



# MEMO TO THE COMMUNITY

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The City of Mebane Police Department has been actively reviewing its policies on use of force and will provide a public statement regarding those policies soon. In the wake of George Floyd's death, even a small, quiet City like ours is getting inundated with questions about our use of force policies. I cannot remember a time when our Police Department has even had a complaint regarding the use of excessive force. I believe this is a statement not only about our City's atmosphere, but the culture of the Police Department instilled by our Police Chief.

Many of our citizens do not know that the Mebane Police Department is accredited by the Commission on Accreditation for Law Enforcement Agencies (CALEA). CALEA accreditation is attained by less than 5% of the law enforcement agencies in the nation, and we are proud that our department attained it just last year. The rigorous process of CALEA accreditation requires a thorough assessment of all the Department's policies and programs. A few of the benefits of this accreditation include increased community advocacy through community-oriented policing and greater accountability within the agency. We believe this allows for the citizens and the City Council to work together with the Police Department to help prevent many of our citizen's concerns. The following was prepared by Chief Terrence Caldwell in response to questions recently asked by community members. Community member questions are represented in **bold text**.

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## Questions & Answers from Our Police Chief

- 1. Are the police officers in the Mebane Police Department being trained to de-escalate altercations by using peaceful conflict resolution strategies?** Yes. The state has modified academy curriculum over the last few years and the MPD greatly exceeds their requirements for de-escalation.
- 2. Are the police officers in the Mebane Police Department forbidden from using carotid restraints (chokeholds, strangleholds, etc.) and hog-tying methods?** Yes. Choke Holds and similar techniques, which restrict a person's ability to breathe or interrupt the flow of blood to the brain, are prohibited.

**Furthermore, are they forbidden from transporting civilians in uncomfortable positions, such as face down in a vehicle?** Yes. We clearly discuss in policy placing an arrestee in the recovery position after an arrest where force was used and the requirement to transport them in a seated position. We also teach the issues of positional asphyxia and do not allow an arrestee to be bound hand and foot with their limbs pulled behind them.

- 3. Are the police officers in the Mebane Police Department required to intervene if they witness another officer using excessive force?** Yes. Our policy is quite clear on this matter. Additionally, all uses of force are reported and reviewed. If there is an allegation of excessive force, this would receive a higher level of review.
- 4. Will officers be reprimanded if they fail to intervene?** Yes.
- 5. Are the police officers in the Mebane Police Department forbidden from shooting at moving vehicles?** No. Firing at a moving vehicle or from a moving vehicle is prohibited except where the immediate probability of serious injury or death exists for a police officer and/or for an innocent third party if the officer does not do so. Before discharging a firearm at a moving vehicle, officers must reasonably believe that the only immediate means of protecting themselves and/or an innocent third party is the use of deadly force.
- 6. Is there a clear and enforced use-of-force continuum that details what weapons and force are acceptable in a wide variety of civilian-police interactions?** We follow a "Use of Force Continuum" that is approved by NC Standards and Training and is well understood by our staff. Every use of force is reviewed at two or more levels for full compliance with our training and policy.
- 7. Are the officers in the Mebane Police Department required to exhaust every other possible option before using excessive force?** I think you intend to say "force" here and not "excessive force?" We are prohibited from using excessive force so there is no need to say that you do something else before you "plan" to use excessive force.

So, to answer the question: Are the officers required to exhaust every other possible option before using force? No. "Every possible option" is not a tenable legal standard. We use the more common "reasonable force option". So theoretically it is "possible" to dodge bullets and wait for the suspect to shoot all his/her bullets before attempting the arrest. But clearly that is not reasonable or safe.

I imagine another permutation of this question may have been: Do we exhaust every possible option before we use **deadly force**? Given the answers above, the answer is yes. We would never take a life with deadly force if reasonable lesser options were available.

- 8. Are the officers in the Mebane Police Department required to give a verbal warning to civilians before drawing their weapon or using excessive force?** No and Yes. No, we are not required to give a verbal warning before we draw a firearm. Yes, we are

required to give a verbal warning before we shot a firearm. Again, this is with the caveat in policy "when reasonable to do so". If the suspect is shooting at me, I can draw my weapon and fire back without a delay for a verbal warning. There is no requirement to warn someone before we draw a weapon, only when we intend to use it.

- 9. Are the officers in the Mebane Police Department required to report each time they threaten to or use force on civilians?** Yes.
- 10. Are the officers in the Mebane Police Department thoroughly vetted to ensure that they do not have a history with abuse, racism, xenophobia, homophobia / transphobia, or discrimination?** Yes, to the best of our ability. There is no exact science here to determine these things. We conduct a thorough background to include contacting developed sources, and a psychological exam. All of these are state requirements and they verify our compliance.
- 11. Are the officers in the Mebane Police Department trained to perform and seek necessary medical action after using excessive force?** Again, in this circumstance I think you mean "use force" rather than only when we might use "excessive force?" So yes, within the bounds of our level of basic first aid training, we would provide live saving care to any person in any circumstance. Very few of our officers are EMT trained, so we teach our staff to immediately call EMS and provide basic lifesaving techniques.
- 12. Is there an early intervention system enforced to correct officers who use excessive force?** We have an early warning system for all employees, regardless of whether they use excessive force or not. This system is engineered to detect officers under stress for family issues, financial issues, and/or repetitive minor conduct issues that might indicate other factors. Any use of force is tracked and adds "points" into the warning system. There is no different point factor or different warning should an officer use excessive force. If an officer uses excessive force (incredibly rare for us), we will provide retraining and any discipline required and then pay special attention to all their future actions for a period of time.
- 13. Additionally, how many complaints does an officer have to receive before they are reprimanded?** An officer can be reprimanded for a single occurrence of any behavior. Beyond that we have progressive discipline and use that regularly as needed. We generally have very few internal affairs complaints in any given year. In 2019 the department investigated a total of 9 complaints. This total includes complaints made by citizens and those initiated by the administration of the police department. Of the 9 complaints investigated; 3 was substantiated, 2 were unsubstantiated and 4 were unfounded. In all substantiated cases some level of disciplinary or corrective action is taken. All complaints from all sources are documented in writing and investigated.
  - a. Before they are terminated?** There is no set number of complaints that lead to termination. While there is a cumulative effect, there is not a math formula for this.

**b. More than three complaints are unacceptable.**

So, we believe that all complaints are not equal. We also believe that unfounded complaints should not be counted. Do you believe the same? There is no magic number here. We evaluate the severity and outcome of every complaint to determine discipline. And then we factor in the time and distance from prior complaints. During a 30-year career, a lot can happen.

## Additional Statements from Chief Caldwell

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**A. If any of the policies are not currently in place, then what is being done to ensure that they are going to be enforced in the near future? What can I do, as a concerned citizen, to set these policies in motion?** You can be involved. You can share your thoughts with me as the police chief and communicate directly with my boss, the City Manager. You can also be present at City Council Meetings and express your thoughts, suggestions, and views with Council Members.

Additionally, I will tell you that our policy manual is a fluid document. It is in constant review as we update sections to comply with new court rulings, academic research leading to new industry best practices, the inclusion of new grants or programs, and changes at the state level for certification and training requirements or Legislative action.

**B. The data should be broken down by demographics and should showcase the race, gender, sexuality, and religion of the civilians.** Our data is currently broken down by race, gender, and age. I am not sure it is reasonable or possible to include the sexuality and religion as these are not officially tracked.

**C. Allowing the public access to this information will show us where we, as a community, fall short.** I hope upon evaluating our data you will find that we will not fall short. However, there is always room for improvement, and I welcome your reasonable suggestions.

**D. Thank you for your time and I hope that we can work together to protect the Mebane community. I refuse to let the next hashtag come from here.** I also refuse to let the next hashtag come from Mebane! My job as the police chief is to ensure the success of our staff on every single call. We do our very best! Take care and thank you for your informed questions and I look forward to meeting you in the future!

I would also like to add that the Mebane Police Department is Nationally Accredited through "CALEA" Commission on Accreditation for Law Enforcement Agencies. "Accreditation with CALEA is a voluntary process and we choose to be involved. We have made this choice to demonstrate our commitment to professionalism and transparency.

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