



Chapter 1: Administration & Personnel	Subject: Rules of Conduct	Policy #: 1.01	Number of Pages: 13
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OVERALL

1.1 STANDARD OF CONDUCT

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The Buncombe County Sheriff's Office Mission Statement and Guiding Principles are adopted as the general standard of conduct for deputies of the Buncombe County Sheriff's Office. Employee's private and professional conduct shall not be adverse to the efforts of the Sheriff's Office to achieve its mission. The Buncombe County Sheriff's Office is committed to excellence through the principles of Integrity, Professionalism, Dignity, Service and Accountability.

1.2 COMPLIANCE TO RULES, POLICIES AND REGULATIONS

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Employees shall comply with all Rules of Conduct, policies, directives, special orders and standard operating procedures of the Buncombe County Sheriff's Office. This includes all lawful orders from direct supervisors. All employees must be thoroughly familiar with these Rules of Conduct, their duties and obligations. Supervisors of the Buncombe County Sheriff's Office shall be held to a higher standard regarding the understanding and adherence to Sheriff's Office Rules of Conduct.

1.3 CONFORMANCE TO LAWS

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Employees shall obey the laws of the United States of America and of any state and local jurisdiction in which the employees are present.

INTEGRITY

1.4 ASSOCIATIONS

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Employees shall avoid personal associations or dealings with persons whom they know are persons under a criminal investigation or indictment, or who have a reputation in the community or the Sheriff's Office for present involvement in felonies or criminal behavior, except where necessary to the performance of official duties, or where unavoidable because of other personal relationships of the employee. Employees shall avoid any such association where the relationship presents the appearance of impropriety.

1.5 VISITING PROHIBITED ESTABLISHMENTS

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Employees shall not visit, enter or frequent a known house of prostitution, gambling house or other establishment wherein the laws of the United States of America, the State of North Carolina or local ordinances are regularly violated except in the performance of duty or while acting under proper order of a supervisor.

1.6 DUTY TO REPORT VIOLATIONS OF LAWS, ORDINANCES, RULES AND DIRECTIVES

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Employees knowing of or suspecting other employees of violating laws, ordinances, Sheriff's Office policies, directives, special orders, or standard operating procedures shall



report this information to their direct supervisor. If an employee believes the information is of such nature or gravity, the employee may bypass official channels and report the information directly to their divisional supervisor.

1.7 GAMES OF CHANCE

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Employees shall not engage in any game of cards or other games of chance in any public place, in any county building while on duty, or under any circumstance where such participation might cause embarrassment to the Office of the Sheriff.

1.8 SOLICITING OR ACCEPTING GIFTS, GRATUITIES OR REWARDS

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Employees shall not accept or solicit any gift, gratuity, loan service, fee, reward, or other thing of value for services rendered in the line of duty. Employees shall not use their official position to solicit special privileges for themselves or others from any commercial organization, person, or firm.

1.9 COMMERCIAL TESTIMONIALS

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No employee shall authorize the use of their name, photograph or official title to be used to endorse any product or service that refers to their position or employment with the Sheriff's Office without the approval of the Sheriff.

1.10 ABUSE OF PROCESS AND ABUSE OF POWER

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Employees shall not lend to another person their identification cards, badges, or permit them to be photographed or reproduced. Employees shall not knowingly make false accusations of a criminal or civil offense, or use court processes or papers for inappropriate purposes. Employees shall not use their official position, official identification cards, or badges for:

- a. Personal or financial gain
- b. Obtaining privileges not otherwise available to them except in the performance of duty, or
- c. Avoiding consequences of illegal acts.

1.11 FALSE INFORMATION

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No employee shall knowingly falsify an official report or enter, or cause to be entered, inaccurate, false or improper information on Sheriff's Office reports.

1.12 RELEASE OF INFORMATION

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Employees shall treat the official business of the Sheriff's Office as confidential. Information regarding official business shall be disseminated only to those whom it is intended, in accordance with established Sheriff's Office procedures. Employees may download, remove, print or copy official records or reports only in accordance with state law and established divisional procedures. Employees shall not divulge the identity of persons giving confidential information except as authorized by divisional supervisor or required by proper judicial authority.



1.13 RECOMMENDING SPECIFIC ATTORNEYS OR BAIL BONDSMEN [\[back to Table of Contents\]](#)

Employees shall not use their position in the Sheriff's Office to provide endorsement, recommendation or preference for any attorneys, bondsmen, alarm companies, or any other service related to a criminal justice function while on duty or in uniform.

1.14 PROHIBITED TRANSACTIONS [\[back to Table of Contents\]](#)

Employees shall not order, purchase, or receive goods, merchandise, or services in the name of the County or the Sheriff's Office for personal use or gain. Employees may not knowingly buy or sell anything of value from or to any complainant, suspect, witness, defendant, prisoner, or other person involved in any case that has come to their attention or which arose because of their employment.

1.15 BAIL BOND [\[back to Table of Contents\]](#)

No employee may become surety on a bail bond for any person other than a member of his immediate family. No employee shall act as an agent for any bail bonding company or professional bail bondsman. Nor may any employee hold an interest, directly or indirectly, in the financial affairs of any firm or corporation whose principal business is acting as a bail bonding company. NCGS §58-71-105 also prohibits a deputy's spouse from such activities.

1.16 CONDUCT TOWARDS THE PUBLIC AND OTHER EMPLOYEES [\[back to Table of Contents\]](#)

Employees shall be respectful, courteous, and impartial with the public and other employees. Employees shall not harass, use coarse, violent, profane, derogatory, insubordinate, or insolent language or gestures, nor maliciously express any prejudice concerning race, religion, politics, sex, or national origin.

1.17 TRUTHFULNESS [\[back to Table of Contents\]](#)

Employees shall be truthful at all times except when deception is required to conduct a lawful investigation. Upon order of the Chief Deputy or superior officer, employees shall truthfully answer all questions specifically directed or narrowly related to the scope of employment and operations of the Sheriff's Office. Omission of detail to give a false impression shall be regarded as untruthful.

1.18 REPORTING A CRIMINAL VIOLATION [\[back to Table of Contents\]](#)

Any employee charged with or arrested for any criminal violation or ordinance, to include a criminal summons, arrest warrant and/or traffic citation will immediately notify their divisional supervisor who will notify the Sheriff through the chain of command.

1.19 REPORTING SERVICE OF DOMESTIC VIOLENCE PROTECTIVE ORDER [\[back to Table of Contents\]](#)

Any employee served with a Domestic Violence Protective Order will immediately notify their divisional supervisor who will notify the Sheriff through the chain of command.



DIGNITY

1.20 PREJUDICIAL ATTITUDE

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Employees shall carry out their duties without prejudice for or against any racial, sexual, religious, ethnic, or social group.

1.21 DIRECTION

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Supervisors shall give directions to their employees in a clear, concise and professional manner. Employees, who receive an order that conflicts with a previous order, rule, regulation, procedure or policy, shall respectfully tell their direct supervisor of the conflict. If the supervisor issuing the order does not alter or retract the conflicting order, the order shall stand. Employees shall obey the conflicting order and shall not be held responsible for disobedience of the order, rule, regulation, procedure or policy previously issued. No employee shall be required to obey an unlawful order. The responsibility for refusing to obey any lawful order rests with the employee and shall require justification of action. Any order given under emergency circumstances shall not require an explanation prior to execution.

1.22 PERSONAL BIAS

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Employees shall not allow prejudices or bias to influence any decisions regarding the Sheriff's Office.

1.23 EQUAL TREATMENT

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Employees shall treat subordinates, associates, and superiors in an impartial fashion without regard to age, sex, sexual orientation, religion, nationality, race, socio-economic status, disability or political affiliation.

1.24 COURTESY

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Employees shall be courteous when dealing with members of the Sheriff's Office, Buncombe County Government and the public. Employees shall avoid harsh, violent, profane or insolent language and remain calm regardless of provocation.

1.25 CONDUCT TOWARDS SUPERVISORS AND SUBORDINATES

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Employees will treat all supervisors, subordinates and associates with respect, civility and courtesy.

1.26 AUTHORITY OF TEMPORARY OFFICERS/SUPERVISORS

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Any employee assigned as a temporary supervisor shall have the same authority, duties and responsibilities as if promoted to that position, except as may be limited by policy.

1.27 CONSTRUCTIVE CRITICISM

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Employees are encouraged to offer constructive criticism of policies, procedures and operations of the Sheriff's Office through the chain of command.



1.28 RUMORS

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Supervisors hearing a rumor shall quell the rumor by determining the validity of the rumor through the chain of command. It is a supervisor's responsibility to determine the accuracy of the rumor and inform the employees of the facts.

SERVICE

1.29 EQUIPMENT, UNIFORMS AND OFFICE WORK AREAS

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Employees shall use Sheriff's Office equipment, uniforms and buildings only for their intended purposes and shall not abuse, damage or lose equipment or uniforms. Each employee shall maintain his or her office, desk and Sheriff's Office vehicle in a reasonably neat, clean and orderly condition.

1.30 CIVIL SUIT

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Any employee filing a civil suit to collect damages resulting from an occurrence that took place while the employee was engaged in the performance of their duties as a Deputy Sheriff shall notify the Sheriff in writing prior to filing such suit.

1.31 RELEASE OF EMPLOYEE INFORMATION

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No employee of the Sheriff's Office will release to the public or any public agency the personal information of any employee of the Sheriff's Office without authorization from a supervisor. This includes, but is not limited to home telephone number, personal cellular phone number, home address, spouse information, etc.

1.32 INTERFERENCE WITH DUE PROCESS

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Employees shall not interfere with or interrupt, or be associated with any activity that might interfere with or interrupt, the proper administration of justice or any administrative investigation. Employees shall not knowingly interfere with cases being handled by other employees of the Sheriff's Office or by any other governmental agency unless ordered to intervene by a direct supervisor. Employees shall not undertake any investigation or other official action not a part of their regular duties without obtaining permission from their direct supervisor, unless the nature of the situation requires immediate law enforcement action.

1.33 REQUIRED ASSISTANCE

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Officers shall act appropriately to aid a fellow law enforcement officer or citizen exposed to danger; placed in a situation of impending danger, which became suddenly ill, was the victim of an accident or loss of memory or was incapacitated in any other way. On-duty personnel or personnel operating Sheriff's Office vehicles shall act appropriately and/or make proper notification of any incident they encounter which requires immediate response or attention.



1.34 REQUESTS FOR ASSISTANCE FROM THE PUBLIC

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Employees shall make a reasonable effort to provide help that is consistent with Sheriff's Office policies when a member of the public requests assistance.

ACCOUNTABILITY

1.35 COMPETENCY AND THE PERFORMANCE OF DUTY

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Employees shall maintain sufficient competency to properly perform their duties and assume their responsibilities. Employees shall perform required or expected duties according to the highest standard of efficiency and effectiveness. Supervisors who fail to direct, supervise or correct subordinates will be in violation of the rule. No employee shall engage in any activity or personal business that would cause him to neglect or be inattentive to duty.

1.36 REFUSAL TO WORK

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Employees will not participate in work stoppages, work slowdowns, strikes, or any other action that disrupts the operations of the Sheriff's Office. This includes the concerted failure to report for duty; willful absence from one's position, stoppage of work; abstinence in whole or in part from a full, faithful and proper performance of the duties of employment for the purpose of inducing, influencing, or coercing a change in condition, compensation, rights, privileges or obligations of employment.

1.37 SLEEPING ON DUTY

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Employees shall not sleep on duty.

1.38 SUBMISSION OF REPORTS

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Employees shall accurately complete all reports, forms, or other documents required by their duties or direct supervisors. Employees must submit these documents before the end of their tour of duty, unless otherwise directed by a direct supervisor.

1.39 SUPERVISORY COOPERATION

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Supervisors shall give full cooperation to other supervisors and staff personnel during the performance of their duties. Supervisors shall support the Sheriff's Office programs and goals to the best of their abilities avoiding any action that would tend to undermine any program, goal, policy or procedure.



PROFESSIONALISM

1.40 DRIVER'S LICENSE REQUIREMENT

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An employee required to operate a County vehicle in the course of his regular duties must be qualified, licensed and maintain an acceptable driving record. The employee must carry a valid North Carolina driver's license at all times when operating a County vehicle or when operating his personal vehicle on County business. A Deputy Sheriff working in an undercover capacity is not required to carry a valid driver's license.

1.41 EMPLOYEE PERSONAL INFORMATION

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Employees must have an operable telephone in their home. A cellular phone does meet this requirement. Employees having a change in their name, address, telephone number, marital status or dependents shall update this information within 48 hours according to Sheriff's Office Personnel directives.

1.42 REQUIREMENTS REGARDING INFORMATION

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Employees shall be responsible during each daily tour of duty for reading and reviewing internal communications of the Sheriff's Office. This includes electronic mail, voice mail, work schedules and/or any other document pertaining to their individual assignment.

1.43 IMPAIRING SUBSTANCES

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Employees shall not consume, purchase, or possess any intoxicating beverage or impairing substance (except in the performance of duty and while under proper and specific orders from a direct supervisor) while:

- a. In uniform
- b. On duty
- c. On Sheriff's Office premises
- d. In a county owned vehicle

No employee will operate a county owned vehicle after the consumption of any impairing substance except in the performance of duties and acting with proper and specific approval of a supervisor. An employee shall never operate a vehicle in violation of the 'Driving While Impaired' laws.

Off-duty employees shall not consume impairing substances to such an extent as to render them unfit to report for their next regular duty day or when on call. Employees shall not report for duty or be on duty while visibly affected by alcohol, controlled substances, or other prescription drugs. Employees are visibly affected when there is an odor of intoxicants on their breath, or as deemed by sobriety tests. A supervisor may require any employee on duty or reporting for duty while visibly affected to submit to a breath test or other diagnostic test(s). Such tests administered under this provision shall apply to any administrative process that may result. A failure to submit to such testing may subject the employee to dismissal. No employee shall report for duty while taking prescribed or over the counter medications that could potentially affect their ability to



act properly or safely. A law enforcement officer may not carry a concealed weapon, on or off-duty, while any impairing substance remains in his or her body.

1.44 REPORTING FOR AND RELIEF FROM DUTY

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Employees shall report to duty at the time and place specified, properly dressed and equipped, and physically and mentally fit. Judicial subpoenas, when properly and legally served, act as an order to report for duty. Employees shall also remain at their assignment and on duty until properly relieved or dismissed by competent authority.

Employees shall be present for duty unless on an authorized leave. Assignments of secondary employment through the Office of Professional Standards shall act as an order to report to duty at the time and place specified, properly dressed and equipped in the agreed upon manner and physically and mentally fit. While working secondary employment, deputies of the Buncombe County Sheriff's Office shall comply with all Buncombe County Sheriff's Office Rules of Conduct and Policies. Any unexcused failure to report for secondary employment may subject the employee to restrictions on or elimination from consideration or approval for future secondary jobs as well as possible disciplinary action.

1.45 PROPER IDENTIFICATION REQUIRED OF EMPLOYEES

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Employees shall identify themselves by displaying their badge and/or identification cards before taking any official action, unless not feasible or safe to do so, and/or where their identity is obvious. Deputy Sheriff's working in an undercover capacity who must take official action should identify themselves as law enforcement officers by displaying their badge and/or identification cards as soon as it is safe to do so. When requested, employees shall politely give their name, unless withholding of identity is necessary for the performance of official duties and/or allowed by proper authority.

1.46 COURT APPEARANCE

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Prompt attendance at a court or judicial hearing as required by subpoena or at the direction of a supervisor is an official duty assignment and appearance is mandatory. Permission to omit this duty must be obtained from the District Attorney handling the case or other competent court officials. Male deputies shall wear the uniform of the day or a business suit with dress shirt and tie; or a sports coat, slacks, dress shoes, dress shirt and tie. Female officers shall wear either the uniform of the day or such clothing and shoes as is normally accepted business attire. Officers issued utility type uniforms shall not wear those uniforms for appearances in Superior Court. These officers must wear either the patrol uniform of the day or business attire as detailed above.

1.47 TESTIFYING FOR THE DEFENDANT

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Any employee or Reserve Deputy Sheriff who is subpoenaed or requested for the defense in a trial, hearing, internal board, or against the County of Buncombe or the Office of the Sheriff shall immediately notify the Sheriff upon receipt of the subpoena or request.



1.48 CIVIL ACTION INVOLVING EMPLOYEES

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No employee shall testify or give a deposition or affidavit in a civil action because of his position with the County of Buncombe unless subpoenaed. Upon receipt of a subpoena for a civil proceeding, an employee shall notify his divisional supervisor immediately. No employee shall enter into a financial understanding for appearance as a witness except in accordance with current policies and with approval of the Sheriff. This section is not intended to restrict an employee from exercising his personal rights through the court system.

1.49 FORWARDING OF CORRESPONDENCE

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An employee receiving correspondence from a subordinate addressed to a superior shall endorse it by showing approval, disapproval, or acknowledgment. The employee must forward the correspondence in a reasonable amount of time.

1.50 USE OF TOBACCO PRODUCTS

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Employees will not use any type of tobacco product while in direct contact with the public or when the use of tobacco is in violation of the law. No employee shall smoke, carry or possess a lighted cigar, cigarette, pipe or other lighted smoking equipment or paraphernalia in any building owned or office space leased by the county, its departments or agencies.

1.51 PUBLIC STATEMENTS AND APPEARANCE

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Employees shall not publicly criticize or ridicule the Sheriff's Office, its policies, or other employees by speech, writing, or other expression where such speech, writing, or other expression is defamatory, obscene, or unlawful, undermines the effectiveness of the Sheriff's Office, interferes with the maintenance of discipline, or is made with reckless disregard for truth or falsity. Employees shall not address public gatherings, appear on radio or television, prepare any articles for publication, act as correspondents to a newspaper, periodical or news program, release or divulge investigative information, or any other matters of the Sheriff's Office while holding them out as representing the Office of the Sheriff in such matters without proper authority from the Sheriff.

1.52 OFF-DUTY EMPLOYMENT

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When self-employed, off duty as an operator of a business, or employed in non-deputy, off-duty employment, employees shall conform to all federal, state, and local laws and Sheriff Office orders applicable to said business or employment. Such employment must not constitute a conflict of interest. Employment may be disallowed at any time such employment affects the officer in the performance of official duties or conflicts with applicable law or Sheriff's Office rules or orders. Employment shall be approved and recorded consistent with prescribed Sheriff's Office policies and procedures as approved by the Sheriff or his designee.



1.53 OFF-DUTY DISPUTES

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Employees shall not intentionally become involved in neighborhood quarrels or disputes when off-duty, except where exigent circumstances require immediate intervention to protect persons and/or property from injury. Disinterested persons or on-duty officers should handle these cases. In the event of exigent circumstances, the employee shall request on-duty officers as soon as possible and secure the situation until they arrive, at which time; the situation shall be turned over to the attending officers.

1.54 OPERATION OF SHERIFF'S OFFICE VEHICLES

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Employees shall operate Sheriff's Office vehicles with due regard for the safety of others at all times and shall exercise due caution while responding to emergency calls.

Employees shall adhere to all normal traffic laws and rules of the road except in emergencies in which case blue light and siren shall be employed and due caution exercised at all times. Deputies working in an undercover or surveillance capacity are exempt from the above provision, but shall use due caution while operating a motor vehicle in this capacity.

Comment:

Gender Reference in Buncombe County Sheriff's Office 'Policy Manual', such as "he," "his," "she," "hers" etc., may refer equally to either the male or female gender.

This policy and procedure is for internal use only, and does not enlarge a deputy's civil or criminal liability in any way. It should not be construed as the creation of a higher standard of safety or care in an evidentiary sense, with respect to third party claims.

Violations of this directive, if proven, can only form the basis of a complaint by this agency, and then only in a non-judicial administrative setting.