



# Elon Police Department

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Chief of Police  
**Kelly Blackwelder**

June 23, 2020

To: Alamance Agents for Change  
From: Kelly Blackwelder, Chief of Police, Town of Elon  
Subj: Elon Police Department models, procedure and policy

Thank you for your recent inquiry into our current practices and commitment to racial equity and the fair and impartial treatment of all the citizens we serve. It means a great deal to me, to have an opportunity for open conversation and to express our agency's resolve to be trusted public servants. We believe in the sanctity of life and value all people. We stand with you in your efforts to eradicate racism and discrimination.

I have read each request and attempted to respond to them in the way I believe they were intended. If I missed the mark and there are additional questions or the need for clarification, please follow up with me. I appreciate the efforts being made here in Alamance County, to bridge the divide between our communities and our law enforcement. My hope is that our combined efforts can serve as an example for every community to mirror.

1. Sensitivity training for all members of law enforcement/police officers.

The State mandates 24 hours of "In-service training" for law enforcement officers (LEO) to maintain their certification. Each year there is usually a 2-4-hour block of instruction that discusses different sensitivity topics. In the past few years, these were topics chosen by NC Training and Standards: "Race Matters", Elon Police Chiefs Choice "De-escalation", "Interactions with Minority youth", "Equality in

Policing”, “The color of Justice”, “Emotional intelligence”, “LGBTQ relationships”, “Race matters”.

In addition to these mandated topics, our staff has been dedicated to making sure our officers have some type of bias training (fair and impartial training, understanding bias, implicit bias training, and biased based training) at least every other year, if not annually. We have two command staff members that attended Racial Intelligence Training and Engagement (RITE) and became instructors in the course in 2017. All of our officers have Crisis Intervention Training (CIT) and we currently incorporate de-escalation in every facet of force training we do. The annual Taser, Firearms, impact weapons recertification training that we conduct, have de-escalation incorporated to include NO SHOOT situations. This trains officers to recognize that not every situation will result in force, to allow time for compliance, and use cover and distance and to use deployment of weapons/physical force as a last resort.

I plan to have several Command staff members and supervisors attend the Alamance Racial Equality Alliance workshops as staffing and COVID restrictions allow during 2020-2021. Hopefully, more staff can attend in the future.

2. Enact the Open Records Act ensuring misconduct information and disciplinary histories are reported, documented and not shielded from the public.

The Town of Elon is committed to open government and providing public records to those who request them. The disclosure of police personnel records is governed by State law as enacted by the North Carolina General Assembly. Any changes to this law would need to be made in Raleigh. As a municipality, we are obligated to follow the law as is exists and have no power to change it. The Town of Elon and the Elon Police Department are happy to comply with requests and will provide anything that is deemed public under NCGS §160A-168. We are limited in what information we can share but we adhere to all the subsections under NCGS 160A-168(b).

We hold our officers accountable and document all allegations of misconduct and investigate them to the fullest extent. As a relatively new Chief, when I took this office, I noted several areas that needed some work-one being transparency. Therefore, we will be compiling annual reports on use of force and complaints (both internal and external) and posting those reports to our website for the public to view. We are limited by State law to the details we can publish, so they will not contain

the officer's name or the details of the allegations. We can provide the number of complaints, whether they were generated by an internal or external source and the outcome of the investigations.

3. Removal of all members of law enforcement with any history of racial, sexual, and/or homophobic misconduct; demonstrated xenophobia, transphobia or other discriminations.

I believe our thorough background examination would uncover any pattern of such misconduct during the application/hiring process. If we uncovered an applicant with these types of bias, we would discontinue hiring the candidate. Unfortunately, no process is infallible and we realize that it is possible for individuals to keep certain aspects of their lives a secret. We remain vigilant in our constant assessment and evaluation of our officers, we spot check body worn camera and in-car videos regularly, our supervisors respond to calls with officers, and have complaint forms readily on-line and in our PD lobby. We also utilize an early warning system to track officers' complaints and performance issues in order to take proactive steps to intervene before an officer becomes a liability. Our agency has policies specific policies in place that dictate the manner in which officers are to behave both on and off duty. Some of these policies are: Standards of Conduct (includes a variety of standards), and Bias-based Policing. Any officer found to be in violation of these policies is subject to discipline up to and including termination.

4. Immediate removal for membership in hate groups (e.g., ACTBAC, Ku Klux Klan/KKK), Proud Boys, etc.) or use of language that incites racial or gender violence.

Again, I believe our rigid background investigation would uncover any questionable association with groups such as these listed. I am interested to know what mechanism would be considered to determine/verify if a group should be classified as a "hate group" (I certainly would not disagree, however, with your characterization of the groups listed above as "hate groups").

In terms of law enforcement's obligation to uphold the Constitution, the First Amendment protects "freedom of association". Freedom of association as a concept that grew out of a series of cases in the 1950s and 1960s in which certain states were

attempting to curb the activities of the National Association for the Advancement of Colored People (NAACP). While the mere association in an organization may be protected (regardless of my personal opinion of the groups you all mentioned), as public servants the actions and words used to further the group's agenda are not protected. The U.S. Supreme Court stated in Connick v. Myers, 461 U.S. 138 (1983), "If the speech touches on matters of public concern, then the court balances the employee's right to free speech against the employer's interests in an efficient, disruption-free workplace." Perceived discrimination, hate speech, and other derogatory comments by officers would undermine the public's trust in our officers and hinder that officer's ability to his/her job efficiently.

Any citizen with knowledge about LEO involvement with such organizations and/or those that experience misconduct associated with bias should report it immediately to the department where the officer works. This would initiate a full investigation in our department to determine if the affiliation is can be confirmed and if any officer has acted on their bias during their interactions with the public. We would review the specific policies that govern discrimination to determine if a violation occurred, the officer's performance history, and a complete a thorough internal investigation into the allegations of misconduct. After due process, if any conduct is deemed unbecoming the officer would be subject to discipline up to and including termination.

5. Ban the use of hog ties, knee holds, and choke/carotid holds as an acceptable practice for police officers, with disciplinary action and reporting if policy violated.

We prohibit the use of carotid holds unless deadly force is justifiable. That is, if an officer is authorized to use a firearm in a life or death situation, then they are authorized to use other improvised tactics to survive the situation. Even as such, if an officer uses a chokehold (or any other type of deadly force) as a life-saving means they are to immediately seek medical attention for the arrestee.

Our policy only allows leg irons (handcuffs for legs) to be used with supervisor approval, if a person is so violent, they are a danger to themselves and/or officers. Even in such a circumstance, we take into consideration other factors such as the individual's age, health of the person, pregnancy, and any disabilities. To be clear, this is not a "hog-tie".

We do not allow hogtying techniques (or improvised methods of restraining). Officers are to keep any restrained person sitting upright and under close supervision. Techniques using the knee as seen with George Floyd are prohibited; this type of hold interferes with the carotid artery, just as the chokehold would. Not all uses of a knee are equal, however. An officer using the knee to pin a combative subjects' legs down for, instances would be acceptable. The aforementioned application does not involve a sensitive area that could result in death. Any violation of our policies that govern the use of restraints, detainment, or use of force will result in result in discipline up to and including termination.

6. Require officers stop, or attempt to stop, another officer when force is being inappropriately applied or is no longer required with disciplinary action and reporting if policy violated.

We have a policy that requires officers to intervene. The policy "Duty to Intercede" provides, in part, as follows: "Any officer present and observing another officer using force that is clearly beyond that which is objectively reasonable under the circumstances shall, when in a position to do so, intercede to prevent the use of unreasonable force. An officer who observes another employee use force that exceeds the degree of force permitted by law should promptly report these observations to a supervisor." Again, accountability is important and a violation of this policy (or any other policy) would result in discipline up to and including termination

7. Ban no-knock warrants with disciplinary action and reporting if policy violated.

We do not allow any officer to apply for No-Knock warrants. If the service of a warrant is high-risk our supervisors contact our multijurisdictional Special Response Team (SRT) to conduct a threat assessment and they will serve the warrant. The SRT team does not conduct no-knock services either.

8. The Use of Force Continuum for any police department in the county must ensure that there are at least 6 levels of steps, with clear rules on de-escalation to include: verbal warning before discharging a weapon, chemical or otherwise; banning shooting at moving vehicles.

While we do not utilize a depicted graph to outline the use of force continuum, we do train in de-escalation and using the least amount force possible to gain

compliance. Our officers face rapidly evolving situations that are complex and a linear approach of thinking is too simplistic and cannot calculate every scenario we are faced with. Officers may be faced with jumping from “officer presence” to “deadly force” in an instant without the ability to go negotiate every level of a continuum. Often that is a misconception when the public hears “use of force continuum”. It is assumed and expected that officers will attempt each level in the continuum, despite the threat they are facing. Our officers are trained to exhaust every option feasible before resorting to force and/or deadly force.

Our approach is one of teaching, training, and immersing our officers in the art of “Critical Thinking-Decisions Making”. Our use of force is reviewed on three levels to determine if actions are in compliance with policy and to examine lessons learned- “the use of force was within policy but we could have done a better job”. This may mean a policy revision. We are willing to research and consider the implementation of a force continuum model that is considered industry best practices, as recommended here. Also, while our policy manual is up to date, we are preparing and anticipate adding any new reform policies pushed out from a state and/or federal level.

We do provide verbal warnings, if feasible, prior to the discharge of weapons (lethal and less lethal) per our policy. Again, this may not be possible based on the threat/force officers face.

We prohibit shooting at moving vehicles *unless* no other reasonable means are available for the officer(s) to avert the threat of the vehicle. In other words, the officer is in imminent danger of being run over, which is a deadly force situation and there is no way for the officer to escape.

9. **Mandatory reporting to the FBI database for all use-of-force events resulting in death.**

We already comply with this standard.

10. **Recertification credentials will be denied for law enforcement members if determined that their use of excessive and/or deadly force was unwarranted by local, state, or federal guidelines.**

If an officer is terminated from the Elon Police Department for excessive force/deadly force we would report this to the commission. We would also indicate

that the officer was involved in an internal investigation and/or a criminal investigation. This would prompt an investigation by the Commission into the circumstance of the termination, but only if the officer seeking employment with another police agency. The NC Standards Commission is the only entity to revoke or deny the recertification of an officer.

11. Court ordered body camera footage to be released within 72 hours of a police-involved death or injury and ensure footage is used for accountability.

Yes, the Elon Police Department would submit a court order pursuant to State law (NCGS § 132-1.4A) asking for the release of all camera footage related to a police-involved shooting or death within 72 hours. The court may take more time to grant the order, and we would have no control over the time that the presiding judge might take to reach a decision. Obviously, we would do our part to advocate for the timely issuance of the order.

12. Mandatory drug test for officers anytime there is a weapon including chemical weapons discharged (i.e., taser, gun, tear gas, pepper spray).

Currently, we have policies in place that allow us to conduct screening for drug/alcohol use if there is a suspicion of impairment. We also conduct random screenings and where an officer is involved in a crash resulting in injury. I am, however, open to conversations about this recommendation; exploring screening for impairment for those officers involved with a use of force that results in injury or death.

13. Independent investigations of every law enforcement member involved shooting and independent autopsy for police-involved death.

It is our policy to have the NC State Bureau of Investigations (NCSBI) conduct the investigation of any LEO involved shooting. Our staff would conduct an internal investigation into policy compliance at the same time, independent of the criminal investigation. The medical examiner's office would conduct an autopsy. Any secondary autopsy by independent private consult would be at the cost of the next of kin.

14. Recruitment and implementation of the county's Citizen Review Board to hold police departments accountable and to build public trust. Review Board

will include an annual review of departmental policies and recommendations for community town hall topics.

We do not currently utilize Citizen review boards, but I am open to further discussions on the issue.

I hope this provides some insight into our current practices and our commitment to treat everyone fair and police without bias. Our policies are always under review, as we are consistently looking for ways to improve our services, practices and culture within our agency.

Sincerely,

Kelly Blackwelder