



June 16, 2020

Dear Fuquay-Varina Community,

As members of communities across the country and locally to include members of our Department continue to express their pain and frustration surrounding the tragic death of George Floyd, as well as national examples preceding and sadly subsequently to that tragedy, many questions have been asked of the Fuquay-Varina Police Department. Many of these questions revolve how the Fuquay-Varina Police Department addresses various aspects of use of force, bias, racism, technology, policies, training, and officer complaints. As Chief of Police, I understand that effective policing requires the trust and partnership of the community we serve, and transparency plays a critical role in maintaining that relationship. The goal in preparing this document is to inform our community of the current policies, procedures, and training requirements of the Fuquay-Varina Police Department, including the mechanisms for transparency we currently practice. I will address how we meet current policing suggestions circulating online (particularly Eight Can't Wait), and in some instances, exceed some of the proposed recommendations.

Do you ban chokeholds/strangle holds? (Eight Can't Wait Recommendation #1)

Yes. The use of chokeholds/strangleholds and other similar holds that choke or restrict a person's ability to breath or flow of blood to the brain are prohibited as a means of restraining an arrestee. This policy was in place for many years prior to the policy recommendation for police agencies to incorporate this policy.

Reference: General Order No. 8.00 Response to Resistance or Aggression and Department Issued Weapons

Do you require de-escalation? (Eight Can't Wait Recommendation #2)

Yes. Our policy states that an officer shall use de-escalation techniques and other alternatives to higher levels of force consistent with his or her training whenever possible and appropriate before resorting to force and to reduce the need for force. De-escalation is defined as taking action or communicating verbally or non-verbally during a potential force encounter in an attempt to stabilize the situation and reduce the immediacy of the threat so that more time, options, and resources can be called upon to resolve the situation without the use of force or with a reduction in the force necessary. De-escalation may include the use of such techniques as command presence, advisements, warnings, verbal persuasion, and tactical repositioning.

The Fuquay-Varina Police Department also requires all officers to attend a 40-hour Crisis Intervention Training course. CIT is a training program designed to assist police officers in responding and reacting appropriately to situations involving individuals with mental



illness or developmental disability. The CIT program is a model for community policing that brings together law enforcement with mental health providers to assist individuals with mental illness in crisis. It provides officers with 40 hours of training in communication, de-escalation, understanding of mental illness, as well as scenario based training and personal interaction with individuals that have experienced and recovered from a mental health crisis. Officers also have attended Communication Skills with Persons in Crisis, Best Practices for Officers During Community Dissent, Dealing with Mentally Ill/Response to Suicidal Subjects, and De-escalation. We also have three officers trained as hostage negotiators, as trained in the past four years.

FVPD also participates in the Domestic Violence Lethality Assessment Program with Interact of Wake County. In 2019, all officers attended training on Domestic Violence Resources and the Lethality Assessment Program. Partnering with Interact provides services to assist victims of domestic violence and sexual assault. The LAP provides victims with a direct pathway from the initial law enforcement call to Interact to receive immediate services. The Lethality Assessment Program's purpose is to allow officers on the scene to identify and help victims at the greatest risk of being killed or seriously injured through the use of a validated screening tool and connects victims with domestic violence services immediately. This program assists in providing a resource to help prevent further violence and law enforcement involvement. It is an example of partnering with service agencies in Wake County to reduce violence in our community.

Reference: General Order No. 8.00 Response to Resistance or Aggression and Department Issued Weapons and General Order No. 4.10 Domestic Violence Lethality Assessment Program

Do you require warning before shooting? (Eight Can't Wait Recommendation #3)

Yes. Every reasonable effort should occur to provide a verbal warning and/or verbal de-escalation prior to using deadly force. Officers' reactions will be dictated by the hostile actions of the suspect and the need for immediate control. This requirement to provide reasonable effort should occur unless the delay would subject officers and the public at large to a higher risk of harm in use of force encounters.

Reference: General Order No. 8.00 Response to Resistance or Aggression and Department Issued Weapons

Are officers required to exhaust all alternatives before shooting? (Eight Can't Wait Recommendation #4)

Yes. Officers will exhaust all other reasonable and effective means of control and de-escalation before using a firearm. Officers are authorized to discharge a firearm at another person in the performance of duty only when lethal force is justified. Our policy is based NC General Statute, 15A-401-

https://www.ncleg.gov/EnactedLegislation/Statutes/PDF/BySection/Chapter_15A/GS_15A-401.pdf.



Officers do not have to exhaust other lower levels of force options before moving to another level of force, as long as it is reasonable, justified and according to law. The use of a firearm for the application of lethal force in response to resistance or aggression is authorized only as justified by state law, departmental directives/policies and as trained.

Reference: General Order No. 8.00 Response to Resistance or Aggression and Department Issued Weapons and NC General Statutes.

Do you require a duty to intervene? (Eight Can't Wait Recommendation #5)

Yes. Officers are required to intervene if they observe excessive force. It is the officer's responsibility to intervene and stop excessive force immediately. We have an additional policy that states that if any employee is aware of any Fuquay-Varina Police Department employee that is engaged in excessive force, whether on or off duty, he/she has an obligation to immediately report such knowledge to his/her supervisor who shall then report such information to the Office of the Chief of Police. Employees may also report directly to the Chief of Police.

Reference: General Order No. 3.12 Whistleblowing and General Order No. 8.00 Response to Resistance or Aggression and Department Issued Weapons

Do your officers provide medical attention to individuals under arrest that are injured and ask for help? (Further clarification for Eight Can't Wait Recommendation #5)

Yes. Our officers are required to determine if the individual under arrest is injured and must render first aid. They must notify Communications to request EMS for further medical assistance. As well, the employee is required to notify his/her supervisor of the incident for the supervisor's response to the scene.

Additionally, officers attend CPR/First Aid/First Responder training, Law Enforcement Trauma Care (life saving field application of tourniquets on persons experiencing arterial bleeding; our officers have saved lives of victims harmed in violent felony assaults through the use of tourniquets and first responder training), Subject Control Arrest Techniques with a focus to safely gain control of a non-compliant suspect without injury to the suspect or officer, and De-Escalation and Self-Regulations Techniques under High Stress Conditions. Our officers have also been trained to administer Naloxone in overdose cases to assist in reducing fatalities from opiate/heroin overdoses in our community.

Reference: General Order No. 3.12 Whistleblowing, General Order No. 8.00 Response to Resistance or Aggression and Department Issued Weapons, Department Operating Instructions 708-6 First Aid and General Order No. 7.01 Naloxone (Narcan)



Are officers banned from shooting at moving vehicles? (Eight Can't Wait Recommendation #6)

Yes. FVPD prohibits firing at or from a moving vehicle in an attempt to disable a vehicle. Firing at a moving vehicle is prohibited unless the officer reasonably believes that there is an imminent threat of serious bodily injury or death to themselves or a third party if the officer does not use deadly force. Officers must keep in mind that firing at a moving vehicle may not stop the vehicle and the best action is for the officer to get out of the path of the vehicle. Officers are held accountable for the decisions they make. Our officers receive training which provides them with an understanding of the limitations of firing at vehicles.

Reference: General Order No. 8.00 Response to Resistance or Aggression and Department Issued Weapons

Do you have a use of force continuum? (Eight Can't Wait Recommendation #7)

Yes, we have a force continuum that limits the types of force and/or weapons that can be used to respond to specific types of resistance. The options of force for the Fuquay-Varina Police Department is as follows:

- Professional Presence
- Verbal Commands
- Soft Hand Control/Mechanical Compliance
- OC/Pepper Spray/Taser
- Impact/Striking Weapons
- Less than Lethal Specialty Impact Munitions
- Lethal Force

Officers shall be in compliance with NC General Statute 14A-401 - (https://www.ncleg.gov/EnactedLegislation/Statutes/PDF/BySection/Chapter_15A/GS_15A-401.pdf).

In all instances, officers will seek to employ the minimum amount of force required to successfully overcome physical resistance, prevent escape, and effect arrests.

Excessive force is prohibited.

Officers do not have to exhaust other lower levels of force options before moving to another, as long as it is reasonable, justified and according to law. Our policy is based on the reasonableness of the force used by officers during the circumstances they faced at the time and based on the information they knew at the time of the incident. Our current force options reflect the objective reasonableness standard to address the need for officers to respond to tense, rapidly evolving situations. Force will never be used in a punitive manner.



Officers review the Use of Force Continuum and the use of force policy annually and during firearms training. The policy is also reviewed by newly hired officers prior to assigning the officers to field training. Our officers train with firearms annually and the training includes "Shoot/Don't Shoot" scenarios.

Reference: General Order No. 8.00 "Response to Resistance or Aggression and Department Issued Weapons" and NC General Statutes

Does use of force by officers have to be reported? (Eight Can't Wait Recommendation #8)

Yes. FVPD currently practices a comprehensive use of force reporting requirement mandating officers to document a variety of circumstances including anytime an officer points a firearm at anyone. We maintain these personnel records in accordance with NC Personnel Law and NC Records Retention Schedule though the NC Department of Natural and Cultural Resources requirements as adopted by the Town of Fuquay-Varina Board of Commissioners.

A record of Professional Standards/Internal Affairs personnel complaints are maintained by the Chief of Police in a secure file separate from the central records system and personnel files.

The Fuquay-Varina Police Department investigates all complaints received, whether internal or external, in compliance with Department Policy, Town Policy and State Law. Any sustained criminal violations are reported to NC Criminal Justice Education and Training Standards Commission. Communication is maintained with the Wake County District Attorney's Office to pursue investigations involving alleged criminal conduct on the part of an employee. The purpose of this liaison with the District Attorney's Office is to further protect the integrity of the Fuquay-Varina Police Department.

Additionally, FVPD currently participates in a voluntary pilot study program through the FBI's National Use of Force Data Collection program.

Reference: General Order No. 8.00 "Response to Resistance or Aggression and Department Issued Weapons", Town Personnel Policy, Departmental Operating Instructions 705-2, "Internal Affairs Investigations".

Do you have body worn cameras? (Further Clarification for Eight Can't Wait Recommendation #8)

Yes. The Body Camera Program was implemented in 2017. The body camera software integrates with our mobile in car video system software. Body cameras are required to be activated on response to police calls for service, traffic stops, pursuits, offenses involving weapons or violence, arrests, investigative actions, use of force/defensive



action and other similar interactions. Officers review the policy annually and are trained on their usage.

Reference: General Order 10.00 Body-Worn Cameras and 10.01 Police Computer Equipment and Software.

Do you have a policy about Non-Biased Policing?

Yes. The Fuquay-Varina Police Department is committed to bias-free, professional policing as we carry out our duties with respect and dignity, while protecting the constitutional rights of all. This policy is reviewed annually.

We adopted the Law Enforcement Code of Ethics within our policies which states in part, "I will never act officiously or permit personal feelings, prejudices, animosities or friendships to influence my decisions".

In addition, our personnel have attended the following training: Fair and Impartial Policing, IDDEA Training - Impacting Disparities, Disproportionality, Equity and Analysis, Biased Based Profiling, Implicit/Explicit Bias, COHORT Diversity and Inclusion Training for Law Enforcement Officers, and Strategies to Improve Interactions with Minority Youth.

All supervisors completed training in the below topics to include: First Line Supervision, False Arrests and Liability for Law Enforcement, Law Enforcement Ethics, Personnel Guidelines for Law Enforcement, Listening Skills, Diversity Benefits for Law Enforcement, Email in the Workplace, Responsible Use of Social Media, Sexual Harassment Prevention, Wrongful Termination and REDA, Federal Discrimination Law/Title VII, Applicant Screening and Hiring, and EEOC Laws and Discrimination Prevention. Supervisors have also attended numerous supervision, accountability, and leadership courses to provide quality supervision, accountability, and oversight of personnel.

Reference: General Order No. 3.11, "Non-Biased Policing" and Law Enforcement Code of Ethics.

How can a citizen file a complaint? (Further Clarification for Eight Can't Wait Recommendation #8)

You may file a complaint or share a compliment in person, by telephone, online at www.fvpolice.org, by email at fvpolicetips@fuquay-varina.org, by handwritten letter or anonymously. We provide complaint/compliment forms in the lobby of the police department. Any police supervisor may assist with as well. You may call the Fuquay-Varina Police Department at (919)552-3191 and request to speak with an on-duty supervisor. When providing information about the incident, please be as detailed as possible, including the date, time, and location of the incident along with the name or description of the employee involved.



Do we have officers with a history of aggression at the Fuquay-Varina Police Department?

No. FVPD provides an extensive and thorough selection and hiring process. All potential candidates for police officer participate in an interview board, thorough background investigation, polygraph examination, a thorough psychological evaluation with a licensed psychiatrist, and a medical examination which includes drug testing. The background investigation includes a criminal history/driving history check as well as personal, academic, and professional histories. Our officers are certified through the NC Criminal Justice Education and Training Standards Commission and meet all requirements for the certification process. As well our agency routinely conducts inspections of employee work activities through supervisory review of employee performance through a combination of on view inspections, call for service review, meetings, video review, complaint history review, personnel file review, early warning system/multiple incident involvement review, mentoring and overall supervision of the employee.

Further Thoughts

There are challenges in modern policing. In fact, challenges are higher than ever before in law enforcement but so are opportunities to examine what we do, how we do it and to determine if we can be more effective while strengthening relationships.

The members of the Fuquay-Varina Police Department will continue to work to keep Fuquay-Varina a safe community to live, work and play. We remain self-critical while encouraging community dialogue and input to ensure we meet that goal while remaining at the forefront of law enforcement and public safety best practices.

Laura Fahnestock
Chief of Police
Fuquay-Varina Police Department