standard breakdowns below: The department distinguishes between Reserve/Auxiliary NON-compensated sworn officers and "Part-Time" compensated sworn officers. (N/A – we have no non-compensated officers) A. The department adheres to the statutory requirements pertaining to auxiliary officer programs under NCGS 160A-282. The establishment of the program has been enacted by a municipal ordinance (Not applicable) B. Reserve officers are required to adhere to all department policies and procedures. C. Reserve officers are required to attend and complete all annual in-service training requirements – NCLEA 3.09 – and BMPD 322.8 D. The department requires reserve officers to complete structured training before engaging in any assignments or activities - NCLEA 3.09 – and BMPD 322.8	

Evaluator Comments (To be completed by NCLM Staff):
Reserve and/or Auxiliary Officer Programs

The Black Mountain Police Department has a formalized Reserve Officer Program structured under BMPD Policy 322. The program complies with applicable statutory requirements and incorporates best practices for the use, training, and supervision of part-time sworn personnel. The agency distinguishes between different levels of reserve involvement using a three-tier system, each with specific duties, training standards, and expectations. Although the department does not currently employ non-compensated auxiliary officers, it clearly delineates reserve officer functions and responsibilities in line with the standard's intent.

A. Statutory Requirements / Municipal Ordinance: The agency reports that it does not employ unpaid auxiliary officers, so NCGS 160A-282 and related ordinance requirements are not applicable at this time.

B. Adherence to Policies and Procedures: BMPD Policy 322.9 mandates that reserve officers adhere to all departmental policies and procedures, with acknowledgment of receipt and review via policy software. Reserve officers are held to the same standards as full-time officers unless otherwise noted.

C. Annual In-Service Training: Policy 322.8 and 322.9 confirm that all reserve officers are required to complete annual in-service training as mandated by the North Carolina Criminal Justice Education and Training Standards Commission. This includes firearms and less-lethal weapons qualifications.

D. Structured Training Requirement: BMPD outlines structured field training requirements by reserve tier. Tier 3 officers must complete the full FTO program; Tier 2 officers must complete training tailored to their scope of duties and experience. No reserve officer may be assigned duties for which they have not received adequate training (Policy 322.12).

The policy reflects strong administrative oversight, with designated supervisors, documentation protocols, and tier-specific training and evaluation requirements. BMPD's program satisfies all applicable elements of Standard 24.

25. <u>Mutual Aid:</u>

The department has established policies for the cooperation between law enforcement agencies in accordance with NCGS 160A-288.

A. The department has proper authorization from the governing board or council to enter into mutual aid agreements in accordance with NCGS 160A-288

B. The Department maintains up to date and current Mutual Aid Agreements between outside law enforcement agencies that are being assisted or who are providing assistance

In Compliance?	☒ Yes ☐ No

Related Agency Policy Number(s)
BMPD Policy 334

Agency Comments:

BMPD is in compliance with all mutual aid requirements – see policy breakdowns below:

A. The department has proper authorization from the governing board or council to enter into mutual aid agreements in accordance with NCGS 160A-288
BMPD Policy 334 – and Black Mountain Ordinance Sec 2-211 (6)
https://library.municode.com/nc/black_mountain/codes/code_of_ordinances?nodeId=COOR_CH2AD_ARTIIIDEBOCO_DIV7HIPRCO_S2-211PORUPRPRGUAD

B. The Department maintains up to date and current Mutual Aid Agreements between outside law enforcement agencies that are being assisted or who are providing assistance
Mutual Aid Agreements are maintained where applicable.

Evaluator Comments (To be completed by NCLM Staff):
Mutual Aid

The Black Mountain Police Department has established policies and procedures that align with the statutory requirements of NCGS 160A-288 regarding mutual aid agreements. The agency demonstrates compliance with both the legal framework and operational best practices for law enforcement cooperation.

A. Authorization from Governing Body: The department has the proper authority to enter into mutual aid agreements, as granted by the Black Mountain Board of Aldermen via Code of Ordinances Sec. 2-211(6). This satisfies the statutory requirement for governing body approval in accordance with NCGS 160A-288.

B. Maintenance of Current Agreements: BMPD Policy 334 outlines procedures for entering into mutual aid agreements, including documentation requirements and criteria for responding to or requesting assistance. The agency reports that mutual aid agreements are actively maintained with appropriate outside law enforcement agencies.

BMPD Policy 334 also provides comprehensive guidance on operational issues such as legal authority, communication protocols, supervisory responsibility, and inter-agency task force participation. The inclusion of provisions for emergency aid, formal task force participation, and concurrent jurisdiction further supports the agency's adherence to cooperative law enforcement standards.

BMPD is in full compliance with Standard 25.

26. <u>Citizen Video Encounters and Police Response:</u>

Policy and/or training direct officers to the First Amendment protections of the rights of private citizens to record police officers during the public discharge of their duties, considering the recording-citizens:

A. Remain at a reasonable distance
B. Do not interfere with the officers' duties or create a safety concern for the officer, person detailed, or another onlooker.

In Compliance?	☒ Yes ☐ No

Related Agency Policy Number(s)
BMPD Policy 420 – Public Recording of Law Enforcement Activity

Agency Comments:
BMPD complies with all legal citizen video encounters – see breakdown of our applicable policies below:

A. Remain at a reasonable distance – **BMPD Policy 420.5.1 (a)**
B. Do not interfere with the officers' duties or create a safety concern for the officer, person detained, or another onlooker. - **420.5.1 (b)**

Evaluator Comments (To be completed by NCLM Staff):

Citizen Video Encounters and Police Response

The Black Mountain Police Department has a comprehensive and constitutionally sound policy—BMPD Policy 420—addressing the rights of citizens to record law enforcement activities in public. The policy explicitly affirms First Amendment protections and outlines both officer responsibilities and citizen limitations during such encounters.

A. Reasonable Distance: BMPD Policy 420.5.1(a) requires that individuals recording police maintain a "reasonable distance" from officers lawfully discharging their duties. This aligns with the standard's intent to preserve operational safety and effectiveness.

B. No Interference or Safety Risk: BMPD Policy 420.5.1(b) prohibits individuals from interfering with officers or creating safety concerns. The policy further explains that verbal criticism or recording alone does not justify police intervention, unless specific obstructive or threatening conduct occurs.

BMPD Policy 420 provides clear guidance for officers on how to manage encounters with recording citizens, including supervisory oversight, appropriate seizure of recordings (only with consent, a warrant, or exigent circumstances), and de-escalation techniques.

These provisions demonstrate strong adherence to best practices and constitutional requirements.

BMPD is in full compliance with Standard 26.

On-Site Interview Summary

During the on-site and policy validation phases, the Black Mountain Police Department demonstrated a deep commitment to professionalism, accountability, and risk-informed leadership. From foundational administrative practices to frontline operational readiness, the department consistently adheres to state standards and nationally recognized best practices.

The department has implemented a highly structured and legally sound early warning system utilizing Benchmark Analytics. This system allows for performance trend tracking, early intervention, and individualized improvement plans, all of which reflect the agency's proactive management of personnel risk.

Hiring practices are thorough and consistent, with all sworn and civilian candidates undergoing comprehensive background investigations, medical and psychological screening, and documented adherence to Giglio/Brady compliance. The department also provides a robust onboarding and field training program that includes clear performance benchmarks, driver evaluations, and exposure to multiple shifts and assignments.

Supervisors are required to complete NCLM leadership training within six months of promotion, and the department supports continual leadership development through state and national conferences. A Training Committee evaluates needs and coordinates instruction, ensuring timely refreshers and policy-aligned training delivery.

In the operations arena, the agency's Use of Force policy is detailed, annually reviewed, and inclusive of current legal standards. It features structured de-escalation language, duty-to-intervene mandates, clear weapon usage protocols, and strong supervisory oversight. Officers are issued multiple less-lethal options and undergo initial and annual proficiency training with all equipment.

The department's evidence management function, overseen by trained personnel, includes restricted access, proper documentation, semi-annual audits, and secure storage of high-risk items. Chain of custody and firearm release protocols meet or exceed NCLEA standards.

Additionally, Black Mountain PD's commitment to safety is evident in its municipal safety committee participation, designated safety officer (Stacy Cox), post-incident review process, and documentation of training related to officer wellness and first aid. A well-developed Continuity of Operations Plan outlines emergency procedures,

backup locations, command succession, and electronic data security through partnerships with Advanced Data Solutions.

Evidence Room Technician & Supervisor – Stacy Cox

Stacy Cox, with 24 years in law enforcement and 3 years at BMPD, has managed the Evidence Room for two years. She is NCJA state-certified and ensures all submissions follow department policy. Evidence items, including narcotics, firearms, and currency, are stored securely and separately. The room is monitored via video and access is limited to authorized staff with card entry. Annual audits and unannounced spot checks are conducted, most recently in January 2025. Lt. Joe Kidd oversees the function, and Kristen Dodson serves as the backup technician. This demonstrates strong compliance with chain-of-custody standards.

Lead Firearms Instructor – Lt. Kevin Fineberg

Lt. Fineberg has 32 years in law enforcement, 7 of which are with BMPD, and has served as a certified firearms instructor for 20 years. Training is held at various regional ranges due to hurricane damage. The agency provides trauma kits and AEDs at training sites, and safety procedures are reviewed both in class and on the range. Firearms training includes de-escalation, judgment scenarios, and dual qualification using simunitions. Training aligns with national standards and is supported by three certified instructors.

Training Coordinator – Det. Ian Ammons

Detective Ammons, with 8 years of service, has been the training coordinator for 3 years. He is NCJA-trained and manages in-service training through Acadis and PowerDMS. Roll-call training is conducted via email briefings. The department employs certified instructors in various disciplines, and the FTO program includes 480 hours with provisions for remediation. Supervisor courses are assigned through NeoGov. Training is responsive to operational demands and aligned with best practices.

Internal Affairs – Deputy Chief Chris Kuhn

Deputy Chief Kuhn brings 25 years of experience, 10 with BMPD, and has led Internal Affairs for 4 years. Trained through NCJA, FBI LEEDA, and other programs, he oversees a transparent process for complaints, including use of the Benchmark system. Garrity rights are observed in all investigations, which are completed within 180 days. The department tracks trends for intervention and utilizes paid administrative leave during investigations. Criminal matters are referred to the SBI. Records are secured digitally and physically, ensuring confidentiality and integrity.

Canine Unit Supervisor – Officer David Newhouse

Officer Newhouse has served 10 years with BMPD, including 8 in the K-9 Unit. The dual-purpose canine is certified in narcotics detection and apprehension. Training is conducted every two days. Canine vehicles are equipped with bailout systems and kennels are in place at the handler's residence. He demonstrated knowledge of key legal precedents like Illinois v. Caballes and Rodriguez v. U.S. Medical records are maintained, and equipment is appropriately managed.

Tactical Commander – Lt. Kevin Fineberg

In addition to his firearms role, Lt. Fineberg leads the tactical team with 5 years of command experience. The team includes snipers, medics, and team leaders. Training occurs monthly, following NTOA standards, with equipment updated within the last five years. New members undergo Basic SWAT and a probationary period. Team selection includes physical testing and interviews. After-action reports are conducted after deployments, and inter-agency training is pursued.

Patrol Officer – Officer Aidan Chandler Nalley

Officer Nalley, with 2 years of experience, showed strong policy knowledge during the ride-along. He articulated BMPD's felony-only pursuit policy, use of force prohibitions (e.g., chokeholds), and duty-to-intervene guidelines. He accurately referenced Armstrong v. Pinehurst and citizens' right to record. During observation, he used his seatbelt, maintained safe driving practices, and avoided distractions—demonstrating professionalism and policy adherence.

The **Black Mountain Police Department** has successfully completed the North Carolina League of Municipalities Law Enforcement Risk Management Review, reflecting the agency's unwavering commitment to public service, operational excellence, and professional integrity.

By demonstrating compliance across more than 40 high-liability standards, the department has shown its dedication to reducing risk, supporting officer well-being, and maintaining public trust.

The integration of structured supervision, policy review, advanced technology, and early intervention systems showcases a forward-thinking culture grounded in accountability and continual improvement.

This review confirms that the Black Mountain Police Department exemplifies best practices in modern policing and stands as a model of professionalism and preparedness for communities across North Carolina.

Date of Next Review:
Current Completion Date: 07/25/2025
Next Review Due: 07/25/2028

Chet Effler
Public Safety Risk Management Consultant

FINAL AGENCY COMMENTS / RECOMENDATIONS:

The department meets or exceeds all of the recommended dimensions assessed

☒ Yes ☐ No