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**FOREWORD (11/2010)**

By virtue of the authority vested in him by law, as set forth in the Constitution of the State of North Carolina, by statues of the State, and by the Code of Ordinances, the *Sheriff of Graham County* (hereafter referred to as “Sheriff”) has established the following policies, procedures, rules and regulations for the administration and operation of the *Graham County Sheriff’s Office*, (hereafter referred to as “Office” or “GCSO”).

The Sheriff reserves the right to alter, amend or repeal any of these policies, procedures, rules and/or regulations, or to make additions thereto as circumstances may necessitate; and if the occasion demands, to issue verbal or written orders which shall have the same force and effect as these policies, procedures, rules and regulations herein set forth.

These policies, procedures, rules and regulations are intended for the guidance of the members of this Office. They cannot cover every specific act of commission or omission, nor can they be expected to cover every specific situation or problem which may arise from time to time to confront members of this Office. Therefore, a great deal must be left to the discretion and good judgment of the individual. The exercise of prudent discretion, cooperation, and professionalism by those Deputies entrusted with law enforcement by this office is essential to effective work within the framework of this office.

To achieve true success, members of this office are expected to win and retain the confidence and respect of the public which they serve. This can be accomplished only by a constant and earnest endeavor on the part of all members of this Office to perform their duties in an efficient, honest and businesslike manner, and by exemplary conduct, cultivating the public mind and realization that this Office is a most vital requisite to the public well-being, and whose very existence is based upon community service.

Each member of this Office should remember that in the execution of the members’ duties, the member acts not for the member, but for the benefit of the public. The entire law regulating members’ functions is based upon this principle. Each member must bear in mind that he/she represents the dignity and authority of the State of North Carolina and Graham County, and is the representative of the law. It is the primary objective of this Office to enforce the law in a fair and impartial manner, recognizing both the statutory and judicial limitation of law enforcement authority and the constitutional rights of all persons. It is not the role of this Office to legislate, to render legal judgment, or to punish.

The development of a well-disciplined, efficient, and professional Office which has the confidence and respect of the public, can only be accomplished when each member realizes that the members’’ every action, whether part of his/her official role or his/her private life, is closely observed by the public. It is therefore essential that every member become familiar with these policies, procedures, rules, and regulations, and to adhere to them, as each member will be held accountable for their adherence to them.

1. **Philosophy, Goals, and Definitions**
	1. **LAW ENFORCEMENT CODE OF ETHICS 11/2010**

**AS a LAW ENFORCEMENT Officer,** my fundamental duty is to serve mankind: to safeguard lives and property: to protect the innocent against deception, the weak against oppression or intimidation, and the peaceful against violence or disorder: and to respect the constitutional rights of all men to liberty, equality, and justice.

**I WILL** keep my private life unsullied as an example to all, maintain courageous calm in the face of danger, scorn or ridicule: develop self-restraint: and be constantly mindful of the welfare of others. Honest in thought and deed in both my personal and official life. I will be exemplary in obeying laws of the land and the regulations of my department. Whatever I see or hear of a confidential nature or that is confided to me in my official capacity will be kept ever secret unless revelation is necessary in the performance of duty.

**I WILL** never act officiously or permit personal feelings, prejudice, animosities, or friendships to influence my decisions. With no compromise for crime and with relentless prosecution of criminals, I will enforce the law courteously and appropriately without fear or favor, malice or ill will, never employing unnecessary force or violence, and never accepting gratuities. I recognize the badge of my office as a symbol of public faith, and I accept it as a public trust to be held as long as I am true dedicating myself before God to my chosen profession- **LAW ENFORCEMENT.**

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Sheriff Signature Sheriff Printed Name Date

* 1. **General Conduct**

Employees shall conduct their private and professional live in such a manner as not to impede the Sheriff’s Office efforts to achieve its policies and goals, nor to bring discredit upon the Sheriff’s Office or upon the individual as an employee of the Sheriff’s Office. Conduct which is contrary to the intent of the purpose of Sheriff’s Office Policies or goals and which reflect adversely upon the Sheriff’s Office Policies or goals and which reflect adversely upon the Sheriff’s Office or its employees is prohibited. The prohibition includes not only all unlawful acts by employees but also all acts, which although not unlawful in nature, would degrade or bring disrespect upon the employee and/or the Sheriff’s Office. Sheriff’s Office employees must especially exercise good judgment even when not on duty, keeping in mind their special identification by the public.

Employees shall be respectful, courteous, and impartial when dealing 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, sex, national origin or politics. Employees shall bear in mind the sensitivity of others when making comments even though those comments are not meant to be malicious or offensive. It is because of the high level of trust and professionalism placed in the Office of the Sheriff, All Employees serve at the pleasure of the Sheriff.

1. **Obedience to laws and regulations:** Employees shall observe and obey all laws, ordinances, Sheriff’s Office rules, directives, special order and standard operating procedures. All employees have the responsibility to be thoroughly familiar with the provisions of this Policy manual and are expected to know and assume their duties and obligations. In the event of a breach of discipline or a violation of a rule, directive, procedure, it will be presumed that the employee was familiar with the proper procedure as dictated by this manual.
2. **Duty to report violations of laws, ordinances rules and directives:** *If an employee knows or suspects another employee of violating laws, ordinances, Sheriff’s Office rules, directives, special orders or standard operating procedures, they shall report the same to their immediate supervisor. If an employee believes that the information is of such nature or gravity, the reporting employee may bypass the immediate supervisor to the next chain of command or directly to the Sheriff.*
	1. **ORGANIZATIONAL STRUCTURE**

**Subject:** The Graham County Sheriff’s Office provides all employees with Guidelines describing the hierarchy of rank and to define the organizational structure of the office.

**DEFINITIONS:**

Employee: A sworn or non-sworn individual appointed by the Sheriff to Work for the Sheriff’s Office.

Position: The duties and responsibilities, or work assignable to one employee.

Rank: A specific level of command within the official levels of hierarchy designating degrees of administration, supervision and authority.

**PROCEDURE:**

1. General Organization
2. The Sheriff organizes the office as needed by establishing Divisions headed by Division Supervisors.
3. Sheriff’s Office Positions-Span of Control
4. The Sheriff; Elected official to head the Sheriff’s Office and who has final responsibility for determining Sheriff’s Office policies, procedures, rules, operational guidelines and the execution thereof. The Sheriff directs activity through the Chief Deputy.
5. Chief Deputy: Appointed by the Sheriff to serve as needed. Typically, is second in command of the Office and acts in the place of the Sheriff when the Sheriff is unavailable.
6. Chief Investigator: Subordinate to the Sheriff and Chief Deputy Commands all activities within the scope of their assigned responsibility. It is permissible for a Chief to enact operational rules and regulations within their Divisions that do not conflict with the Sheriff’s Office Policy and Procedures Manual.
7. Lieutenant / Sergeant: Command the functions of the division at the direction of the Chief Deputy or absence. A Sergeant reports to the Chief Deputy.

Other Positions: There are numerous other positions within the Sheriff’s office that may be filled with employees of specific ranks or skills. Each position has jobs or tasks assigned to it.

1. Organizational Chart
2. The Personnel Section maintains a Sheriff’s Office Organizational Chart for the Office as a whole and for each Division/ It is the responsibility of each Division Supervisor to annually update their division’s chart and provide a copy to the Personnel Section.
	1. Authority and Responsibility
3. The Sheriff delegates authority to each employee of the Sheriff’s Office to make the decisions necessary to effectively execute their duties and responsibilities. Employees are held accountable for the use of this authority.

V. General Duties and Functions

1. Deputy Sheriff’s enforce North Carolina laws and statues, directed to the Sheriff by the Constitution and the laws of the United States and the Constitution and laws of North Carolina.
2. Duties of the Sheriff include those mandated by Statute:
3. Deputies-Liability of the Sheriff: “The Sheriff may appoint a Deputy as the sheriff may think proper and may revoke such appointment at will; except that a sheriff shall adopt personnel policies, including policies for the review of revocation of appointments.
4. Jail: The Sheriff shall have care and custody of the jail in his County; and shall be, or appoint, the keeper (Chief Jailer) thereof.
5. Duty to serve process, etc.: “The Sheriff, in person or his Deputies, shall serve and execute, according to law, all processes, writs, executions summons, and other orders issued or made by lawful a Court in compliance with General Statutes, 162-13 through 162-18.
6. Preserve the peace: “The Sheriff and his Deputies shall keep and preserve the peace in their respective counties, and quiet and suppress all affrays, riots, and unlawful assemblies. For that purpose, and for the service of process in civil or criminal cases, and in apprehending or securing any persons responsible for violation of the laws of the State of N.C. and graham County as well as any violation of federal law.
7. All employees shall cooperate with and assist other units of city, county, state, and federal governments.
8. All employees shall perform their duties as required or directed by law, Sheriff’s office written directives, policy, order, or by lawful order.
9. All employees are subject to emergency recall.
10. The Sheriff, or Sheriff’s designee, has the authority to assign any employee to any division within the Office.

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Sheriff Signature Sheriff Printed name Date

* 1. **Minimum Standards for Employment and Certification as a Justice Officer**

Taken directly from

Section .0301 9a) (7) NC Sheriff’s

Education and Training

Standards Commission/NC

Administrative Code

**All sworn employs of the GCSO are required, in addition to notifying their immediate supervisor, by the Standards Commission too…**

“……within five working days notify the Standards Division and the appointing department head in writing of all criminal offenses with which the Deputy is charged; and shall also give notification, in writing, to the Standards Division and the appointing head following the adjudication of these criminal charges. This shall include all criminal offenses except minor traffic offenses and shall specifically include any offense of Driving Under the Influence (DUI) or Driving While Impaired (DWI). A minor traffic offense is defined, for purpose of this subparagraph, as an offense where the maximum punishment allowable is 60 days or less. Other offenses under G.S. 20 (Motor Vehicles) or similar laws of other jurisdictions shall be reported to the division expressly including G.S. 20-139 (persons under the influence of drugs). G.S. 20-28 (b) (driving while license revoked or permanently suspended) and G.S. 20-166 (duty to stop in event of accident). The initial notification required must specify the nature of the offense, the court in which the case was handled and the date of the disposition and must include a certified copy of the final disposition from the Clerk of Court in the county of adjudication. The notifications of adjudication must be received by the Standards division within 30 days of the date the case was disposed of in court. Deputies required to notify the Standards Division under the subparagraph shall also make the same notification to their employing or appointing department head within 20 days of the date the case was disposed of in court. The department head, provided he has knowledge of the Deputy’s charge(s), shall also notify the division within 30 days of the date the case was disposed of in court. Receipt by the Standards Division of a single notification, of the initial offenses charged and of adjudication of those offenses, from either the deputy or the department head, is sufficient notice for compliance…”

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Sheriff Signature Sheriff Printed Name Date

* 1. **DEFINITIONS**

**ARREST-** To deprive a person of their liberty, by legal authority, in which to answer a criminal charge.

**CHAIN OF COMMAND-** The unbroken line of authority extended from the Sheriff through a single subordinate at each level of command.

**COUNTY-** Graham County, NC

**DEPARTMENT-** Graham County Sheriff’s Department’s name has changed to “graham County Sheriff’s Office”; “department” usually refers to a law enforcement agency.

**EMPLOYEE-** Any person employed by this office, other than a sworn Deputy.

**MEMBER-A** sworn Deputy/Deputy within this office (department).

**PERSONNEL-** All members and employees of the Graham County Sheriff’s Office.

**PRONOUNS-** (Him/her, she/he, his/hers, etc.) The personal pronoun of the masculine gender will be used throughout this text shall also apply to the feminine gender, but will only be used in masculine gender as a convenience.

**REPORTING AREA-** a subset of a zone encompassing a geographical area with set boundaries used for purposes of manpower distribution, crime analysis and for Uniform Crime Reporting.

**SHALL-** The word “shall” as used herein indicates that the action is mandatory.

SHOULD- The word “should” as used herein shall indicate that the action is not mandatory, but is preferred.

**SHIFT-** the operational functions of the Sheriff’s Office (“SO”) during a regular eight or twelve hour period of active duty.

**SPECIAL DEPUTY/RESERVE DEPUTY-** these men/women are appointed by the Sheriff, and may work as equal partners as regularly employed, sworn, certified deputies.

**UNARMED** special deputies provide assistance from time to time to the Sheriff, but have no more rights than an average citizen in regards to carrying weapons.

**ARMED** special deputies have equal rights and responsibilities as regular deputies in regards to carrying weapons, powers of arrest, etc. There is a monthly, hours worked requirement for armed special deputies to financially offset the insurance premiums the Sheriff pays annually for their liability insurance. Armed special deputies usually work without pay, but meet (or surpass) regular, certification requirements.

**SUPERVISOR-** All members or employees with delegated authority to oversee or supervise others in the accomplishment of their assigned tasks.

**ZONE-** A sublet of a district encompassing a geographical area of varying size within the county limits to which Deputies are assigned for patrol purposes.

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Sheriff Signature Sheriff Printed Name Date

* 1. **GOALS OF THE GRAHAM COUNTY SHERIFF’S OFFICE (GCSO)**

PURPOSE The purpose of this General Order is to establish the goals of the GCSO.

DISCUSSION the primary purpose of the GCSO’s is to maintain social order within the prescribed ethical and constitutional limits, while providing professional law enforcement services to all. To attain this, GCSO enforces the law in a fair and impartial manner, recognizing both the statutory and judicial limitations of police authority and the constitutional rights of all persons. This office recognizes that no law enforcement agency can operate at its maximum potential without supportive input from its citizens it serves. The GCSO actively solicits and encourages the cooperation of all citizens to decrease the opportunities for crime and to facilitate the maximum use of resources.

**PROCEDURES** To achieve this purpose, the following **GOALS** are established:

1. APPREHENSION OF OFFENDERS- To provide for the expeditious and prudent apprehension of suspected violators of the law, irrespective of their station in life; through thorough, appropriate and efficient police related investigations.
2. COMMUNITY SERVICE- To provide the resources necessary for assisting citizens under special non-criminal circumstances.
3. COMPLIANCE TO ETHICAL STANDARDS- To ensure integrity and adherence to professional standards of the GCSO by receiving and investigating all complaints against departmental personnel of alleged misconduct or misuse of force.
4. MAINTENANCE OF PUBLIC ORDER- To maintain peace and public order and assist during times of natural and unnatural occurrences or disasters.
5. OFFICE ADMINSTRATION- To provide management, administration and support required for operation of the GCSO.
6. PREVENTION, DETECTION AND INVESTIGATION OF CRIMINAL ACTIVITY- To prevent crime through aggressive patrol which limits the opportunity for a crime to occur and through education of citizens which reduces the likelihood of them becoming victims, and to provide a thorough and efficient investigation of any criminal activity. And to provide positive measures against organized crime and any related activities.
7. PROTECTION OF LIFE AND PROPERTY- To provide services which contribute to the preservation of life, the protection of property and the safety of the community.
8. RECOVERY OF PROPERTY- To maintain an inventory and secure all properties, evidence, lost and recovered/stolen property being held by the GCSO, thereby ensuring that it is available when needed or claimed.
9. TRAFFIC- To assist other agencies in the maintaining of safe traffic law enforcement and to ensure the safety of the public in areas under our authority and control.
10. TRAINING OF DEPUTYS- To design and implement a training program to fill the training needs of Deputies, to promote a high rate of proficiency in the Deputies of this Office, and to address the career goals of department personnel.

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Sheriff Signature Sheriff Printed Name Date

* 1. **WRITTEN DIRECTIVE SYSTEM**
1. **PURPOSE**

The purpose of this general order is to provide guidelines for the operation of the graham County Sheriff’s Office (GCSO). These guidelines are to be followed while conducting activities directed toward accomplishing GCSO objectives.

1. **Discussion**

This manual has been written and compiled to inform the public and members of the GSCO of the principles which will be followed within the function of the law enforcement mission and role. Additionally, through this manual, operational standards will be established to assist GCSO personnel in the necessary exercise of discretion while discharging their duties and responsibilities. The GCSO recognizes these rules and regulations greatly affect and influence every employee, thereby creating an obligation for each to participate in the development and implementation of this manual. Every effort will be made to solicit input from all levels of the organization during any future development and implementation of these GCSO procedures. Command and supervisory personnel are charged with the responsibility to assure input is gathered from all levels, and are also accountable for the proper dissemination and implementation of all adopted policies and procedures. There should be a sincere effort on the part of each employee to participate in the future development of this manual. Due to the frequent changes in the law and the needs of the community, this manual will require constant review and revision. Each employee is charged with the responsibility to present his/her ideas for possible revisions, additions and/or deletions to this manual. As with any human endeavor, there will undoubtedly be times when a situation arises which have not been addresses by this manual. In those instances, the employee is expected to act upon their own good judgment and the principles outlined by the “Code of Ethics” found in this manual.

1. **SPECIFIC WRITTEN DIRECTIVES**

Written directives shall be classified as:

1. General Orders- general orders are issued to announce adoption or revision of policies and to direct procedures of the indefinite future.
2. Special Orders- Special orders are issued for one or more of the following purposes:
3. To establish policy or procedure with regard to specific circumstance or event of a temporary or self-canceling nature.
4. To establish a policy or procedure applying only to a specific unit activity.
5. Personnel Orders- Personnel orders will be issued to direct the following actions in the order indicated.
6. The appointment of new personnel.
7. The assignment or transfer of members from one unit to another.
8. The promotion or demotion of personnel.
9. Suspension, dismissal, and restoration to duty.
10. Termination or employment by resignation or retirement.
11. Memoranda
12. To disseminate information or instruction not warranting a formal order.
13. Explain or to re-emphasize portions of previously issued orders.
14. Inform members of actions or policies of other agencies.
15. ISSUING AUTHORITY
16. General orders shall be issued ONLY by the Sheriff
17. Special orders shall be issued ONLY by the Sheriff.
18. Memoranda may be issued by supervisors with the approval of the Sheriff.
19. DISTRIBUTION
20. All orders shall be distributed by the Sheriff or his designee.
21. All employees/members shall be issued individual copies of each/every Order.
22. The distribution will be noted on each Order.
23. Those to receive Orders shall be notified by the Sheriff of any additions or deletions. It will be the responsibility of each member/employee to insure that he/she has a copy of each/every Order or amendment. Employees/members shall sign for the Orders when they are received from the Sheriff.
24. It shall be the responsibility of the supervisor to insure that those under his command are properly trained and educated concerning matters within the Order(s).
25. MANUAL MAINTENANCE
26. Each member shall be responsible for maintaining all Orders in the manual in a proper condition. The manual and contents shall be considered departmental property.
27. All personnel are responsible for knowing, understanding and conforming to the contents of all Orders issued.
28. Any questions regarding Orders should be brought to the attention of the member’s/employees’ immediate supervisor.
29. INDEX AND GENERAL FORMAT
30. Responsibility for number and indexing of all parts of the General Order System rests with the Sheriff.
31. The format of all General Orders shall consist of Roman numerals for each section. Whenever possible, the following format should be followed:
32. RECOMMENDATIONS
33. All recommendations for General Orders shall be submitted in draft form to the Sheriff.
34. Any Order, Standard Procedure (“SOP”) or Directive shall not conflict with established policies and procedures directed by the Sheriff.
35. Whenever applicable, all Orders and SOP’s shall carry notations directing attention to other published documents which are relevant or related. An Order, SOP or Directive which rescinds or supersedes other Orders, rules, directives, etc. will carry the identifying notations necessary to connect them. (General Order Number, SOP Number, etc.)

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Sheriff Signature Sheriff Printed Name Date

* 1. **POLICIES & PROCEDURES**
	2. **APPEARANCE AND UNIFORM REGULATIONS**
1. PURPOSE- The purpose of this General Order is to establish standards of appearance and uniform regulations.

II. DISCUSSION- Members and employees of the GCSO meet and respond to the needs of the citizens on a daily basis. As representatives of the Sheriff’s Office and this county, it is important to project a positive and professional image, which includes a clean and neat appearance.

* + 1. Appearance

Appearance: it will be the duty of all Deputies to keep their uniforms clean, well brushed and pressed. Deputies will also exercise attention regarding their own personal hygiene. They shall, as often necessary, examine and clean their leather, weapons, handcuffs, shoes and uniform accessories, and keep their gear in good, serviceable condition. It shall be the responsibility of supervisors to ensure that all uniformed personnel under their supervision comply with this order.

1. All uniformed personnel shall wear the regulation uniform as issued by the Sheriff. The wearing of a partial uniform is prohibited, except in emergency circumstances or upon instruction from a supervisor.
2. The following rules shall apply to the uniform and its accessories:
3. All uniformed personnel shall be required to wear issued shoes. Minor exceptions for female Deputies may be approved by the Sheriff.
4. Leather goods shall be limited to belt, weapon holster, handcuff case or strap, ammo case, and communication carrier. Personally owned leather gear may be worn with standard law enforcement type belt buckle.
5. Hats are optional for routine wear.
6. Special details may require special dress, including hats, ties, etc. as instructed by the Sheriff.
7. Winter uniforms: long sleeve shirts, Summer uniform: Short sleeved shirts. Ties will only be required for court appearances. If tee shirt is visible, it will be white.
8. Uniform accessories are listed as authorized, but not necessarily issued, and shall be attached to the uniform as follows:
9. Deputy Sheriff Badge is to be placed above the left shirt pocket, located in the reinforced area.
10. Name plate is to be centered over top, right shirt pocket.
11. American flag pin is to be centered over nameplate.
12. Marksman classification medals and/or other authorized medals (optional) will be worn centered over name plate.
13. Shoulder patched shall be issued by the department, and shall be sewn in place ½” below the shoulder seam of the shirt and jackets.
14. Insignia for command Deputies will be worn on the collar points of the shirt, ¼” from the collar edge and centered.
15. Insignia for sergeants shall be uniform stripes issued by the department, and shall be sewn on the sleeves of the shirt immediately below the shoulder patch. Rank emblems and chevrons are provided by the department (GCSO).
16. Whistles (optional) shall be carried in the right shirt pocket with the chain attached to the right shoulder epaulet button.

9. No personal items shall be visible from pockets.

1. Normally, members shall wear the duty uniform; however, other clothing may be prescribed as required by the nature of the duty to which a particular member is assigned. Employees shall wear and maintain an employee uniform when so directed by the Sheriff. When not assigned to a particular task in which an exception is made to the dress code, members and employees of the Sheriff’s Office, such as office and detective personnel who are not required to wear uniforms, shall conform to standards that will represent the Office of the Sheriff in a respectable manner. All sworn Deputy Sheriff’s shall possess and maintain at least one long sleeve duty uniform. Clothing standards for non-uniform personnel shall be:
2. Shirts will be of a dress type or a collar shirt with the Sheriff’s logo.
3. Pants, slacks, or walking shorts will be of a dress type with no wearing of fading or work type blue jeans.
4. If dresses are worn, they will be of a respectful type with no wearing of mini-skirts.
5. Shoes or boots will be of a dress type and tennis shoes will be kept neat and clean (no flip flop type sandals or dirty or damaged tennis shoes will be worn).
6. Male non-uniform office and detective personnel’s head and facial hair must meet uniform Deputy Standards.
7. Female non-uniform office and detective personnel’s hair must be kept up in a neat manner or if left down must be worn in a neat pony tail type fashion.
8. Hairstyles must be moderate. Male Deputies’ hair may not extend the top of the collar in back. Sideburns may be no longer than the bottom of the ear, and not wider than 1.75”. Maximum extension from the head shall be two inches.
9. Female Deputies’ hair must not tough the shoulders on the sides or in the back. If hair is longer, it must be worn up in a neat manner to meet the regulation while on duty. Maximum extension from the head shall be two inches. Makeup must not be excessive, and the immediate supervisor shall make the determination of excessiveness.
10. While on duty, Deputies who are required to wear civilian clothes shall carry as full equipment the following:
11. Badge and GCSO ID card
12. Revolver/pistol and ammo (both either issued or approved)
13. Handcuffs
14. Mustaches that are neatly trimmed and do not extend significantly beyond the corners of the mouth are permitted. No “handlebar” or “FU-Man-Chu” types of mustaches will be allowed. Anytime a Deputy is in uniform, beards are prohibited. Personnel with medical condition which precludes shaving shall be required to submit a statement from a medical doctor verifying such condition.
15. Deputies engaged in Vice and/or Narcotics enforcement or other specialized assignments may be exempted from the above regulations upon approval of the Sheriff.
16. Detention Officers will not carry weapons while on duty in the jail. No Deputy shall have any firearm in the jail.

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Sheriff Signature Sheriff Printed Name Date

* 1. ARRESTS
1. PURPOSE- the purpose of this General order is to establish guidelines for arrests and arrest procedures.
2. DISCUSSION- there is many potential problems associated with a law enforcement Deputy’s power of arrest. Sometimes, due to an unwillingness or reluctance on the part of the victim to file charges, Deputies fail to effect arrests even when a clear violation has occurred. On the other hand, there are situations where grounds for lawful arrest exist; however, circumstances dictate an offender not to be arrested. This can be true even if a Deputy personally observes a violation. Unless these issues are carefully considered before effecting an arrest, the deputy, the GCSO and the County are open to serious civil action. Therefore, Deputies use discretion and good judgment when effecting any arrest, and the following should be considered.
3. PROCEDURES
4. When to arrest- If a violation of the law occurred, it is the responsibility of an on duty deputy, after considering the tactical situation, to take all steps reasonable, necessary and consistent with his assignment, regardless of a victim’s willingness or unwillingness to file charges, to effect an arrest. In cases where willingness exists, or when the victim can be called as a witness, Deputies of this Office are encouraged to file charges. As per Article 20, 15A-401 of the North Carolina Statutes, an arrest is complete when:
5. An arrest is complete when:
6. The person submits to the control of the arresting Deputy who has indicated his intention to arrest, or
7. The arresting Deputy, with intent to make an arrest, takes a person into custody by the use of physical force.
8. Upon making an arrest, a law enforcement Deputy must:
9. Identify them self as a law enforcement Deputy unless his identity is otherwise apparent.
10. Inform the arrested person that he/she is under arrest, and
11. As promptly as it is reasonable under the circumstances, inform the arrested person of the cause/reason for the arrest, unless the cause appears to be evident.
12. When Not to Arrest- In most cases, it is not the role of a deputy to decide whether an offender should be prosecuted; that is the responsibility of the District Attorney. Any decision NOT to arrest must be reached only after the deputy has carefully weighed the following guidelines:
13. When the arrest would cause a greater risk of harm to the general public than the offender remaining on the street would. For example, in a crowd situation, a deputy’s decision to arrest may aggravate tensions and thus lead to a riot or other serious disorders. Deputy’s resources may be stretched to the limit, e.g., on a particularly busy night, arrests for minor offenses may consume a significant amount of a Deputy’s time, thus preventing him from responding to more serious crimes. It should be remembered even though an arrest may not be made at the time the offense occurs, at a later date the Deputy may swear out a complaint against the offender.
14. When the arrest would cause harm to a Deputy who poses no threat of danger to the public. Following are examples of this kind of situation:
15. The family dispute where tempers will pass by morning, without real threat of violence.
16. The intoxicated person who is harmless to others and needs assistance to get home.
17. The juvenile offender, who’s wrong-doing would be handled through informal warnings, advice, talking with juvenile’s parents, etc.
18. As mentioned previously, a decision not to arrest when there are grounds for arrest is considered good officer discretion in the special type circumstances listed. However, if there is doubt these circumstances exist; consult with supervisory Deputy prior to making final decision.
19. Deputies of this office make arrests in their own quarrels, in those of their families or in disputes arising among their neighbors except under such circumstances as would justify them in using self-defense to prevent injury to themselves, or injury to another person, or when a serious offense has been (GCSO) while off duty and out of uniform, shall not:
20. Engage in controversies, committed.
21. Make arrests for non-threatening offenses except when the violations are willful and are repeated.
22. Arrest traffic violators except when the violation is of such flagrant or dangerous nature that the Deputy is required to take the violator into custody to prevent possible injury to another person.
23. Any time police action is taken by an off duty Deputy, a report on such action shall be completed immediately after the incident.
24. Actual Arrest
25. In making arrests, deputies shall strictly observe the laws of arrest procedure and the following provisions:
	1. Only necessary restraint and a reasonable amount of force to assure safe custody and the safety of the Deputy shall be employed. All suspects under arrest should be hand-cuffed while being transported.
	2. The arresting Deputy is responsible for the safety and security of the arrested subject and his/her personal possessions until such time that the person/property is turned over to another authorized person or agency.
	3. The arresting Deputy shall ensure that those rights as mandated by the U.S. Constitution are provided to the arrested person.
26. Arrest without Warrant- the General Statues of North Carolina detail as to when an arrest by a Deputy without a warrant is lawful.
27. Offense Committed in Deputy’s Presence- A deputy may arrest without a warrant any person who the Deputy has probable cause to believe has committed a criminal offense in the Deputy’s presence.
28. Offense out of the presence of Deputy- A Deputy may arrest without a warrant any person who the Deputy has probable cause to believe:
	1. Has committed a felony; or
	2. Has committed a misdemeanor, and:
29. Will not be apprehended unless immediately arrested, or
30. May cause physical injury to himself or others, or damage to property unless immediately arrested; or
31. Subdivisions (1) and (2) shall apply to arrests for assault, for communicating threats, or for domestic criminal trespass, already committed by a person who is the spouse or former spouse of the alleged victim or by a person with whom the alleged victim is living or has lived as if married.
32. A Deputy, not in fresh pursuit of a dangerous felon (as in Warden vs. Hayden 875 S. Ct 1642, 387 US 294) may not enter a private dwelling to arrest a suspect without a warrant. (Payton vs. New York, 100 S. Ct. 1371 445 US 573 120070)
33. Deputies may make warrantless arrests based upon probable cause to believe that the suspect has committed a felony where the arrest occurs in a public place, (US vs Watson 432 US 411, 96 S. Ct. 820 1976).
34. When Deputies have probable cause to believe a felon is in the private dwelling of a third party, both an arrest warrant and a search warrant are required to forcefully enter the premises without consent of the third party absent emergency circumstances, e.g., hostage situation, etc. (Steagald vs US 101 S. Ct. 1642 120071)
35. Although violation of the Payton-Steagald rule will not result in the release of the suspect, valuable evidence which may have been seized pursuant to the arrest or confessions obtained as a direct and immediate result of the arrest may be inadmissible. (Wong Sun vs. US 317, 83 S. Ct., 407, 9L Ed 441 1963)
36. Deputies making a legal arrest may search the defendant thoroughly at the time of his arrest as well as in the area within the defendant’s control and such evidence may be admissible in the case regarding which the defendant was arrested or a totally unrelated cause of action. (Chimel vs. California, 395 US; 89 S. Ct. 2034, 1969)
37. Arrest with Warrant- Article 20, 15A-401 General Statues
38. Warrant in Possession of Deputy- a Deputy having a warrant for arrest in his possession may arrest the person named or described therein at any time and at any place within the Deputy’s territorial jurisdiction.
39. Warrant Not in Possession of Deputy- a Deputy who has knowledge that a warrant for arrest has been issued and has not been executed, but who does not have the warrant in his possession, may arrest the person named therein at any time. The Deputy must inform the person arrested that the warrant has been issued and serve the warrant upon him as soon as possible. This subdivision applies even though the arrest has been returned to the clerk under G.S. 15A-301. With respect to the first requirement, a Deputy is required to use reasonable diligence to make sure the person arrested is in fact the subject named in the warrant. Deputies, when in doubt, must utilize simple and direct means of checking on identification when such means exists. Failure to do so may result in liability falling upon the Deputy personally and/or the agency (Wallner vs. Fidelity and Deposit Co. of Maryland, 33 N.W. 2nd 215 Wisc. 1948) Photographs, fingerprint classification information and other intelligence material are often essential to insure proper arrest.
40. In order to determine whether or not a warrant is valid on its face, it should:
	1. Have been issued by a Court of competent jurisdiction;
	2. Charge the commission of a crime;
	3. Charge an identifiable person; and
	4. Be signed by a judicial official.
41. If a warrant is valid on its face and is executed against the proper person in a reasonable manner, the Deputies are protected from civil liability for false arrest.
42. Deputies executing a search warrant must first knock and announce their presence, purpose and authority.
43. If a Deputy fails to gain admittance after he/she has knocked and announced his presence, purpose and authority, he may use reasonable force to enter the premises to effect such an arrest with a warrant.
44. Deputies need not knock and announce their presence if any of the below four exceptions exist:
	* 1. The person within already knows of the Deputy’s presence, purpose and authority.
		2. The Deputies justifiably believe that persons within are in danger of immediate bodily harm; or
		3. The Deputies life would be greatly endangered were he to knock and announce; or
		4. Those within are made aware of the presence of someone outside, and are presently engaged in activities which justify the Deputy’s belief that an escape or destruction of evidence is now being attempted. The aforementioned exceptions are just that- exceptions and forcible entry without notice should never become the rule.

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Sheriff Signature Sheriff Printed Name Date

* 1. **CHAIN OF COMMAND**

I.PURPOSE- The purpose of this General Order is to establish and describe the organizational structure of Authority within Graham County Sheriff’s Office.

II. DISCUSSION- To ensure unity of command, clearly defined lines of authority must be drawn so that there is a structural relationship between each member/Deputy/employee and his supervisor. All personnel must be aware of their relative positions within the organization, and to whom they are accountable. Personnel should strive at all times to operate within the chain of command and to keep their supervisors informed as to their activities. Personnel at each level of command shall be given the authority to make decisions necessary for effective execution of their responsibilities. These personnel will be accountable for the appropriate use of their authority.

 III.PROCEDURES-CHAIN OF COMMAND

1. The nature of law enforcement requires that decisions be made quickly and immediate action be taken to carry out competently made decisions. The following chain of command has been established to facilitate this decision making process in the most efficient manner possible.

**SHERIFF**

**CHIEF DEPUTY**

**CAPTAIN / LIEUTENANT**

**SERGEANT AND (DETECTIVE)**

**DEPUTY**

1. Under normal operating conditions, the highest ranking member present will assume command of any given situation. However, when members of two or more organizational components are involved in a criminal investigation, the ranking member present from the organizational component responsible for the follow-up investigation and conclusion of the case may assume responsibility for the investigation, and take command of the investigation and the crime scene. The Sheriff has the authority to designate command authority in any situation, as needed.
2. Civilian employees shall report to their supervisor and follow the chain of command thereafter. The chain of command will normally follow department’s current organizational structure as identified in the following chart (see next page). This insures that each person responsible to only one supervisor.

IV.ISSUANCES OF ORDERS

1. Whenever an order is issued, it should be in clear, understandable language, civil in tone, and issued in pursuit of department business. All lawful orders shall be obeyed when issued by a supervisor; including any order relayed by a supervisor through a person of the same or lesser tank. No supervisory member will knowingly issue any order which is in violation of any law, ordinance, County or GCSO rule.
2. Supervisors are responsible for avoiding the issuance of conflicting orders. Orders conflicting with written directives and/or procedures may only be issued by the Sheriff, and must be in writing. Emergency situations requiring immediate action are the only conditions allowing a supervisor to override an order made to a Deputy without consulting the supervisor issuing the previous order. The supervisor issuing the conflicting order is responsible for justifying the conflicting order.
3. Upon receipt of an order conflicting with any previous order or instruction, the member affected will advise the person issuing the second order of this fact. Responsibility for overriding the original instruction then rests with the supervisor issuing the second order and the procedures stated above will be followed.
4. A member or employee receiving an unlawful, unjust or improper order shall at the first opportunity report in writing to the Sheriff through the chain of command. This report shall contain the facts of the incident and action taken.

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Sheriff Signature Sheriff Printed Name Date

* 1. **CODE OF CONDUCT**
1. I. Purpose- The purpose of this general Order is to establish a code of conduct for all GCSO personnel.

II. Discussion- Personnel of the GCSO is expected to abide by and may be disciplined for violating the rules and/or regulations of this Office up to and involving withdrawal of appointment. To facilitate portions of this General Order, the Sheriff reserves the right to question persons (including all personnel) entering or leaving any GCSO property/facility, and to inspect any person, including any members, lockers, desks, vehicles, packages, handbags, briefcases, lunch boxes, etc., or other possessions carried to or from the GCSO property. It is the policy of this department that discipline should be characterized as corrective rather than punitive, and that disciplinary actions are utilized as an element of an overall program to educate the members of the department, and to promote proper conduct. Supervisory members are expected to enforce the disciplinary process. Although internal consistency and administering discipline is desirable, numerous factors should be considered in determining the appropriate level of discipline to be assessed. Some of the factors involved include, but are not limited to, length of service, time intervals between offenses, effectiveness of prior disciplinary actions, willingness to improve work performance, job attitude, and disciplinary actions previously administered to other comparable members for similar offenses. A repetition of the same offense would indicate that more severe disciplinary measures should be administered. When imposing disciplinary measures on a current charge, supervisors should not take into consideration prior infractions of imposing disciplinary measures on a current charge, supervisors should not take into consideration prior infractions of the Rules and Regulations which occurred more than two (2) years previously; provided, however, that nothing contained herein shall limit the right, power and authority of the Sheriff to take whatever disciplinary action deemed appropriate under given circumstances. It is further provided that certain offenses are of such serious nature that immediate withdrawal of appointment upon the first offense is applicable.

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Sheriff Signature Sheriff Printed Name Date

* 1. **DISCIPLINE**
1. Types of Disciplinary Action
2. Oral Reprimand- the purpose of an oral reprimand is to allow the supervisor to bring to the member’s attention the need to improve his performance, work habits, behavior or attitude, and to serve as a warning against further repetition of the unsatisfactory conduct. The supervisor should utilize the occasion to identify and define the area needing improvement and inform the member as to how such improvement can be realistically achieved.
3. Written Reprimand- In situations where an oral warning has not resulted in the expected improvement, or when a member commits a more serious offense, a written reprimand should be given the member. This shall include a complete description of the incident(s) of misconduct, and refer to specific times, dates, locations, personnel involved and rules violated.
4. Relief from Duty- A supervisor has the authority to relieve a subordinate of duty should the subordinate report for duty in an intoxicated state or otherwise in an unfit manner for duty. The supervisor must immediately report this action to his/her supervisor who is next above in chain of command. The incident notification will follow through the chain of command until the Sheriff has been notified. The supervisor shall initiate an investigation of incident and determine within 24 hours whether the suspension shall continue. This suspension is to be no more than three (3) days maximum.
5. Suspension-
6. In the event offenses are continued or repeated, and the member has already received oral or written reprimands, or if the nature of the offense is relatively serious, a member may be suspended for a specific period of time without pay.
7. Administrative Suspension (non-disciplinary) following the use of deadly force: in every instance in which a Deputy uses deadly force which results in death or bodily harm to another person, the Deputy will be immediately relieved of normal duties in order that the emotional and personal needs of the Deputy may be addresses, and all the facts surrounding the incident verified.
8. Disciplinary Suspensions, Demotions and Appointment Withdrawals- All members subject to a disciplinary action will receive a written notice of the sanctions recommended, the reason9s) thereof, and the opportunity to be heard in a hearing, if desired. Supporting material as is reasonably available shall be included with the notification to the member.
9. Withdrawal of Appointment- If the member’s conduct necessitates an inquiry or an investigation the member may be placed upon paid suspension. Depending upon the results of the investigation, the member’s appointment may later be withdrawn. The following information shall be provided any member whose appointment is withdrawn:
10. A statement citing the reason(s) for the withdrawal.
11. The effective date of the withdrawal.
12. Demotion

In certain cases, at the option of the Sheriff, demotion may be used when the member demonstrates an inability to adequately function at such rank or position. Demotion may also be used as a position overseer when the rank or position has been abused or handled improperly.

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Sheriff Signature Sheriff Printed Name Date

* 1. **COOPERATION**

Members and employees shall maintain a loyalty to the GCSO, and shall exhibit a high spirit of cooperation and shall take appropriate action to aid any peace Officer in danger.

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Sheriff Signature Sheriff Printed Name Date

* 1. **General Responsibilities**
1. Within the County, members shall at all times take appropriate action in accord with departmental orders, rules and procedures to effect the following:
2. Protect life and property
3. Preserve the peace.
4. Detect and arrest violators of the law.
5. Enforce federal, state and local laws and ordinances coming within GCSO jurisdiction.
6. Specific Duty Responsibilities

Members shall, at all times, respond to the lawful orders of Superior Deputies and other proper authorities as well as calls for Deputy Assistance from citizens. The administrative delegation of the enforcement of certain laws and ordinances to particular units of this Office does not relieve members of other units from the responsibility of taking prompt, effective Deputy action within the scope of those laws and ordinances when occasion so requires. Members assigned to special duties are not relieved from taking proper action outside the scope of their specialized assignment when necessary. All members and employees shall perform their duties as required or directed by law, departmental rule, policy or order, or by an order from a superior Deputy. Failure or deliberate refusal by any member or superior Deputy shall be considered insubordination.

1. Absence from Duty- Absence from duty is authorized only in pre designated schedules. All other absences must be approved, in advance, by a supervisor.
2. Acting as an agent for a Bonding company- members and employees cannot act as bailers for any person in custody except relatives, and in no case where any fee, gratuity or reward is solicited or accepted. Keep in mind a Deputies spouse is also prohibited from such activities by G.S. 58-71-105.
3. Address and Telephone Numbers- immediately upon reporting for duty, members and employees shall record their correct residence address and home phone number with the Sheriff. Members and employees are required to have where they reside. Changes in address or phone numbers are to be reported to the Sheriff within 24 hours of said change. This shall be done in writing and within the specified time whether or not the member/employee is working or on leave. The address and phone numbers of members/employees will not be released to anyone except members/employees of this Office.
4. Civil Depositions and Affidavits- If a case involves the County or employment with the county, the Deputy shall inform the Sheriff before the deposition or affidavit is given.
5. Commercial Testimonials- Members and employees shall not permit their or photographs to be used to endorse any product or service in any way connected with law enforcement without permission of the Sheriff. They shall not, without permission of the Sheriff, allow their names or photographs to be used in any commercial testimonial alluding to their position or employment with the GCSO.
6. Compensation for Damages of Duty-Members/employees who have received compensation from the county for injuries sustained off duty in the line of duty shall notify the Sheriff in writing of any intent to seek, sue, solicit or accept compensation as damages for such injury. However, if a member receives an injury while being compensated by another agency or employer, the member must file a claim with that agency or employer. This notice shall be filed before any action is taken. It shall include the facts of the claim and the name of the respondent.
7. Comprising Criminal Cases- Members and employees shall not engage in any of the following conduct:
	1. Interfering with the service of lawful process.
	2. Interfering with the attendance or testimony of witnesses through coercion, bribery, or other means.
	3. Taking any other action which will interfere with the efficiency or integrity of the administration of criminal justice.
	4. Having knowledge of such interference, failing to inform a superior Deputy of same.
8. Conduct toward Others- Members and employees shall treat Superior Deputies, subordinates, associates and the public with respect. They shall be courteous and civil at all times in their relationships with the community and one another. When on duty or in the presence of the public, deputies should be referred to by their rank. In the performance of their duties, they will do so in ordinary, business-like language and speak affirmatively and emphatically as their circumstances requires.
9. Correspondence- members and/or employees shall not:
	1. Use GCSO letterhead for private correspondence.
	2. Send correspondence out of this department over their signatures without the general permission of the Sheriff.
10. Court Appearance- Members and employees shall, upon being summoned or subpoenaed, attend court or quasi-judicial hearings. Permission to omit this duty shall be obtained from the prosecuting attorney handling the case or other competent court official. When appearing in court, either the official uniform or clothing conforming to standards imposed upon Deputies working in plain clothes shall be worn. Members shall present a neat and clean appearance, avoiding any mannerism which might imply and disrespect toward the court, such as gum chewing, smoking, etc. All rules of the court shall be obeyed.
11. Departmental Address (Private Use of) - Members and employees shall not use the GCSO address as a mailing address for private purposes. The GCSO address shall not be used on any motor vehicle registration or operators or other type of driver’s license.
12. Fitness for Duty- It shall be the policy of this Office that all personnel shall be both physically and mentally fit for duty at all times. At the discretion of the Sheriff, any member of the GCSO who is suffering from any type of emotional and/or physical injury which may impair or inhibit his/her ability to perform their duties, shall be relieved from duty with pay. The member shall be directed to the appropriate health care professional as prescribed by this office. In the event the member desires to consult with his/her own health care professional, they shall be permitted to do so provided they furnish a release authorizing the prescribing physician to release all medical information pertaining to the treatment of said member to this office. However, the member’s physician must be approved by this office before treatment is rendered. No member shall be returned to duty until the treating physician certifies, in writing, that the member is physically and/or emotionally capable or returning to full and active duty.
13. Gratuities- The solicitation or acceptance of gratuities shall be prohibited.
14. Identification as a Deputy Sheriff- Except when impractical or not feasible, or where the member’s identity is obvious, a Deputy shall identify themselves orally and by displaying the official badge or identification card before taking police action.
15. Intoxicants
	1. Members and employees shall consume neither alcoholic beverages nor medication prior to reporting for duty to the extent that evidence of such consumption is apparent when reporting for duty, or to the extent that ability to perform duty is impaired.
	2. Members and employees shall not at any time be intoxicated while on duty. They shall not be at any time, on or off duty, be intoxicated in public view as to bring discredit to this Office.
	3. Members and employees shall not bring into or keep any intoxicating liquor into the GCSO’s building except when necessary in performance of the Deputy’s task.
	4. Liquors brought into the building in the furtherance of the Deputy’s task shall be properly identified and stored according to current policy.
16. Knowledge of Law- Every member and employee is required to establish and maintain a working knowledge of the law, and is expected to observe and obey the laws and ordinances in force in the County and the rules and orders of the GCSO.
17. Manuals and Maintenance- All members and employees who are issued manuals are responsible for their maintenance, and will make appropriate changes or inserts as they arise.
18. Meals- With the permission of a supervisor, members may have a period for meals. Although calls will not routinely be assigned to a member during a meal periods, all Deputies are subject to immediate call in cases of emergencies. Road units are responsible for continuous monitoring of the radio during meal periods or must provide communications with a phone number where they can be reached, and must adhere to other applicable rules during meal periods.
19. National Colors and Anthem- Uniformed members will come to attention and salute with their right hand the national colors and anthem at appropriate times. Members and employees in civilian dress shall render proper civilian honors to the national colors.
20. Prohibited Activity on Duty- Members and employees are prohibited from engaging in the following activities while on duty, with exceptions as noted:
21. Sleeping
22. Conducting a private business or activities related to a private or other business while on duty.
23. Carrying any article distracting from the proper performance of their duties.
24. Drinking alcoholic beverages (except in performance of a Deputy’s duty, and never while in uniform).
25. Gambling-unless to further an authorized undercover or covert investigation.
26. Property and Equipment- members/employees shall maintain GCSO property and equipment assigned to them securely and in good condition. Special care is expected for the safeguarding of any and all weapons entrusted to a Deputy. In the event the County property is found bearing evidence of damage which has not been reported, it shall be prima facie evidence that the last person using the property/equipment was responsible. Members and employees will be responsible for the replacement or repair of equipment through their carelessness or neglect.
27. Recommending Attorneys and bail Bonding Agents Prohibited- Members and employees shall not suggest, recommend advice or otherwise counsel the retention of any attorney or bail bond broker to any person coming to their attention as a result of GCSO business. This does not apply when a relative of a member seeks such service. In no case may such advice be given where a fee, gratuity or reward is solicited, offered or accepted from any attorney, bail bondsman or business. Keep in mind General Statute 58-71-106 also prohibits a Deputies spouse from such activities.
28. Registered Equipment with the Sheriff’s Office- Employees shall be required to register with this Office the description and serial number of all personal equipment used for their duties.
29. Relief- All members and employees are to remain at their assignment and on duty until properly relieved by another member or employee or until dismissed by competent authority.
30. Reporting- Members and employees shall promptly submit such reports as are required by the performance of their duties or competent authority.
31. Reports and Booking- No member or employee shall knowingly falsify any official report or enter or cause to be entered any inaccurate, false or improper information on GCSO records.
32. Rewards- Members and employees shall not accept any gift, gratuity or reward in money or other consideration for services rendered in the line of duty to the community or to any person, business or agency except lawful salary and that which is authorized by law.
33. Security of Departmental Business- Members and employees shall not release law enforcement or other such sensitive information outside the GCSO except as provided elsewhere in this manual or as required by law or competent authority. Specifically, information contained in law enforcement records, other information ordinarily accessible to members and/or employees, and names of informants, complainants, witnesses or other persons known to the department are considered confidential.
34. Surrender of Departmental Property-Members and employees are required to surrender all GCSO property in their possession upon separation from such department. When a Deputy is transferred to a new duty assignment, special property shall be returned as requested. Final paychecks will not be released until proper, property clearance is obtained.
35. Tobacco- The use of tobacco products while on duty shall be as inconspicuous as possible at all times. In no event will a member or employee smoke tobacco product in any public or private place where smoking is prohibited by state law or county ordinance.
36. Transporting Citizens- Citizens will be transported in GCSO vehicles only when necessary to accomplish some departmental purpose. Such transportation will be done in conformation with departmental policy, or at the discretion of a commanding Deputy or supervisor. No person under the age of eighteen years shall participate in the ride along program unless they are assigned as a co-op or work study from a local educational facility.

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Sheriff Signature Sheriff Printed Name Date

* 1. **USE OF COUNTY VEHICLES**

**Policy:**

The purpose of this policy and procedure is to establish guidelines for the proper use, care and maintenance of all vehicles assigned to the Graham County Sheriff’s Office.

**Procedures:**

I. Operation of County Vehicles

A. Vehicles owned by the county and assigned to the Graham County Sheriff’s Office shall be used for official business only. North Carolina general statutes prohibit the use of county owned vehicles for personal reasons.

B. Vehicles will be operated by graham County Sheriff’s office employees only, except as necessary by mechanics or other service personnel performing maintenance or other work on the vehicle. For the purpose of this policy and procedure, Reserve Officers, when performing duties for and at the request of the Graham County Sheriff’s Office, shall be considered an employee.

C. Unless an exception is granted, the operator of a Graham County Sheriff’s Office vehicle shall notify the tele-communicator via radio whenever the vehicle is in use and being operated for any purpose. The operator will provide name/call number to the tele-communicator and will provide any other information required by proper radio procedure.

D. Graham County Sheriff’s Office vehicles will be operated at all times in accordance with all State traffic laws, county and city ordinances, and policies and procedures of the graham County Sheriff’s Office. Seat belts and shoulder straps shall be worn by all operators and front seat passengers. Prisoners will be strapped in with seat belts whenever possible.

E. Except under extreme emergencies, keys shall be removed from the ignition and doors locked on any unattended vehicle.

F. Deputies who are assigned vehicles on a 24 hours a day basis will arrange with their supervisor for the vehicle to be available for use by others when the deputy is on vacation or otherwise away from the job for extended periods of time.

II. Inspection and maintenance of County Vehicles

A. Deputies will search their vehicles at the beginning and end of their shifts for weapons, evidence, contraband, or other property left by prisoners or others.

B. Operators shall examine their vehicles at the beginning and end of their shift for damage. Any damage observed will be reported immediately to the supervisor. Any damage reported after the vehicle has been inspected and placed into service shall be considered to have occurred during the operator’s tour of duty.

1. Any vehicle that is unsafe or in need of mechanical repairs shall be reported immediately to the supervisor who shall take appropriate corrective action.

2. Employees assigned vehicles are responsible for scheduling routine maintenance and service of the vehicle, including cleaning and washing of the vehicle.

3. Employees shall not undertake any mechanical work on their own and shall not alter or otherwise tamper with any of the vehicles safety features.

**NOTE:** *This policy is for internal use only, and does not enlarge a deputy’s civil or criminal liability in any way. It should not be constructed 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.*

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Sheriff Signature Sheriff Printed Name Date

**3.1VEHICLE ACCIDENTS**

All accidents involving a vehicle of the Graham County Sheriff’s Office, whether occurring on private property or on the public street, will be investigated by the appropriate agency having jurisdiction. An administrative investigation will also be conducted by the employee’s supervisor.

Employees will not make any statements of liability to the driver of the other vehicle involved or the owner of any property damaged. All inquiries concerning liability will be referred to the county Attorney.

**PROCEDURES:**

I. Whenever a vehicle of the Graham County Sheriff’s office is involved in an accident, whether on private property or on the public street, the operator will immediately notify the tele-communicator, giving the location and whether there is property damage or personal injury.

II. The tele-communicator will notify the appropriate emergency response agency(s) as necessary and will notify the appropriate law enforcement agency to investigate the accident.

1. The operator’s immediate supervisor or other appropriate on-duty supervisor will be dispatched to the scene to conduct an administrative investigation regardless of the amount of damage.
2. The operator’s immediate supervisor will prepare a Motor Vehicle Accident-Administrative Report, prior to ending his tour of duty.
3. The investigating supervisor will also prepare a Motor Vehicle Accident-Administrative Findings Report, indicating whether or not there was improper driving on the part of the employee and whether or not disciplinary action is recommended.
4. The Motor Vehicle Accident-Administrative Report and the Motor Vehicle Accident-Administrative Findings Report will be forwarded through channels to the Sheriff.
5. The Sheriff shall review the investigating officer’s report and the supervisor’s administrative investigation and accident findings. Based on this review, the Sheriff may order disciplinary action up to and including dismissal. When appropriate, the Sheriff may also order retraining or other administrative remedies.

**NOTE:** *This policy is for internal use only, and does not enlarge a deputy’s civil or criminal liability in any way. It should not be constructed 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.*

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Sheriff Signature Sheriff Printed Name Date

**3.2TRANSPORTING PRISONERS**

Sheriff’s officers will transport prisoners in a manner that provides for the safety of the officer, the prisoner(s) and the general public.

**PROCEDURES**

I. General procedures for All transports

A. The primary duty of the transporting officer is the safe delivery of the person in custody. An officer transporting an individual will not respond to routine calls for law enforcement services. The only exceptions to this rule is where the risk to third parties is both clear and grave, and the risk to the person in custody is minimal, or the opportunity for escape is minimal.

B. Each officer will inspect his vehicle at the beginning of the shift to ensure that it is operationally safe and is equipped with all necessary equipment. Equipment problems will be reported to the supervisor. Before and after each transport, the vehicle will be checked again for contraband or weapons, to ensure none are in the passenger area.

C. Transport officers will never assume custody of a prisoner until they have searched the prisoner. Deputies will never assume that someone else has conducted the search.

D. transport Vehicles

1. Should there be only one officer transporting a prisoner in a vehicle that does NOT have a dividing shield, the person in custody will be placed in the front passenger seat, belted in, with hands cuffed. Only one person in custody will be transported at a time in a vehicle without a shield.

2. Should there be two deputies transporting a prisoner without a dividing shield, the person in custody will be placed in the right rear seat, with hands cuffed and with one of the deputies seated in the left rear seat behind the driver.

3. Should the transport vehicle be equipped with a dividing shield, the prisoner will be secured, with hands cuffed, in the rear passenger area. If two deputies are in the vehicle, the passenger officer will watch the prisoner at all times.

E. All persons arrested in the field should be handcuffed. Individuals should be handcuffed behind the back, with their palms facing outward, except when extenuating circumstances make cuffing in front necessary, as outlined below. Handcuffs should be tightened only enough to secure the person’s wrists and will be double locked. The prisoner should be checked periodically for cutting or swelling caused by the handcuffs, and will loosen them if necessary. Prisoners transported from facility to facility will be handcuffed and restrained by leg irons, except under conditions in which the use of leg irons is not feasible. For vehicles that do not have a prisoner partition, it is acceptable to place the prisoner in the front passenger seat. The prisoner should be handcuffed behind the back with the seatbelt buckled and the seat moved forward.

F. All officers will continually monitor the medical condition of the prisoner. Prisoners should not be left alone in a car or a room for any extended period of time. Officers should look at and talk frequently to prisoners in custody, especially when they are restrained by handcuffs or other restraints.

G. Officers will closely monitor any prisoner who is highly excited die to strenuous activity such as attempting to escape custody, resisting arrest, or assaultive behavior and/or displays any or all of the characteristics below:

1. Anyone who has been exposed to chemical agents or OC (pepper) spray;

2. Prisoners who are suspected of being substantially impaired or under the influence of alcohol or drugs;

3. Prisoners who are breathing very rapidly, sweating heavily, or who have cold, clammy skin;

4. Prisoners engaging in deranged and/or irrational conduct or speech;

5. Prisoners who are extremely overweight; or,

6. Prisoners with a known medical condition such as diabetes, a seizure disorder, asthma, heart trouble, or who are of advanced age.

H.IMMEDIATE medical attention will be provided whenever a prisoner:

1. loses consciousness;

2. Stops breathing;

3. Suddenly becomes incoherent;

4. Begins to hyperventilate;

5. Begins to look very sick; or

6. Otherwise shows signs of needing immediate medical attention.

II. Transporting Sick, Injured, Disabled or mentally Ill Detainees

A. The arresting officer will seek medical attention as soon as possible if a detainee becomes sick or injured when arrested. The prisoner should remain handcuffed while in the vehicle, and from the vehicle into the hospital. Restraints will NOT be used on any part of the prisoners’ body which is injured.

B. Physically disabled and mentally ill prisoners should be handcuffed or otherwise restrained with standard restraining devices if he is violent, resisting, an escape risk, or if he poses a danger to himself or others. Otherwise, he may be handcuffed at the officer’s discretion.

C. If possible, a disabled prisoner will be transported in a Sheriff’s office vehicle. If he cannot be transported in a Sheriff’s Office vehicle, EMS may be contacted to transport the prisoner. A Sheriff’s deputy or transporting officer will accompany EMS personnel.

D. Mental patients will be transported with at least one officer of the same sex as the patient in accordance with NC Statute 122c-251. This applies to both in-county and out-of-county transports. This includes the transportation to mental health after the initial pick up on the commitment papers, for both male and female patients, as well as transportation to a hospital or regional mental health facility after evaluation. If an officer of the same sex as the patient is not available for the transport the procedures in section III B through C will be followed.

III. Transporting Prisoners of the Opposite Sex

A. Whenever possible, an officer of the same sex as the arrestee will be responsible for transporting the individual.

B. If the officer is NOT the same sex as the prisoner, the tele-communicator will be notified that the officer is transporting a male/female prisoner, state the starting point, the destination and the beginning mileage on the vehicle’s odometer.

C. Upon arrival, the officer will notify communications that the destination has been reached, and provide the ending mileage.

IV. Transporting Inmates from the Jail to another Facility

A. When transporting an inmate to a specified location, all related paperwork will be taken to the new location.

B. Prisoners who are transported from the jail to a medical doctor should be restrained with handcuffs and/or leg irons, whenever possible. An officer will accompany EMS personnel whenever a prisoner is transported in an ambulance.

V. Prisoner Escapes

A. If the prisoner escapes outside the county, the transporting officer will:

1. Notify communications and request that local authorities be notified; and

2. Attempt to apprehend the prisoner.

3. If the prisoner is not apprehended while deputies are still out of their jurisdiction, deputies will assist local officers in securing a warrant charging the prisoner with escape before returning to Graham County.

4. After returning to Graham County, the transporting deputies will submit to the Sheriff, via chain of command, a report detailing the circumstances of the escape. The deputies will complete the report prior to going off-duty.

B. If the prisoner escapes inside the county, the transporting officer will:

1. Notify communications;

2. Request assistance as needed; and

3. Attempt to apprehend the prisoner.

**NOTE:** *This policy is for internal use only, and does not enlarge a deputy’s civil or criminal liability in any way. It should not be constructed 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.*

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Sheriff Signature Sheriff Printed Name Date

**4.0 EVIDENCE COLLECTION AND CONTROL**

Evidence will be collected, preserved and disposed of in compliance with legal requirements. All evidence taken into custody will be properly secured, stored and retrieved. The chain of custody will be preserved at all times. Any changes in the statues of evidence will be fully documented.

**DEFINITIONS:**

**EVIDENCE CUSTODIAN:** The evidence custodian will be appointed by the Sheriff and will be responsible for the internal handling of all evidence. The evidence custodian will be responsible for the handling and protection of all evidence until its disposal.

**EVIDENCE ROOM:** The evidence room is a secure location in which all evidence and records of evidence are stored.

**CHAIN OF CUSTODY:** Chain of custody is documentation of persons who have had physical custody or control of evidence.

**BIODEGRADABLE OR PERISHABLE ITEMS:** Evidence such as human remains, food, bodily fluids, etc.

**PROCEDURES:**

I. Collection of Evidence

A. The first deputy arriving at the scene of the crime will be responsible for the protection and preservation of any and all physical evidence. This deputy will remain responsible for all evidence until relieved by a supervisor or authorized investigating personnel.

B. Latent prints, sketches and/or physical evidence will be collected whenever a serious crime(s) (such as arson, homicide, rape, robbery or serious assault) has been committed, or as otherwise directed by a supervisor.

C. Photographs

1. Photographs of the scene should be taken from a variety of angles.

2. The designated photographer will maintain a record of each photo taken. The following information will also be recorded:

A. case number;

B. Date, time, and location;

C. Type of camera and film used;

D. Lighting;

E. Photographers name; and

F. Description of photograph.

3. A close-up photograph of evidence will be taken. Whenever possible, photos will show the evidence in the condition in which it was initially discovered.

D. Sketches will be made for major crimes. Sketches will include the following:

1. Case number;

2. Exact address, apartment number, name(s) and location of the victim (s) as discovered at the scene;

3. Dimensions of the room or building;

4. Locations of seized evidence;

5. Location of the crime scene in relation to other rooms, buildings, roads, etc.;

6. Name of person who prepared the sketch;

7. Time and date of sketch;

8. The direction of north on the sketch; and

9. An indication of the scale of the drawing as it relates to the actual scene.

E. Latent prints will be taken whenever necessary. Deputies will not touch evidence in any way that would contaminate the process of developing the latent prints.

F. If designated personnel are assigned to collect physical evidence, they will be advised of the situation and of any unusual circumstances.

G. Should it be decided that evidence will not be taken from the scene, the deputy or investigator will be responsible for documenting the reasons for the decision on the initial crime scene report or on a separate report.

H. When collected, evidence should be tagged with the collector’s name, date, and time, location of the discovery and the case number before it is transported for storage.

1. All evidence will be separated and placed in its own container whenever possible.

2. All monies collected will be counted. A second officer will verify the amount counted. The money will be sealed in a secure container. The name of the second person counting the money will be marked on the container.

3. All evidence will be transported from the crime scene to storage or impoundment as soon as possible.

II. The individual turning all evidence over to the evidence custodian will ensure the information in H above is accurately recorded on the evidence tag.

1. If the evidence custodian is unable to accept the evidence immediately; the evidence will be kept in the temporary storage locker until the evidence custodian can accept the evidence. The evidence will remain secure at all times.

IV. Storage of Evidence

A. The evidence custodian shall be responsible for receiving, storing, maintaining, releasing, and accounting for all felony case evidence.

B. When evidence is forwarded to the evidence custodian, he will complete an evidence receipt. The evidence receipt shall include all information necessary to both document and ensure the integrity of the chain of custody.

C. Evidence of a hazardous nature shall be packaged and stored in accordance with Sheriff’s Office policy and OSHA guidelines. Such substances may include items which may have been exposed to or contaminated with communicable diseases, hazardous chemicals, explosives and other highly combustible products.

D. All hypodermic needles and other sharp objects shall be stored in a manner that will not harm anyone. Deputies should use tubes designed specifically for the storage of these items when appropriate.

E. All firearms will be stored UNLOADED unless circumstances exist that would interfere with the examination of the evidence. All weapons stored in a LOADED condition shall be marked as LOADED. Whenever possible semi-automatic weapons should be placed in a “locked open” or “open chamber” condition with all ammunition clips removed. Extreme caution will be used when handling all firearms and other hazardous items.

F. The evidence custodian shall be responsible for developing and maintaining a master file of all Felony evidence invoices and evidence tags. This file should be cross-indexed with the chain of evidence custody file.

V. Sending Evidence to Outside Laboratories

A. All evidence sent to any laboratory must be packaged to the specifications on the front of the examination request form. The submitting deputy will be responsible for properly packaging and submitting all evidence. A Request for Examination of Physical Evidence form will be completed by the officer and enclosed with the evidence.

B. The officer will be responsible for shipping and/or transporting all evidence to the laboratory via court approved means.

C. All receipts for evidence sent to a laboratory will be filed by the submitting deputy.

D. At the completion of the analysis, all returned evidence will be forwarded to the submitting officer and/or evidence custodian.

VI. Preservation of Biodegradable or Perishable Materials

A. All biodegradable or perishable materials will be sent to the appropriate laboratory as soon as possible.

B. Items that cannot be sent immediately must be stored to prevent spoilage according to laboratory guidelines.

VII. Removing Evidence from Storage

A. Deputies may remove evidence from storage for use in court or investigation purposes.

B. Deputies removing evidence for any purpose will sign for the evidence and indicate the purpose of the removal. All appropriate forms will be signed to maintain “chain of custody.”

C. All evidence removed from storage will be returned by the deputy or employee removing the evidence, once the purpose for removing the evidence is complete.

D. Should it be necessary to leave any evidence with the court, the deputy or employee removing the evidence will secure a signed receipt from an official of the court and return it to the evidence custodian as soon as possible.

E. If the evidence custodian is unable to accept the evidence immediately, the evidence will be kept by the collecting deputy until the evidence custodian can accept the evidence. The evidence will remain secure at all times.

VIII. Disposal of Evidence

A. In arrest cases, deputies are responsible for requesting court disposition of evidence that are involved in their cases.

B. In cases which do not reach judicial authority, the District Attorney may authorize disposition in accordance with GS 15-11.1(a).

C. A disposition order must be issued before the items are released, with a copy of the report sent to the evidence custodian.

D. The evidence custodian and/or investigating officer have the ultimate responsibility for disposal of evidence. The disposal of evidence is mandated by statute, specific court order, and/or Graham County Sheriff’s Office policy. Items of no value and/or unlawful items will be destroyed. Items of value will be returned to the rightful owner, if ownership can be established. Items of value for which rightful ownership cannot be established will be sold at public auction.

E. The disposition of all evidence will be recorded on the master file maintained by the evidence custodian.

F. Evidence will be disposed of at periodic intervals.

**NOTE:** *This policy is for internal use only, and does not enlarge a deputy’s civil or criminal liability in any way. It should not be constructed 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.*

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Sheriff Signature Sheriff Printed Name Date

* 1. **MUTUAL AID**

Pursuant to north Carolina General Statutes, 160A-288, and 90-95.2, the governing body of a city or county may adopt appropriate guidelines for the purpose of mutual assistance with other municipal and county law enforcement agencies. Based on the adoption of such guidelines by the graham County Board of Commissioners, the Graham County Sheriff’s office will participate in mutual aid agreements with other agencies as set forth in this policy and procedure.

**PROCEDURES**

I. Mutual Aid Agreements Pursuant to GS 160A-288

North Carolina General Statute 160A-288 authorizes law enforcement agencies to assist each other during natural or man-made disasters and other incidents requiring services beyond the capacity of a single agency.

A. Mutual Aid Agreements for emergency assistance in the form of personnel, equipment, or supplies may be signed and executed by the Sheriff prior to any assistance being rendered to another agency or prior to requesting such assistance from another agency. Sheriff may verbally request or grant assistance from or to another law enforcement agency in an emergency.

B. Signed Mutual Aid Agreements will be filed and maintained in the Sheriff’s Office for future reference. It will not be necessary to execute a new agreement each time a request for assistance is made. The existing agreement should be referred to in any requests made for assistance.

C. Mutual Aid Agreements should be reviewed annually and updated as necessary.

D. All requests for mutual aid assistance should be made in writing by the Sheriff or head of the requesting agency or their designee. When time is of the essence, a DCI message, radio, or phone call will initiate this requirement.

E. Any employee receiving a request for aid from another agency will immediately notify the Sheriff or designee who will respond to the request.

II. Mutual Aid Agreements Pursuant to GS 90-95.2

A. North Carolina General Statute 90-95.2 authorizes law enforcement agencies too temporarily provide assistance to another agency if requested in writing by the head of the other agency. The assistance may include allowing officers of the agency to work temporarily with officers of the other agency, including in an undercover capacity.

B. All requests for assistance under the provisions of GS 90-95.2 must be approved by the Sheriff, who will sign and execute an agreement with the head of the other agency.

III. Deputies assigned to another agency under the provisions of a mutual aid agreement shall have the same jurisdiction, powers rights and immunities as officers of the agency.

IV. Supervision and Control

A. Deputies assigned to another agency under mutual aid provisions shall be subject to the lawful operational commands of supervisors of that agency.

B. Personnel and administrative control, including compensation, health insurance, and workmen’s compensation benefits will be retained by the lending agency.

C. Deputies will be entitled to full workmen’s compensation benefits during their assignment to the requesting agency.

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Sheriff Signature Sheriff Printed Name Date

OFFICE OF THE SHERIFF OF GRAHAM COUNTY

Robbinsville, NC 28771

Date: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Dear\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_:

In accordance with North Carolina General Statute 90-95.2, this letter is to be considered a formal request that the following officer(s) be allowed to assist officers of the agency

From\_\_\_\_\_\_\_\_\_\_\_\_, 20\_\_\_ through \_\_\_\_\_\_\_\_\_\_\_, 20\_\_\_.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ From the\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Name of Officer Agency

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ From the\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Name of Officer Agency

Pursuant to this statute, the above requested officer(s), while working with this agency, shall have the same jurisdiction, power, rights, privileges, and immunities as the officers of this agency in addition to those normally possesses.

While on duty with this agency, he shall be subject to the lawful operational commands of the supervisor officers within this agency; but he shall, for workers’ compensation, health insurance, personnel and administrative purposes, remain under the control of his own agency, including for purposes of pay.

He shall, furthermore, be entitled to workers’ compensation from his agency when acting pursuant to this statute to the same extent as though he were functioning within the normal scope of his duties.

Respectfully Submitted,

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Sheriff County Date

Approved:

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Sheriff/Chief County/City Date

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OFFICE OF THE SHERIFF OF

GRAHAM COUNTY

ROBBINSVILLE, NC 28771

Date:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Dear\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_:

As required by NCGS 160A-288, this is my official request to you for your agency to legally assist the \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ County Sheriff’s office in an emergecy.

Accordingly, I am requesting the following manpower and/or resources:

Thank you for your assistance.

Sincerely,

Sheriff,\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_County

* 1. **GCSO Sexual Harassment Policy**

**I.Philosophy- It is the policy of the GCSO that employees shall be free from sexual harassment in the workplace. It will be a violation of this policy for any employee to harass any other employee through any misconduct or communication of a sexual nature.**

**II.Definitions- Any unwelcome sexual advances, requests, for sexual favors, and/or any other inappropriate verbal, written or non-verbal conduct is prohibited. Sexual harassment may include, but is not limited to, the following:**

**A.verbal harassment or abuse**

**B. pressure for sexual activity**

**C. repeated remarks with sexual or demeaning implications**

**D. unwelcome toughing**

**E. suggesting or demanding sexual involvement**

**F. implied or explicit threats of a sexual nature**

**III.Procedures**

**A.Any person/employee who alleges suspects or has knowledge of sexual harassment shall report same to his/her supervisor immediatley. Any person/employee who are a victim of sexual harassment from another employee may make a report to his/her supervisor, or directly to the Sheriff.**

**B. Superviosros receiving such reports will make an investigation of such allegation, and shall notify the Sheriff as soon as practical of such allegations.**

**C. Substantiated reports will result in sanctions at the Sheriff’s discretion. Said sanctions will be in line with other possible sanctions available for violations, incluing verbal cautining, written reprimand, leave with pay, leave without pay, employee’s discharge, loss of certification, and possible criminal charges. See also “Conduct Toward Others” Section “h” under “Code of Conduct” GCSO SOP Manual**

**Resource Model Office for Civil Rights, Region IV**

**Box 2048**

**Atlanta, GA 30301**

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Sheriff Signature Sheriff Printed Name Date

* 1. **Proposed Policy Statement-use of Race and Ethnicity in Law Enforcement**

1.Purpose: To establish a written policy that prohibits the use of racial or ethnic profiling by law enforcement Deputies of the Graham County Sheriff’s Office.

2.Scope: This policy shall apply to all employees of the graham County Sheriff’s office. This policy and procedure is for Graham County Sheriff’s Office Personnel use only, and does not apply to any criminal or civil proceeding. Departmental policy should not be interpreted to create a higher legal standard of safety or care in an evidentiary sense with respect to third party claims.

3. Definition: This agency defines “racial profiling” as any law enforcement-initiated action that relies solely upon the race or ethnicity of an individual, rather than the behavior of that individual. Racial profiling does not include circumstance where the Deputy has information that includes a racial or ethnic descriptor concerning a suspect for a specific crime where that informatin is reliable and is likely to lead to the discovery of that individual.

4. policy: It is the policy of the graham County Sheriff’s Office that the practice of racial or ethnic profiling by employees of this agency is strictly prohibited. All Deputies of this agency shall exercise their law enforcement powers in a manner that does not unlawfully discriminate against individuals based on race or ethnicity. No employee of this agency shall endorse or act upon stereotypes, attitudes, or beliefs that a person;s race or ethnicity increaeses the probability that the person will act lawfully.

5. Disciplinary Action: This agency shall conduct periodic performance reviews of Deputy Sheriff’s conduct to insure compliance with this policy. Members of the agency found to be in violation of this policy will be subject to disciplinary action adminstered in accordance with\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ in the policy and precedure manual of the Graham County Sheriff’s Office.

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Sheriff Signature Sheriff Printed Name Date

* 1. **Employment Process**

The Graham County Sheriff’s office will have a system for selecting the most qualified applicants in compliance with all state and federal laws and regulations.

Procedures:

Minimum statndards for employment:

A.Every perosn employed by the graham County Sheriff’s office shall, in accordance with the rules of the North carolina Sheriff’s Education and training Standards Commission and the Graham County Sheriff’s Office:

1. Be a citizen of the united States

2. Be at least twenty one years of age for any sworn or Detention position, eighteen years of age for clerical or administrative duties.

3. Possess a High School diploma or general Equivalency Diploma

4. Submit to a set of fingerprints to be put on file by NCSETSC.

5. Consent to a medical/physical examinatin by a licensed North Carolina Physician (to be paid for by the County).

6. Submit to a negative drug-screening according to north Carolina Sheriff’s Education and training Standards Commission, as well as submit to random drug screenings to ensure negative results during tenure of employment.

7. Be of good moral and ethical character.

8. Have not been convicted of a crime or crimes as defined by NCAC 10B.0204 & .0307 (which define certain misdemeanors and felonies)

9. Meet all other requirements as established by the Office of the Sheriff of graham County.

Procedures before conditional offer of employment

A.In addition to standards set by the North Carolina Sheriff’s Commission, applicants shall:

1. Be advised they may request and accommodation to apply for a position or to demostrate the ability to perform essential functions;

2. Complete the appropriate employment application forms;

3. Thoroughly and honestly complete the F-3 personal history statement. Deception in the completion of this form will be grounds for immediatley terminating the application process;

4. Have a negative result on an approved drug screening.

5. Consent to an intensive background investigation. The investigatin will be conducted by a Designee of the Sheriff by a member of the graham County Sheriff’s Office Investigations Unit.

B.An oral interview will be conducted prior to the offer of conditional employment. The interview will be comprised of questions related to essential functions of the position in which the applicant has applied for. the interview will be conducted using questions and procedures that comply with the Americans with Disabilities act of 1990 and in guidance with federal and state law that relate to the same.

1. during the interview the applicant will be shown a list or asked about essential duties that the job entails. They will be asked if they can perform these tasks with or without a reasonable accomodation.

2. If it becomes the opinion of the interviewing board that the applicants abilities to perfomr these tasks is questionable, then the board may request that the applicant demostrate their ability to perform those essential functions before proceeding with the interview or application process.

3. The interview board shall consist of the Sheriff and Chief Deputy.

C.Probationary Period

1. candidates that are offered employment are subject to a twelve month probationary period. This provides time for the employee to be trained to standards by the North Carolina Sheriff’s Association.

2. While on probationary status, an employee may be terminated or relieved of duty at any time.

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Sheriff Signature Sheriff Printed Name Date

* 1. **Drug Screening**

**I. PURPOSE-** The purpose of this general order is to establish guidelines governing the screening of applicants for Deputy Sheriff or jailers in Graham County.

**II.DISCUSSION-** The most important purpose of a drug screening policy is to have a completely drug-free work-place to assure the well-being of all employees, and to assure trust placed in us by the public as directed by the courts of North Carolina and the Constitution of the United States.

**III.PROCEDURES**

A.COST- The cost of drug screening for Applicants, lateral transfers and Reinstatements will be paid for by those individuals. The costs of drug screening for in-service Deputies of the GCSO will be paid by said department.

B.DRUG SCREENING- Every applicant shall have produced a negative result on a drug screen administered according to the following specifications:

1. the “drug screen” shall be a urine test consisting of an initial screening test using an immunoassay method, and a confirmatory test on an initial positive result using a gas chromatography/mass spectrometry (GC/MS) or other reliable initial and confirmatory test as may, from, from time to time, be authorized or mandated by the Department of health and Human Services for federal Work-Place Drug Testing Programs; and

2. A “chain of custody” shall be maintained on the specimen from collection to the eventual discarding of the specimen; and

3. The drugs whose use shall be tested for shall include at least the drugs cannabis, cocaine, phencyclidine (PCP), opiates and amphetamines or their metabolites; and

4. The test threshold values shall be those values as established by the Department of health and Human Services for Federal Work-Place Drug Testing Programs; and

5. The test conducted shall not be more that 60 days old, calculated from the time when the laboratory reports the results to the date of employment; and

6. The laboratory conducting the test may be certified for Federal Work-Place testing programs, and must adhere to federal rules, regulations and guidelines pertaining to the handling, testing storage and preservation of samples. The Sheriff may specify additional drugs to be tested in accordance with the guidelines as set out in Subsection (3) above.

C. Any **Lateral transfer/Reinstatement** of a Deputy to the GCSO shall provide evidence of a negative result on a drug screen administered according to the specifications as outlined above.

D. **All members of the GCSO are subject to drug screening as outlined above, at the discretion of the Sheriff.**

E. For reporting purposes, a result will be considered “positive” only in cases where the drug screen reveals the presence of an illegal drug as a level equal to or greater that the threshold value as established by the Department of health and Human Services for Federal Work-Place Drug Testing Programs.

F. **Any applicant with a positive result** will be reported to the North Carolina Sheriff’s Education and training Standards Division, and will not be considered for a position with said department. Any refusal to submit will also be reported.

G. **Any member of the GCSO with a positive result to the drug screen will be terminated,** unless the positive result has been explained to the satisfaction of the Sheriff and a medical review Deputy of his choice who shall be a licensed physician.

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Sheriff Signature Sheriff Printed Name Date

* 1. **Operations**

**6.1 Patrol Division**

A. The operations of the Patrol Division will fall under the general chain of command as follows:

1. Sheriff

2. Chief Deputy

3. Shift Sergeant

4. Deputy

B. In the event when there is no Ranking Patrol Deputy present or higher authority, then the Investigations lieutenant shall have full command authority.

C. In the event a Detective is called to assume responsibility of a crime scene, at that point the Detective becomes the officer in charge of that scene and may request assistance from other Deputy Sheriff’s or Detectives. In this case the Detective in control of the scene has command authority and other Deputies shall meet requested orders when feasible but not so as to jeopardize the safety and security of normal Patrol Duties.

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Sheriff Signature Sheriff Printed Name Date

* 1. **Calls for Service:**

**Definition**

A call for service is defined as any request made by a citizen or any person requesting assistance by the Patrol Division or any other deputy Sheriff.

A. It shall be the Policy of this Agency to respond to all calls for service from the citizens of Graham County.

B. It shall be acceptable for an employee to respond in person preferably.

C. it is acceptable to respond by telephone at the request of the caller.

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Sheriff Signature Sheriff Printed Name Date

* 1. **EMERGENCY VEHICLE RESPONSE AND PURSUIT**



**I.PURPOSE-** The purpose of this General order is to describe the procedures undertaken during emergency, vehicular response and pursuit.

**II. DISCUSSION-** Responding quickly to certain types of calls for service is a necessary, although sometimes dangerous, part of police work. North Carolina General Statutes recognize this fact and provide for violating normal traffic laws under certain conditions. The Statutes do contain a warning that endangering life and property by reckless disregard for the safety of others is not protected under the provisions of the Statutes even if the deputy is responding to an emergency or is involved in a pursuit. Whenever a member is engaged in routine patrol, or is responding to routine calls, the member will demonstrate good driving habits while obeying normal traffic laws.

**III.PROCEDURES**

Supervisory/Command Responsibility

Upon being notified of a pursuit, the on-duty supervisor shall evaluate the circumstances surrounding a pursuit until such time as a higher authority takes over, shall make a decision on allowing the pursuit to continue, and shall transmit that decision to the pursuing unit. Should the pursuit be allowed to continue, the supervisor shall continue to monitor and evaluate the progress of the pursuit, and may cancel it at any time. In addition, the supervisor shall go to the scene of the terminated pursuit.

A. Blocking- Blocking (defined as placing the enforcement vehicle in such a position that the suspect’s vehicle must either stop or hit the enforcement vehicle) is permitted to stop a fleeing vehicle that is endangering life and property.

B. Emergency Assistance-

1. A deputy confronting a vehicle containing a sick or injured person should offer to summon emergency medical assistance and should render first aid pending their arrival.

2. Upon encountering a private vehicle responding to a healthcare facility for treatment, officers shall offer to summons emergency medical assistance for the patient.

3. Members shall not escort civilian vehicles carrying injured or ill persons.

C. Emergency Vehicle Operation

1. A member shall not operate a police vehicle in an emergency response mode unless he has reasonable belief an emergency exists or when in emergency pursuit.

a. “emergency Response Mode” defined: GCSO vehicles responding or pursuing in emergency response mode shall have in operation all appropriate emergency equipment, to include the emergency lights (light bars) and siren to warn vehicular and/or pedestrian traffic along emergency route. Headlights should also be utilized during daylight hours as an added visibility factor. If any emergency equipment is inoperable, the Deputy to which the vehicle is assigned shall notify their immediate supervisor of the malfunction and the supervisor is to determine if the vehicle is to be taken out of service.

2. Four-way flashers shall not be used while the vehicle is in motion because they interfere with brake lights and turn signals.

3. The provisions of this section shall not relieve the driver of a GCSO vehicle from the duty to drive with regard for the safety of all persons, nor shall such provisions protect the driver of a deputy’s vehicle from the consequences of careless disregard for the safety of others.

4. A member engaged in emergency vehicle operation may:

a. Exceed the speed limit after weighing the risks of Danger to life and property, and after considering the condition of the road, traffic and weather.

b. proceed past a red or “stop” signal or “stop” sign, but only after slowing down or stopping as may be necessary for safe operation. However, a deputy’s vehicle will not enter a controlled intersection against the directed flow of traffic at a speed greater than 10 MPH and the driver will be sure that cross-traffic flow has yielded in each lane before attempting to cross the lane.

c. Disregard regulations governing direction or movement or turning in specified directions after considering or weighing the risk of injury to life or property.

d. Disregard the laws governing the parking of vehicles under ordinary circumstances; except that a deputy’s vehicle shall not block access to a fire hydrant at a fire scene, or in any way obstruct the passage of fire apparatus. Marked Sheriff’s vehicle should be strategically parked in roadways to protect accident scenes, injured persons, or personnel directing traffic, when such use is practical, and the emergency lights along with the four-way flasher shall be activated.

5. Supervisory/Command Responsibility

a. General- The on-duty supervisor is responsible for monitoring emergency vehicle response by members, upgrading or downgrading them, and controlling the number of units responding to an emergency call for service.

B. Pursuits-

1.) Upon being notified of a pursuit, the on-duty supervisor shall evaluate the circumstances surrounding a pursuit, decide whether the pursuit should continue, and shall transmit that decision to the pursuing unit.

2.) Should the pursuit be allowed to continue, the supervisor shall continue to monitor and evaluate the progress of the pursuit, and may cancel it at any time. In addition, the supervisor shall go to the scene of the terminated pursuit and take command.

D. Initiating and Canceling Emergency Response- An emergency response to a call may be initiated or canceled by; a supervisor or member

1. under these conditions:

a. Communications must be advised immediately that an emergency response has been initiated or canceled.

b. Communications will advise when an emergency response is being initiated and shall complete the following:

1.) An audible tone shall be sounded by dispatch to direct attention to important calls or information but the tone alone does not indicate an emergency response is necessary.

2.) The emergency response should be initiated only when life is thought to be in danger, for example, when the immediate presence of a member is needed to save the life of or prevent injury to a person, as may be during crimes-in-progress.

3.) When utilizing an emergency response, a member should consider that arriving at the scene safely is always more important than a few extra minutes gained by a high speed response.

E. Pursuit Procedures-

1. In initiating high speed pursuit, the pursuing member shall:

a. Notify communications of his intentions to pursue.

b. Advise the nature of the charges against the suspect.

c. Give a description, tag number, location, direction of travel of the vehicle being pursued, and the number of occupants by sex and race, or as much as possible and practical.

2. The on-duty supervisor is responsible for the assignment of support units.

3. While in pursuit, all emergency equipment shall be in full use.

4. No pursuits shall be made by vehicles not equipped with emergency lights and sirens.

5. Any unmarked unit in pursuit of a vehicle shall relinquish the close pursuit to a marked unit as soon as possible. The hazards of pursuing in an unmarked unit are much greater than in a marked unit, and the deputy and the supervisor should consider this when determining when/if to terminate the pursuit.

6. No more than two (2) units should be in immediate pursuit and they will be designated as primary and secondary units. The secondary unit should remain behind the primary unit and relay all radio traffic such as location, direction of travel etc. unless otherwise requested. Other units may be used as support when deemed necessary by the primary pursuit member or supervisor. Support includes road blocks, intercepts, etc.

7. Pursuits are prohibited when non-police personnel are passengers in the police vehicle. This includes prisoners, or others who are authorized to ride. If they can be safely dropped off, the deputy may do so, and then proceed to pursue the violator.

8. Members will follow the General Order on use of force when considering the use of firearms while in pursuit. Unless extremely well justified, Deputies shall not resort to the use of firearms while in vehicular pursuit.

9. Radio communications should be restricted to only necessary and emergency traffic, and to only those personnel absolutely requiring radio use.

High Speed Pursuit

1. A pursuit occurs when a suspect is aware of an attempt to stop him/her or initiates action to elude or escape from the member causing the member to exceed the posted speed limit or engage in otherwise illegal maneuvers.

2. Engaging in high speed pursuits is always dangerous to the member, innocent citizens and the suspect. The member must weigh the advantages of capturing the suspect against the hazards created to the public safety.

3. The responsibility for initiating high speed pursuit rests with the individual member, but may be canceled at any time by a supervisor.

4. Circumstances which should be considered:

a. Nature and seriousness of the offense

b. Road conditions

c. Weather conditions

d. Sheriff vehicle type and condition

e. Pedestrian traffic

f. Time of day

g. Geographic location—rural, urban, etc.

h. Deputy’s familiarity with area

i. Personal ability-experience and training in high speed driving.

j. Visibility and illumination

k. Possibility of identification and apprehension at a later time

l. Environment of pursuit (school zone, residential, business, etc.)

m. Traffic control

n. Likelihood of successful apprehension

Pursuit Abandonment

1. If at any time a pursuit exposes the public or deputy(s) to more danger than the offense and conditions justify, the pursuit should be discontinued. The following should be considered:

a. How congested the traffic is and whether an unreasonable hazard to the general public exists;

b. if the visibility, weather conditions and/or road conditions limit the probability of a safe and successful end to the pursuit;

c. If the violator can be identified to the point where later apprehension can be accomplished, and the violator is not a threat to the public.

Pursuits Initiated by Agencies outside the County’s Jurisdiction

1. Should a pursuit initiated by agency(s) outside this jurisdiction enter the County all guidelines and restrictions regarding pursuits described in this General order shall apply. In most instances members shall terminate involvement if the pursuit leaves the County, however for safety reasons a Deputy may leave the county to assist the pursuing agency, when they have only one vehicle involved.

2. Upon receiving notification that a pursuit has entered the county, communications personnel shall immediately determine from the pursuing agency the reason for the pursuit (including specific law violations). This information shall be provided to all units in the area of the pursuit and to the supervisor on duty.

Pursuit Outside of Jurisdiction

1. A law enforcement Deputy of any county in a fresh and continuous pursuit may pursue outside his own jurisdiction but not beyond the next county line unless the person being pursued is considered armed and extremely dangerous.

2. If a pursuit appears to be headed towards, or has crossed into another jurisdiction, communications personnel shall alert the law enforcement agency within that jurisdiction of the pursuit, its progress and the known charge(s) against the violator. The on-duty supervisor shall also be notified by communications personnel that the pursuit has entered into another jurisdiction.

Pursuit Resulting in Injury or Fatality-the Sheriff shall be notified immediately.

Members shall terminate pursuit when:

1. No supervisor or higher authority can be contacted to approve the pursuit’s continuation; unless the person being pursued is considered armed and dangerous;

2. A supervisor or higher authority orders the pursuit terminated;

3. Member(s) loses visual contact with the law violator;

4. Pursuing unit(s) loses radio contact with the communications center;

5. The belief that a felon or suspected felon has committed, has attempted to commit or attempting to commit a crime no longer exists.

F. Roadblocks- The use of a roadblock(s) as means of apprehending a fleeing vehicle endangering life and property is authorized when ALL of the following conditions are satisfied:

1. Every other reasonable effort of apprehension has failed, and,

2. Emergency lights and other warning devices are operating to afford any approaching vehicle the opportunity to safely stop, and

3. The roadblock is not located in such a place, nor situated in such a manner as to needlessly endanger any innocent person, and

4. The driver and/or passengers as well as the vehicle represent a clear, continuing and imminent threat to life if they are not stopped.

G. When available it is authorized for stop sticks or any equivalent tire deflating device to be deployed to end a vehicle pursuit. Under no circumstances shall these devices be used on a motorcycle or ATV.

H. Whenever a vehicle pursuit is initiated it is the duty of the shift supervisor to have an administrative page activated. And the next line of supervisor notified.

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Sheriff Signature Sheriff Printed Name Date

**NC Legislative Update On**

**“ATTEMPTING TO ELUDE ARREST”**

(Copied from FINAL LEGISLATIVE REPORT

1997, North Carolina Sheriff’s Association)

“…

**This was a legislative priority for 1997 for the NC Legislature.** The new version of this statute no longer requires the defendant to be speeding, only that the defendant be attempting to elude arrest. The legislation provides that if two or more aggravating factors are present, the offender commits a Class H felony. If two or more aggravating factors are not present, the offense is a Class 1 misdemeanor. The aggravating factors are set out in new G.S.20-141.5. The Division of Motor Vehicles (DMV) shall suspend, for up to one year, the driver’s license of any person convicted of a misdemeanor under this law. DMV shall revoke for two years a driver’s license of any person convicted of a felony based on two aggravating factors, and DMV shall revoke for three years the driver’s license of any person convicted of a felony based on three or more aggravating factors. The Driver whose license is revoked for two years may apply for limited driving privilege under certain circumstances after 12 months of the revocation, but the driver whose license is revoked for three years may not obtain a limited driving privilege.”

A key provision of this bill provides that when the law enforcement Deputy gets the tag number of the fleeing vehicle, it is prima facie evidence that the vehicle was being driven by its (sic) registered owner. However, before a Deputy can press charges against the registered owner using the prima facie evidence rule, the Deputy must make a reasonable attempt to contact the registered owner of the vehicle to investigate whether it is being driven by the owner or being driven by someone else. “Every law enforcement agency in North Carolina (State and local) is required to adopt a policy regarding pursuit of a fleeing motorist. The policy must include facts that have to be considered by a deputy in determining when to break off a chase to apprehend a suspect. The Attorney General is required to adopt a model policy regarding pursuit of a fleeing motorist that may be used by local law enforcement agencies in drafting their pursuit policies. Effective December 1, 1997.

**Carolina Sheriff’s Association”**

* 1. **Seatbelt Use Revised 11/2010**

Seat Belt Usage- Seat belts shall be worn at all times by employees when the vehicle is in operation. The only exception will be a written order from a Medical Doctor stating employee is unable to wear seatbelt.

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Sheriff Signature Sheriff Printed Name Date

* 1. **Field Training Deputy’s Manual & Guidelines**

**OVERVIEW OF THE FTO PROGRAM**

The intended long range goal of the Graham County Sheriff’s Office is to establish a feasible and efficient manner in which to gauge the Deputy trainee’s strengths and weaknesses in order to make an informed decision by the Sheriff and the Command of the office for possible employment and/or termination. The Sheriff wishes to further the Deputy trainee’s development from the state mandated B.L.E.T. Certification program and to enhance and educate the trainee in the policy and procedure set forth by the Sheriff in the General Orders manual adopted by this office.

The Field Training Deputy Program has been implemented as an integral part of the growth process of the trainee and the effort by the Sheriff to encourage growth, in-service education and the commitment to police excellence within our office and community. The Field training Deputy Program established does comply and will adhere to all policy set forth by the North Carolina Sheriff’s training and Standards Commission

**GRAHAM COUNTY SHERIFF’S OFFICE**

**6.5.1 LAW WNFORCEMENT CODE OF ETHICS (Deputy)**

**AS A LAW ENFORCEMENT DEPUTY,** my fundamental duty is to serve mankind; to safeguard lives and property; to protect the innocent against deception, the weak against oppression or intimidation, and the peaceful against violence or disorder; and to respect the constitutional rights of all men to liberty, equality, and justice.

**I WILL** keep my private life unsullied as an example to all, maintain courageous calm in the face of danger, scorn or ridicule; develop self-restraint; and be constantly mindful of the welfare of others. Honest in thought and deed in both my personal and official life. I will be exemplary in obeying laws of the land and the regulations of my department. Whatever I see or hear of a confidential nature or that is confided to me in my official capacity will be kept ever secret unless revelation is necessary in the performance of duty.

**I WILL** never act officiously or permit personal feelings, prejudice, animosities, or friendships to influence my decisions. With no comprise for crime and with relentless prosecution of criminals, I will enforce the law courteously and appropriately without fear or favor, malice or ill will, never employing unnecessary force or violence, and never accepting gratuities. I recognize the badge of my office as a symbol of public faith, and I accept it as a public trust to be held as long as I am true to the ethics of Police service. I will constantly strive to achieve these objective and ideals, dedicating myself before God to my chosen profession – **LAW ENFORCEMENT.**

**INTRODUCTION**

 Graham County, North Carolina’s population covers an area approximately 360 square miles and borders Tennessee to the northwest. The current population of the county is approximately 10,000 full time residents living within the incorporated limits of the town of Robbinsville and in the surrounding countryside. The county sees an influx of many summer and fall residents and visitors alike boosting the population to approximately 20,000 people at times throughout the year. Robbinsville is the county seat and houses all county government offices, the town is located approximately 20 miles east of the state of Tennessee and 20 miles north of the city of Andrews, North Carolina and has a full time population of 1,000 residents.

**6.5.2 GENERAL INFORMATION (FTO)**

The Graham County Sheriff’s office Field training Deputy Program will be six to eight weeks in duration. The program is established and implemented in phases, which encompass every facet of the law enforcement experience.

 During this training period, the Deputy trainee must obtain an acceptable level of performance or he/she will be terminated. Competency of an individual Deputy trainee will be evaluated by means of weekly FTO Report.

 The FTO Report is compiled of specific areas of performance, which describes the difference between a successful deputy sheriff and an unsuccessful one. The FTO Report requires the FTO to rate the Deputy trainees on a scale of each of the listed items. The items deal with appearance, behavior, knowledge, performance and relationships. Each item to be rated is addressed in the Standardized Guidelines. The guidelines are described in terms of “below Standard”, and “Not Observed” ratings.

 The FTO Report contains categories dealing with appearance, behavior, knowledge, performance and relationships. Of all the categories in which the Deputy trainee is rated, those items concerning performances are considered the most important. Low scores in other areas may be judged correctable with additional training.

 FTO will submit reports to the Chief Deputy informing him of the progress of the program. The Deputy trainee is rated during each successive phase of the program in a manner reflective of changing expectations as he/she nears completion of the FTO program; i.e. their ratings should reflect progressive improvement.

 A Deputy trainee may be continued in the program past the normal completion period, if there is a reasonable prediction that he/she will soon attain an acceptable level. This reasonable prediction will be based on a Deputy trainee’s close proximity to the acceptable level and evidence of a steady progression towards reaching set level.

 A Deputy trainee will not be penalized because of a personality clash with a particular FTO. Fairness and objectivity are vital to the success of the program and the necessary steps that need to be taken to accomplish this shall be pursued.

**THE FTO PROGRAM**

**6.5.3Reasons for Establishing FTO Program**

1. To make the transition from formal classroom setting to the ‘real world”. FTO’s provide a “bridge” to span the gap between the classroom and reality.

2. Classroom does not adequately provide for the use of knowledge.

**6.5.4 Objectives of Field Training Deputy Program**

1. Develop the most efficient and effective Deputy Sheriff possible. This will be accomplished by providing the appropriate training that will produce a highly trained and motivated Deputy Sheriff capable of meeting or exceeding standards of performance required by this department.

2. To improve the agency’s ability to make informed decisions about Deputy’s trainee retention.

**6.5.5Basic Tasks of Program**

1. Provide the Deputy trainee “on the job training.”

2. Evaluate the Deputy trainee on basis of job performance.

**6.5.6Responsibilities of the FTO**

1. That of a Deputy Sheriff assuming full jurisdictional responsibilities and that of an instructor for the Deputy trainee.

2. Document training progress of Deputy Trainee.

3. Evaluate the Deputy trainee.

**6.5.7 Responsibilities of the Chief Deputy**

1. Will have dual responsibility of assigned supervision and of insuring that then training and evaluation processes are accomplished.

2. Train FTO participants.

3. Coordinate the transfer of Deputy Trainee from on FTO to another.

4. Make recommendation to the Sheriff that the trainee is prepared to advance or be retained.

5. Notify the trainee if recommendation is for termination, only after discussing evaluation with Sheriff.

6. Report progress of FTO Program to the Sheriff.

**FIELD TRAINING DEPUTY**

The Field Training Deputy is the essential means by which the goal of the program is achieved. The FTO has two primary roles to fulfill: one is to fulfill the jurisdictional responsibility of a Deputy Sheriff and that of an instructor of a new employee. In the role of a trainer, the FTO provides ongoing instruction in the traditional sense, using innovative and practical techniques.

The FTO must possess the necessary skills to become a reliable evaluator of the trainee’s performance. The FTO will be required to evaluate the trainee’s performance on the reports. He/she will be required to write evaluations of the trainee’s performance at the completion of each phase of training and submit additional documents if requested.

Finally, the Field Training Coordinator will be charged with the responsibility of recommending termination of a Deputy trainee when the prospects for retention no longer exist.

**FTO CRITIQUE**

The FTO program will provide opportunities for the Deputy trainee to evaluate the program and his/her FTO. Each time a Deputy trainee is assigned to a new FTO, they will complete the FTO Critique form. The FTO will be rated on the following:

His/her ability as a Deputy Sheriff

His/her knowledge of the training material covered

His/her ability to communicate to the Deputy trainee and others

His/her interests in teaching the Deputy trainee

His/her application of honesty, fairness and objectivity in rating the Deputy trainee

The example set for the Deputy trainee, the public, and others by the FTO

His/her overall attitude for the work he/she is doing

**6.5.8 PERSONAL QUALIFICATION FOR FTO**

A minimum of two years law enforcement experience

Selected by the Sheriff and/or the Chief Deputy

Pro-Office/Law Enforcement attitude

Self-Confidence

Innovative

Motivated

Pro-active

Exemplary people skills

Patience

Objective

Personal conduct above reproach

Leadership ability

Articulate

Experience

Technical, communication, counseling and training skills

**PURPOSES OF THE EVALUATIONS**

Provides a standardized, comprehensive process for:

-measuring the ability to perform specific tasks

-determining if the Office’s training objectives are met

-determining the effectiveness of the training program

-identifying behavior/performance problems

-provide feedback to reinforce learning

-reinforce FTO’s effectiveness by providing feedback to him/her

**COMMON PERFORMANCE EVALUATION ERRORS**

**The Error of Leniency-** The error of leniency occurs when the rater marks most of the reports in the highest categories resulting in an overrating of the employee.

**The Error of Personal Bias-** The error of personal bias, when the judge allows personal feelings about the employee to affect the employee’s ratings. Likes and dislikes tend to limit appraisal objectivity.

**The Error of Central Tendency-** The error of central tendency occurs when the rater places all employees somewhere near the center of the rating scale or when he/she routinely bunches the rating scores to the center.

**The Error of Job-related Traits-** The error of job-related traits occurs when the rater gives the same rating to traits that are considered related in some way. The value of rating each trait separately is lost and the overall rating is less valid.

**The Halo Effect-** The halo effect occurs when the rater lets one or two traits dominate the appraisal of the employee. The rater evaluates all remaining traits based on the dominant trait or traits. The halo effect may occur when the rater is influenced in a particular category by one outstanding event, which occurred in that category.

**6.5.9 PERFORMANCE FEEDBACK FOR FTO’S**

Performance feedback is a management tool that is used throughout industry and the government. It is evaluations by which a FTO can test his/her own effectiveness.

**FEEDBACK-** The results of behavior relayed to individuals for their use and learning regarding past performances.

**TYPES OF FEEDBACK**

**Positive:** Feedback that states approval of past performance and usually results in an increase in the rate of the approved behavior.

**Negative:** Feedback that states disapproval of past performance and usually produces a decrease in the rate of the disapproved behavior.

**Directive:** Information about past performances that is presented to the performer and that is neither approving nor disapproving.

**GENERAL POINTERS FOR PERFORMANCE**

**6.5.10.1 FEEDBACK**

* Give it ASAP
* Don’t hedge
* Give the reason for a question before you ask it
* Timing is important
* Don’t give feedback when you are angry
* Don’t yell/belittle
* Recipient should talk at least 50% of the time
* Active listening important
* Be tactful through specific
* Generally, the more frequent the feedback the more impact it will have on behavior
* Be consistent

**6.5.10.2 HOW TO RECEIVE FEEDBACK**

* Listen carefully
* Try not to let defenses build, but mentally note questions or disagreements
* Paraphrase what you think you have heard to check your perception
* Ask questions for clarification and ask for examples in those areas which are unclear or in which disagreement exists. Paraphrase answers again.
* Carefully evaluate information from other sources or by observing your own behavior and other people’s reactions to it.
* Don’t react to feedback, but, when necessary, modify your behavior in suggested directions and then evaluate the outcome.

**SCALE VALUE DEFINITIONS**

**6.5.10 SCALE VALUE**

Below Standard by FTO Standards: (1-3)

1 Deputy Trainee’s behavior demonstrates that he/she has not benefited from training or experience.

2 Deputy Trainee’s behavior demonstrates slight evidence that he/she has benefited from training or experience.

3 Deputy Trainee’s behavior demonstrates that he/she has benefited from the experience and training, but that the behavior is below minimum established standards.

Standard level: (4-6)

4 Deputy Trainee’s behavior demonstrates that he/she has benefited from experience or training. The behavior is acceptable.

5 Deputy Trainee’s behavior demonstrates that he/she had benefited for experience or training. The level of behavior is in excess of minimum standards.

6 Deputy Trainee’s behavior demonstrates that he/she has benefited from training and experience. The level of behavior is in excess of minimum standards, but is not characterized as above standard.

Above Standard by FTO Standards: (7-9)

7-9 Deputy Trainee’s behavior demonstrates that they have benefited from training and experience. The level of behavior is characterized as above standard. The levels measured are those not of a veteran Deputy, but those that are reflected by the trainee’s performance as a new employee to a criminal career.

**WEEKLY FTO REPORTS**

Deputy Trainee\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Date\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Shift: Day/Night # \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Rating Information: Circle the Deputy’s rating. If particularly high or low in one area, indicate why in the comments section.

 [Below Standard] [Standard] [Above Standard] [Area not observed]

 1 2 3 4 5 6 7 8 9 0

Appearance

1. Neat, clean, well groomed. 1 2 3 4 5 6 7 8 9 0

2. Clean & presentable uniforms

(Polished leather gear, etc.) 1 2 3 4 5 6 7 8 9 0

Behavior

3. Individual’s acceptance of

Constructive criticism 1 2 3 4 5 6 7 8 9 0

4. General behavior toward police

Work (does he/she display a true interest in

The job and learning how to do it?) 1 2 3 4 5 6 7 8 9 0

5. Display of professional bearing in

Dealing with fellow employees and the

Public 1 2 3 4 5 6 7 8 9 0

Knowledge

6. Of department rules, policies and procedures 1 2 3 4 5 6 7 8 9 0

7. of department general orders 1 2 3 4 5 6 7 8 9 0

8. Of county ordinances 1 2 3 4 5 6 7 8 9 0

9. Of N.C. Criminal Statutes 1 2 3 4 5 6 7 8 9 0

10. of proper service of legal processes

(Subpoenas, OFA’s, warrants, juvenile petition

Commitment papers) 1 2 3 4 5 6 7 8 9 0

11. Of N.C. motor vehicle laws 1 2 3 4 5 6 7 8 9 0

 A. Reflected in verbal tests 1 2 3 4 5 6 7 8 9 0

 b. Reflected in field performance 1 2 3 4 5 6 7 8 9 0

 (Traffic arrests, issuance of a

 Citations, custody and non-

 Custody arrests, etc.)

12. of issued equipment (radios, weapons, etc.) 1 2 3 4 5 6 7 8 9 0

Performance

13. Driving skill: Normal patrol

Conditions and routine call response 1 2 3 4 5 6 7 8 9 0

14. Driving skill; Stressful situations

Of responding to emergency calls 1 2 3 4 5 6 7 8 9 0

15. Response time to calls

(Knowledge of streets, businesses and

Other locations) 1 2 3 4 5 6 7 8 9 0

16. Report writing (obtains necessary

Data and correctly transcribes it

To the proper report form) 1 2 3 4 5 6 7 8 9 0

17. Report accuracy: organizes

Details properly, is thorough

In obtaining correct facts 1 2 3 4 5 6 7 8 9 0

18. Report writing: uses proper

Spelling and grammar (uses

Outside sources if needed) 1 2 3 4 5 6 7 8 9 0

19. Appropriate time used in

Completing the report form 1 2 3 4 5 6 7 8 9 0

20. Obtaining legal processes

(Knows how, when, and where) 1 2 3 4 5 6 7 8 9 0

21. Performance of general duties

(bldg., checks assist motorists,

Directing traffic, etc.) 1 2 3 4 5 6 7 8 9 0

22. Stressful field performance (response

To robbery, B&E and other

Such calls) 1 2 3 4 5 6 7 8 9 0

23. Self-initiated field activity

(How observant he/she is for

M/V violations, suspicious

Subject 7 criminal activity) 1 2 3 4 5 6 7 8 9 0

24. Deputy safety: non-standard

Careful handling of weapons,

Driving& general duties 1 2 3 4 5 6 7 8 9 0

25. Deputy safety: stressful

Situations (proper positioning,

Thorough frisk & search,

Handcuffing techniques, other

Deputy Protection) 1 2 3 4 5 6 7 8 9 0

26. Control of conflict (voice

Command and assertiveness, not

Overbearing) 1 2 3 4 5 6 7 8 9 0

27. Control of conflict: physical

Condition and agility 1 2 3 4 5 6 7 8 9 0

28. Use of common sense

And good judgment combining

Education and training and

Having a sense of fairness

In dealing w/the public 1 2 3 4 5 6 7 8 9 0

29. Radio-uses appropriate

10 codes 1 2 3 4 5 6 7 8 9 0

30. Radio-listens and comprehends

Radio traffic 1 2 3 4 5 6 7 8 9 0

31. Radio articulation of

Transmission (clear & concise) 1 2 3 4 5 6 7 8 9 0

32. with the general public

(Differentiate between citizens,

Suspects and prisoners) 1 2 3 4 5 6 7 8 9 0

33. With minorities 1 2 3 4 5 6 7 8 9 0

34. with other Deputies , FTO’s,

Supervisors, etc. 1 2 3 4 5 6 7 8 9 0

Comments

Indicate below how the Deputy trainee performed when handling the calls assigned to them. Describe the type of call and their performance level as it relates to each call including both strengths and weakness.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Deputy Trainee’s Signature

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

FTO’s Signature

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Chief Deputy Signature

GRAHAM COUNTY SHERIFF’S OFFICE

FTO CRITIQUE

The critique of the FTO is required by the program to provide information based on feedback for the trainee’s. This information is necessary in developing and maintaining a high level of skill, performance and interests in FTO’s. Please sign these critiques. The signatures are only for the use of training and will be deleted from any copies presented to the FTO. Please complete all questions.

Field Training Deputy’s Name\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

About your Training deputy, how would you rate…..?

1. His/her ability as a Deputy Sheriff: Poor/Average/Good/Excellent

Explanation:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

2. The example he/she sets for you: Poor/Average/Good/Excellent

Explanation:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

3. His/her interests in imparting training material and information to you: Poor/Average/Good/Excellent

Explanation:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

4. Knowledge of training material covered: Poor/Average/Good/Excellent

Explanation:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

5. Skill as an instructor/teacher/trainer: Poor/Average/Good/Excellent

Explanation:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

6. Ability to communicate with you: Poor/Average/Good/Excellent

Explanation:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

7. Application of honesty, fairness, and objectivity in rating you: Poor/ Average/Good/Excellent

Explanation:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

8. Overall attitude for the work he/she is doing: Poor/Average/Good/Excellent

Explanation:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

DEPUTY TRAINEE PROGRESS SCHEDULE

Phase I Explained or| Performed or

 Demonstrated| Understood

1. Explanation of the FTO Program

A. Weekly FTO report \_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_

B. Employee performance appraisal report \_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_

C. Critique of FTO by trainee \_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_

2. Observation of each of the following:

A. D.A.R.E./Public Relations \_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_

B. Office/Civil Process Division \_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_

C. Emergency Operations Center \_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_

D. Court/Judicial Division \_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_

E. Criminal Investigation Division \_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_

F. Detention Center \_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_

G. Patrol \_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_

3. General Tour of GCSO facility/Courthouse \_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_

4. General Tour/knowledge of all other

Law Enforcement agencies throughout

Graham County \_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_

Phase II Explained or| Performed or

 Demonstrated| Understood

1. Departmental Forms

A. Administrative (Employee time

sheets, leave request, etc.) \_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_

B. Law Enforcement Related

(Incident, Arrest, field notes, etc.) \_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_

2. Briefing of Graham County

A. Important city locations:

1. Robbinsville \_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_

2. Santeetlah \_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_

3. Fontana Dam \_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_

B. Important county/community locations:

 1. Fire & Rescue Agencies’ \_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_

 2. Religious/Church Organizations \_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_

 3. Schools/Educational Facilities \_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_

 4. Parks & Recreational Areas \_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_

Phase III

Explained or| Performed or

 Demonstrated| Understood

1. Emergency Operations Center

 A. Proper use of radio \_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_

 -mobile \_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_

 -handheld \_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_

 B. Telephone \_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_

 -professional skills \_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_

 Prompt and efficient \_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_

2. Response to Calls for Service

A. Domestic Disturbances

 (refer to Domestic Violence

 Response policy) \_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_

B. Civil Disputes

 -landlord/tenant \_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_

 -neighbor/neighborhood \_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_

 -property/disputes \_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_

 -noise complaints, etc. \_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_

C. Misc. Calls for Service

 -fight calls \_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_

 -communicating threats \_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_

 -harassment (all forms) \_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_

D. Death Cases

 -natural \_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_

 -non natural \_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_

 -secure and preserve the scene \_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_

 -protocol procedure \_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_

 a) notification of Supervisor

 b) notification of an Investigator

 c) notification of Sheriff/Chief Deputy

E. General Call & Response \_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_

 -breaking & entering

 -larceny

 -shoplifting

 -intoxicated, etc.

Phase IV

Explained or| Performed or

 Demonstrated| Understood

1. Sheriff’s Office Standard Operating

Procedure Manual \_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_

A. General Orders

B. Special Orders

C. Loyalty \_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_

 -Graham County

 -the Sheriff’s Office

 -other Deputies in the Office

D. Community/Public Relations \_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_

 -positive interaction with the Office

 -responsive to the needs of the

 Community/individuals

Phase V

Explained or| Performed or

 Demonstrated| Understood

1. Prisoner Custody \_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_

A. Search of Prisoner

 -be thorough

 -be careful

 -watch positioning

 -check/recheck

B. Handcuffing of suspect \_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_

 -cuff behind the back

 -anticipated any possible moves

C. Transportation of prisoner \_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_

 -secure the prisoner w/seatbelt

 -weapon retention

 -be professional

 -mileage if transporting an opposite

 Sex suspect/civilian

Phase VI

Explained or| Performed or

 Demonstrated| Understood

1. Driving Techniques \_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_

-emergency operation (see SOP)

-obey traffic laws

-drive defensively

2. Deadly Force \_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_

-use of…

-State law (GS 15-401(d) (2))

-Office policy

3. Court Preparation \_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_

-appropriate dress (uniforms, etc.)

4. Critique at the Conclusion \_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_

-review the operation

-discuss the problem areas

-shares thoughts on operation

-additional comments

GRHAM COUNTY SHERIFF’S OFFICE

I have been instructed in all phases of the program by the assigned Field Training Deputy.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Signature of the Deputy Sheriff Date

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Signature of the Chief Deputy Date

This Field Training Deputy Manual is the sole property of the graham County Sheriff’s Office and is intended for the purpose of exposing and training Deputies to act and react properly. This provides a scale on which to compare one’s strengths and weaknesses, to learn and to grow to one’s fullest potential as a Deputy Sheriff. The FTO Manual is a small portion of the training and operational procedure standards, which are set for all new deputies and a copy can be found in the Sheriff’s Policy Manual. This manual was implemented by Sheriff Mickey Anderson in December 2010.

**6.6 FIREARMS AND USE OF FORCE**

**I.PURPOSE-**The purpose of this General Order is to establish guidelines governing the possession of authorized firearms carried by GCSO members, ensure department members are properly trained in the use and carrying of firearms, and establish guidelines for the use of deadly force.

**II. DISCUSSION-** The most important purpose of law enforcement is the protection of human life. In order to be consistent with that purpose, the use of deadly force must be limited to situations involving the protection of human life. Likewise, the use of non-deadly force must be limited to situations involving resistance to arrest, defense against physical assault against the deputy or against a third party, or force necessary to perform official duties.

Thus, to assure the community that Deputies are properly trained and proficient in the use of firearms, the GCSO requires that Deputies periodically qualify and demonstrate competent ability in the use of firearms. Members of the GCSO who are authorized to carry firearms shall regularly qualify with the type(s) of firearms, either issued by the department or those supplied by the member which have been approved by the Sheriff or his designee, which the member may be required to use in the course of their official duties.

Defensive batons may be provided to Deputies, or members may furnish their own upon the approval of the Sheriff or his designee. Members may obtain certification in their use. These type weapons are to be used as an alternative use of force rather than firearms or other forms of intentional, lethal force whenever possible, practical or when using them would not endanger the lives of the Deputy or third party more than the use of firearms. Therefore, members will use only the amount of force necessary to overcome resistance and to effect lawful objectives as outlined in this directive.

III. **PROCEDURES**

A. **Assignment of Departmental Firearms and Care**

1. Deputies assigned a weapon(s) shall be personally responsible for its safekeeping both on duty and off duty.

2. Deputies must exercise extreme care and caution in determining safety procedures as to prevent theft or accessibility to children.

3. Issued firearms may not be loaned by deputies to whom they were assigned.

4. Upon termination from GCSO, all issued firearms, ammunition and all other issued equipment shall be returned.

5. Receipts for issued weapons shall be kept on permanent file.

6. Issued firearms shall remain the property of GCSO. Firearms shall be available for inspection at any time and for purposes of inventory during each inventory period.

7. Issued firearms shall only be issued for law enforcement purposes.

8. GCSO “long” guns shall be carried when issued:

a. Shotguns shall be carried “cruiser safe” in patrol cars, i.e., magazine loaded, chamber empty, action closed and hammer down. Duty ammunition for shotguns shall consist of 00 buckshot and slugs. Choice of rounds may be loaded in magazine as to Deputy’s preference or as special operations may dictate.

b. GCSO issued rifles may be carried in patrol cars in similar “cruiser safe” mode as shotguns.

c. issuance of firearms for use during emergencies or civil disorders may be done on verbal approval from the Sheriff.

B. **Deputies Are Authorized to Use Deadly Force When There is Reasonable Belief That Such Force Is Necessary To:**

1. Prevent imminent death or great bodily harm to the Deputy;

2. Prevent imminent death or great bodily harm to another individual.

C. **Definitions**

1. Deadly Force- Force which is likely to cause death or great bodily harm.

2. Non Deadly Force- Force which is not likely to cause death or great bodily harm.

3. Restraining Force- Force which is limited to holding and restraining persons, which shall include techniques such as arm locks, take-down holds, pain compliance holds, etc.

4. Physical Force- The amount of physical force used to control resistive or aggressive force.

5. Defensive Force- Physical contact with hands, feet, etc. or other defensive equipment including impact weapons used to overcome violent resistance or violent aggression to protect self or others from assault or injury.

6. Service Firearms- Firearms which are carried or used in conjunction with the deputies and authority of the GCSO.

7. Primary Service Firearms- Primary service firearms will be the member’s handgun(s).

8. Alternate Service Firearms- Alternate service firearms for GCSO members will be firearms other than the primary handgun. This will be weapons as deemed necessary or appropriate, such as shotguns, rifles, etc., by the Sheriff or his designees, to wit, GCSO firearm instructors.

9. Concealed Handguns- Upon specific approval from the Sheriff pursuant to NC GS 14-269 b (5), firearm authorized member of the GCSO may carry concealed handguns, either on or off duty, with the provision that Deputies will not carry their handgun(s) concealed while consuming or under the influence of alcohol.

10. Authorized Service Handguns- Shall mean any handgun approved by the Sheriff or his designee(s). Authorized pistols shall include those of 9MM, .40 cal or .45 cal ammunition which, while carried, will be of factory produced ammunition.

11. Authorized Duty Ammunition- Shall is factory loaded ammunition issued by the Sheriff’s office, of the same type with which the Deputy qualified. Any member provided ammunition must be approved by the GCSO Firearms training Staff.

D. **Discharge of Firearms**

1. Deputies are authorized to discharge their firearms under the following conditions:

When there is a reasonable belief that such force is necessary to:

a. Prevent imminent death or great bodily harm to the Deputy or to another party(s).

b. Apprehend the perpetrator of a felony which involved the use or threatened use of deadly force, and the individual who is sought poses an immediate threat to the life and/or safety to the Deputy of another individual (s).

c. To kill seriously injured or dangerous animals when any other disposition is impractical, or when other means have failed, and it is safe to do so.

d. When a Deputy is abandoned or so isolated that his only hope of being found is by someone hearing his/her gunshot. (Firearm is to be discharged safely into the ground).

e. During official GCSO training sessions where so authorized by an instructor.

f. During firearms qualification.

2. Deputies who discharge firearms in the line of duty or while acting in an official capacity while off duty, other than for training or qualifications purposes, shall submit a written report of the incident, including an accounting for every shot fired, to the Sheriff as quickly as practical.

E. **Firearms Proficiency**

1. Deputies shall carry only those firearms for which current proficiency and successful qualifications have been demonstrated and recorded.

2. All firearms qualification and training scores shall be kept as part of the official personnel file.

3. The official qualification records shall include:

a. Deputy’s name, rank, and assignment;

b. Date and time of qualification;

c. Description of weapon, as to type, brand, caliber or gauge, barrel length and serial number;

d. Type of ammunition used to qualify;

e. Qualification score of P or F;

f. Signature of firearms instructor attesting to the qualification score.

4. Firearms instructors shall have the duty and responsibility to disqualify any Deputy for substandard firearms proficiency on the basis of unsafe handling or insufficient weapons orientation regardless of proficiency scores, and for failure to maintain satisfactory qualification scores.

5. Pursuant to the North Carolina Sheriff’s Association rules and regulations, deputies are required to maintain competency and to demonstrate proficiency with their primary service firearm(s).

6. When a Deputy fails to maintain competence with their **primary service firearm,** as evidenced by unexcused expiration of firearms qualification or demonstrated inability to meet GCSO minimum standards of 70% accuracy, shall be assigned to duties which do not require firearms qualifications, or to be moved to the unarmed list.

7. Deputies who fail to demonstrate competence with their primary service firearm following reassignment, training and retesting shall be subject to disciplinary suspension.

8. Deputies shall not be assigned to duties requiring firearms unless firearms proficiency are met and demonstrated.

9. Repeated failure to demonstrate competence with a primary service firearm shall be caused for disciplinary action up to and inclusive of withdrawal of appointment.

F. **Firearm Safety**

1. Holsters shall not be unsnapped nor shall a sidearm be removed from the holster unnecessarily.

2. Loaded shoulder weapons (shotguns, rifles, gas guns, etc.) shall, not be brought inside any building unless deadly force emergency exists within the structure.

3. Shoulder weapons shall be carried perpendicular (muzzle-up) to the floor by the grip, with no fingers inside the trigger guard. These weapons will be carried with the slide back, safety on, and chamber and magazine empty (or detached). Other items of equipment shall not be carried at the same time in the hand carrying the weapon. Gas guns shall be carried and broken open, thus, it may not be practical for the weapon to be carried vertically.

4. after a situation has arisen requiring a round to be chambered, when the situation changes to no longer require a chambered round, it should be removed as soon as practical without chambering an additional round (shoulder weapons).

5. No weapon will be placed into evidence in a loaded condition.

6. Deputies shall store firearms in their care in a safe and secure area. No firearm taken into evidence shall be stored in a patrol vehicle past the end of the =e shift on which the firearm was seized.

7. Handgun locks will be provided, by the GCSO, to all personnel that are issued handguns.

8. While off duty all personnel shall store their service weapons in a locked safe type apparatus or unloaded with a safety lock engaged through the slide. It shall be the officer’s responsibility and a Directive of the Sheriff to store all office issued weapons, unloaded and in a secure area inaccessible to children when the employee is at home.

9. Deputies issued handguns, shotguns, or rifles, will assure that each firearm issued to them is cleaned and lubricated monthly.

G. **Possession of Firearms**

1. While on duty or in uniform, law enforcement Deputy Sheriff shall carry an authorized service handgun.

2. All Deputies shall maintain current firearms qualification and proficiency with their primary firearm (and alternate or “back-up” weapon, if carried). Each Deputy must qualify with all firearms carried for law enforcement purposes (or on off duty) through an approved training course at least once annually prior to carrying such weapon.

3. Deputies shall have an authorized service handgun available for use, regardless of duty assignment, on and off duty, and shall carry their badge of authority at all times.

4. The GCSO armor or GCSO firearms training staff shall inspect annually all firearms which are utilized by Deputies. Defective, unsafe or unauthorized weapons shall be disapproved for carrying.

5. Internal or external modifications to any firearms “authorized for carrying” shall not be made without prior approval and subsequent inspection by the designated firearms instructor or armor. Any Deputy found to have altered or modified an issued firearm will be subject to disciplinary action up to and including dismissal at the Sheriff’s discretion.

6. Ammunition carried by Deputy Sheriffs shall be those issued or otherwise approved by the GCSO. Every Deputy who carries shotgun/rifle shall only do so after successful training and qualification at least once annually.

H. **Reporting the Use of Deadly Force**

In every instance in which a Deputy uses deadly force and where use of such force results in death or serious bodily injury, the Deputy shall be immediately relieved of normal duties.

1. Assignment to a relieved-of-normal-duty status shall be considered administrative (non disciplinary) with no loss of pay or benefits.

2. Relief from duty with full benefits is intended to serve two purposes:

a. To address the personal and emotional needs f the deputy involved in the use of deadly force, and

b. To assure the community that verification of facts surrounding such incidents are fully and professional explored.

3. Deputies so relieved from duty shall remain on a “relieved-of-duty” status during the initial twenty-four hour period following the incident, after which the Deputy maybe reassigned to duty status at the discretion of the Sheriff. Deputies so relieved from duty shall ensure their availability to GCSO investigators until the investigation of the incident is concluded.

4. Reporting use of deadly force/discharging of a firearm is **required** as soon as possible.

5. deputies who use deadly force or accidentally discharge a firearm under any circumstances resulting in death, personal injury or property damage, while on or off duty, shall immediately report the incident to their supervisor. The supervisor will ensure that the proper authority (Sheriff) is notified. Deputies shall complete an incident report relating all the pertinent facts concerning the use of the deadly force. The report should address the use of physical force, the use of non-lethal and lethal weapons, and any other actions resulting in death or serious injury, including a traffic accident, and describe in detail the events surrounding the accident/incident.

6. Whenever the use of deadly force or accidental discharge of a firearm results in personal injury, death or serious property damage, immediate notification shall be made to the Sheriff.

7. The investigation of incidents involving the use of deadly force or accidental discharge resulting in personal injury, death or serious property damage shall be directed by the Sheriff.

I. **Reporting the Use of Non Deadly Force**

1. In accordance with GCSO policy and procedures, Deputies shall use only that amount/degree of force necessary to perform official duties, and shall not strike or use physical force against any person except when necessary in self-defense, in defense of another, to overcome/overpower physical resistance to arrest, perform official duties, or to prevent the escape of an arrested person.

2. Whenever non deadly force, restraining force, force applied through the use of a non-deadly weapon, or an action is taken that results in (or is alleged to have resulted in) injury of another person, is used by a Deputy, the Deputy will immediately inform his/her supervisor of each incident. A written report of all details concerning the use of force shall follow.

3. Each case involving the use of physical force or defensive force shall be reported in an incident report.

4. The incident report shall be completed and delivered to the Sheriff as soon as possible after the incident.

5. Supervisors have the following responsibilities:

a. Upon notification of the use of restraining force by a Deputy, the supervisor shall investigate the incident. When use of restraining force has been made necessary by resistance without violence and there are no significant injuries, further nor additional reports of the use of force shall not be required. The arrest incident and resisting arrest charges shall be left to the discretion of the arresting Deputy and supervisor.

b. Upon notification of the use of physical force or defensive force by a Deputy, the supervisor shall initiate an investigation into the incident.

c. The supervisor shall review the incident report describing the use of force.

d. The supervisor shall address a memorandum to the Sheriff advising of any facts not covered in the report.

e. The supervisor’s memo shall briefly advise that a supervisory investigation has been conducted, relating the main facts of the incident. The memo should contain interview statements from the victim and any witnesses. Also the original report case number should be on the memo.

f. The memo and a copy of the incident shall be forwarded to the Sheriff without delay.

g. The memo shall be captioned with the type of force used (i.e., restraining, physical, defensive or deadly) followed by the case number.

J. **Restrictions upon the Authorized Use of Deadly Force**

1. As a general rule, Deputies shall not draw their weapons unless there is sufficient justification. When effecting, the arrest of potentially dangerous suspects or in “high hazard situations”, Deputies may display a firearm for the purpose of obtaining and maintaining control of the situation.

2. Firing warning shots constitutes use of deadly force. Deputies shall not fire warning shots.

3. Shooting at or from a moving vehicle shall be avoided in all instances except those which are justified as a deadly force situation.

4. Deputies shall not use deadly force to apprehend perpetrators of non-violent crimes against property.

5. Deputies shall not use deadly force to apprehend persons suspected of having committed a forcible felony unless there is imminent threat of death or serious bodily injury to themselves or others.

6. Deputies shall not use deadly force to apprehend a fleeing felon(s) unless they pose imminent, deadly threat to others.

K. **Weapons, Non-Lethal**

The GCSO shall allow Deputy Sheriffs to carry and use impact weapons as an alternative to using lethal force in order to control resistive/aggressive or defensive behavior of suspects by which empty hand control would be insufficient, ineffective, or significantly more dangerous for the Deputy, provided Deputy has been trained in proper use of impact weapons. Deputies may also carry the less lethal Taser upon successful completion of the course of instruction and exposure to the device. Non-lethal and/or impact weapons shall not be used in a manner inconsistent with the application of non-lethal force unless lethal force is justified under GS 15A-401 (d) (2).

Deputies may carry authorized chemical gas/mace/pepper spray (see Section 17 of the GCSO Manual), to be used as a soft, intermediate non-lethal means to control aggressive, resistive and/or defensive behavior by others.

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Sheriff Signature Sheriff Printed Name Date

**6.7 MOTOR VEHICLE TRAFFIC ENFORCEMENT**

**I. PURPOSE**

The purpose of this General order is to provide and establish general guidelines for traffic law enforcement, traffic direction and control.

**II. DISCUSSION**

The primary goal of the GCSO is to provide for the safety of citizens and the protection of property. This is done through the enforcement of laws. This enforcement may also include motor vehicle law, direction of traffic, such as at a parade, and similar laws involving traffic. The prime motivation is protection of life and property. The GCSO is not dedicated to the enforcement of motor vehicle laws per se, as is the Highway Patrol. The GCSO is empowered to do traffic enforcement, and does do enforcement of traffic laws as it is deemed necessary. The GCSO is not limited to traffic enforcement, but it plays a small role in a larger area of responsibility.

This General order provides for the practice of traffic enforcement, but is not meant to be a “how-to” manual of traffic enforcement.

**III. PROCEDURES**

A. EQUIPMENT

1. For stopping vehicles with a patrol car, the use of blue lights will be used and an audible siren when pertinent. Four way flashers may be undesirable to use in conjunction with blue lights while patrol is in motion as flashers will defeat brake lights and turn signals.

2. For directing traffic on foot, equipment such as reflective vests, raincoats, flashlights, etc. may add to safety of deputies and the public. A reflective vest shall be a requirement.

B. SAFETY

1. Deputy safety- The safety of the Deputy is of prime concern to this Office. Placement of the patrol car at a vehicle stop, to protect a Deputy, wearing reflective vest while directing traffic, calling for back-up, etc., all add to Deputy safety.

2. Safety of prisoners, suspects, others- The safety of others is often the responsibility f deputies of the GSCO. The public often depends upon Deputies for their safety. Whether directing traffic, stopping suspects, arresting suspects, etc., their safety depends on your actions. Deputies are, under some conditions, legally, morally, ethically and professionally responsible for the safety of others.

3. If in the course of a traffic stop, the Deputy may ask the offender to step from his vehicle, when this occurs it shall be the Deputies responsibility to ask the citizen to step to the right shoulder so as to have the vehicle between themselves and the motoring public.

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Sheriff Signature Sheriff Printed Name Date

**6.8 USE OF DEPUTY/CANINE TEAMS**

**I. PURPOSE**

By General Order Deputy/canine teams are available to GCSO personnel whose duties may require the expertise of a canine team (“team” refers to a police dog and his handler.

**II. DISCUSSION**

**A. Initial request-**At time a canine team is requested, the handler should be advised of the nature and location of the incident, the nature of canine services desired, and the name of the Deputy in charge at the scene. Upon arrival of the canine team, the investigating Deputy will ensure the handler is fully advised of the circumstances of the incident.

**B. Searches-**

**1. Building Searches-**

a. When circumstances indicate that an unauthorized person(s) may be hiding in a building or similar structure, the investigating Deputy shall ensure the establishment of an adequate perimeter around the building. The canine handler will recommend whether the police dog should search while on a lead or be released into the building. At no time will the dog be released within a structure to be searched without the authorization of the canine handler.

b. If the on-leash search is conducted, the handler may request additional Deputies to accompany him into the building. Additional offices shall not be utilized in a building where the police dog has been released.

2. **Evidence Searches-**A canine team may be requested if there is reason to believe that a suspect has discarded evidence by dropping the item in flight or attempting to hide it in a field, wooded area, or other open area. Evidence searches are generally conducted in a manner similar to tracking operations.

3. **Narcotic Searches-**If a request is made for the assistance of a canine team to search for illegal narcotics, the handler should be given as much advance notice as possible as to the location of the search and the type of narcotics which are expected to be present.

a. In cases involving the execution of a search warrant, Deputies should secure the scene and contain all persons present in one area. Once secured, the canine team will enter and begin the search. As the search progresses, person present will be moved to an area already searched by the canine team.

b. Narcotic searches other than those in connection with a search warrant will be continued only with the approval of a supervisor of the requesting Deputy.

4. **Tracking Operations-**

a. Several factors must be present to conduct a successful tracking operation. By eye witness account or positive inference, the handler must be able to determine the path taken by the suspect or person to be tracked, which is free and clear of contamination by other persons. On a criminal suspect track, the immediate establishment of a crime scene perimeter may be the single most important factor which determines success or failure. The Deputy in charge of the scene is responsible for establishing this perimeter.

b. When tracking s suspect, the canine team should be accompanied by at least one (1) other Deputy, who shall keep other units advised of the direction and progress of the track. Other personnel should remain out of the immediate area to avoid contamination of scene patterns.

**C. Crowd Control-**canines shall not be deployed at the scene of any peaceful demonstration, picketing, or congregation. A canine can be used for crowd control if criminal rioting is occurring or imminent, and canines may be deployed as a back-up unit for public disturbance call to protect a Deputy whose safety is jeopardized. Canines in crowd control duty must be leashed at all times unless the canine is used as force to prevent an imminent threat of death or serious bodily injury.

**D. Apprehension Bites-**

1. A canine shall/may be used to seize or prevent the escape of a running suspect. If probable cause exists to believe the suspect has committed a crime. A canine shall not be used to arrest or prevent the escape of a person the Deputy knows or has strong reason to believe is feeble, or physically incapacitated.

2. A canine apprehending a suspect must be commanded to release and disengage as soon as the suspect indicates submission or is under control.

3. In all instances where a canine bites or injures a person or causes significant injury to property, the handler and ranking Deputy at the scene are jointly responsible for:

a.) giving prompt medical treatment to an injured person, including, where appropriate, transportation to a hospital emergency room.

b.) photograph the injury and related circumstances

c. immediately notify the Chief Deputy of the incident.

d.) conduct a full investigation of the circumstances, including interviewing all available witnesses, and documenting the incident.

e.) completing a use of force form. K-9 Apprehension Bite is considered a Non-Lethal use of Force.

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**6.9 TASER / PHAZZER POLICY**

1. The **Taser/Phazzer** is deployed as an additional police tool and not intended to replace firearms or Self-defense techniques. The **Taser/Phazzer** may be used to control a dangerous or violent subjects when deadly force does not appear to be justified and/or necessary; or attempts to subdue the Subject by other conventional tactics have been, or will likely be, ineffective in the situation at hand and; or there is reasonable expectation that it will be unsafe for officers to approach within contact range of the subject.

2. **Qualification and Certification.**

a. Officers must successfully complete a department approved training program before they carry or use the **TASER/PHAZZER.** This block instruction will be given by a certified Taser/Phazzer Instructor and will include an eight hour classroom/practical session as well as exposing the student/Deputy to the effect of the Taser/Phazzer. Upon certification, each Deputy shall complete four hours of in-service training every 2 years.

b. Authorized officers will only carry a department issued **TASER/PHAZZER**, and **TASER/PHAZZER** cartridges and equipment.

c. Officers shall not, in any way, alter or modify these weapons.

3. **Duties After Deployment of TASER/PHAZZER.**

a. **TASER/PHAZZER** probes that penetrate the skin should be removed by trained officers.

b. Photographs/Rail cam video will be taken of probe impact sites and any other related injuries and placed into evidence.

c. Probes, which have penetrated the skin, should be treated as biohazards and disposed of properly.

4. **Authorized Use of the Taser/Phazzer:** The Taser/Phazzer may be utilized in arrest situations when necessary to subdue a noncompliant subject when lesser means of control have not been successful at the Active Physical, Aggressive Physical, or Aggravated Physical Resistance level. The Taser/Phazzer may also be utilized to debilitate a subject who poses an imminent threat of serious injury to officers, himself/herself or others. **An act of** **verbal non-compliance shall not justify the use of the Taser/Phazzer weapon.** Personnel must clearly articulate and justify all subsequent cycle(s) in the incident Report. **ALL TASER/PHAZZER DEPLOYMENTS WILL BE AUDIO/VIDEO RECORDED UTILIZING THE PHAZZER RAIL CAM. THE AUDIO/VIDEO FOOTAGE SHALL THEN BE DOWNLOADED AND SAVED AS EVIDENCE.**

Use of the Taser/Phazzer may be appropriate in situations including, but not limited to, situations involving a combative subject, a combative emotionally disturbed person, or a combative subject under the influence of a mind-altering drug.

The Taser/Phazzer may be utilized to defend against attack from a dangerous animal.

Current handcuffing policies shall apply to subject taken into custody with the use of the Taser/Phazzer.

**Warnings:** prior to deploying the Taser/Phazzer, verbal warnings shall be issued to the subject, whenever reasonable and practical, to allow the subject the opportunity to comply with the officer’s commands.

**Announcements:** prior to deploying the Taser/Phazzer, the deploying officer shall announce the word **“Taser or Phazzer”** to alert others the impending use of the weapon.

The word **“Clear”** shall be announced by the deploying officer subsequent to the use of the Taser/Phazzer and prior to affecting the arrest, so as to alert others that the weapon is no longer being deployed.

5. **Prohibited Usage:** Use of the Taser/Phazzer is strictly prohibited under the following circumstances:

1. When flammable gases or liquids are in close proximity to the subject.

2. The elevated location of the subject poses a real risk of serious injury or death to the subject form a fall. This includes proximity to deep water.

3. Pregnant females, young children or elderly persons, unless deadly force is justified.

4. Handcuffed prisoners, unless exigent circumstances exist (such as to prevent the subject from injuring himself or others).

5. On the driver of a vehicle that is being driven or if the driver is in constructive control of the vehicle unless deadly force is justified.

6. On a subject who is visibly confined to a wheelchair unless it is objectively clear to prevent serious injury to himself/herself/others and/or if deadly force is justified.

**6. Reporting Procedures.**

a. Use of the **TASER/PHAZZER** is considered a use of force and is subject to the same reporting requirements as other uses of force required by this agency.

b. With the exception of training, all instances of **TASER/PHAZZER** usage, including accidental discharges shall be reported in an incident report.

c. Each use of the Taser/Phazzer other than testing shall be noted in a Departmental incident report, this will then be forwarded to the Sheriff for review.

**7. Maintenance**

A. Testing and maintenance of the **TASER/Phazzer** shall be consistent with manufacturer’s specifications. Officers shall check the **TASER/Phazzer** at the start of their tour duty to insure that the weapon has a full battery charge.

**The guiding law for this policy and the proper use of the Taser/Phazzer is US 4th Circuit Court Case Armstrong Vs. The City of Pinehurst.**

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**6.10 USE OF PEPER SPRAY**

POLICY: DEPUTIES AUTHORIZED TO USE Oleoresin Capsicum (OC, or “pepper spray”), will be trained and supervised in the use of it. Pepper Spray will be used as the least amount of force necessary to restrain an unruly individual.

II. DEFINITIONS

**Oleoresin Capsicum or OC:** is a non-lethal tool which can temporarily disorient a person. The use of pepper spray can produce the following temporary conditions: Irritation of the mucous membranes, Irritation to affected areas, involuntary closing of the eyes, coughing or gasping for breath, the possible loss of bladder control, possible loss of coordination and upper body control.

**Soft Hands:** Control techniques that include any touching or attempted touching by a Deputy, such as applying moderate pressure to turn, guide or escort a prisoner or other person being arrested. Wrestling a suspect, pulling a suspect, and bending arms for handcuffing are higher levels of force than soft hands techniques.

III. PROCEDURES

A. Pepper Spray will be used in compliance with these guidelines to affect a lawful arrest, to prevent an escape from lawful custody, or to defend a Deputy or others from what is reasonably believed to be an imminent use of physical force.

B. Pepper Spray will **NOT** be used against a person who:

1. Submits to arrest peacefully and complies with lawful commands during a lawful arrest, or

2. Complies with lawful commands during a valid investigative stop or stop for citation purposes, or while in custody.

3. Is expressing verbal disagreement that does not directly threaten a deputy, or incite others to threaten a Deputy or is not significantly delaying or obstructing discharge of duty.

C. Deputies should use verbal persuasion (verbalizing) and/or a warning before using pepper spray, unless doing so would risk the safety of the Deputy or others. Verbalizing and warnings are not required if:

1. Subject resists “soft hand” techniques, or

2. Subject resists more substantial force, or

3. There is a risk to the safety who do not pose a significant threat to the Deputy should not be sprayed unless

D. Non-threatening subjects who do not pose a significant threat to the Deputy should not be sprayed unless verbalizing, or exhibiting body language that would constitute warnings and “soft hands” have been attempted and resisted. This includes suspects who are non-threatening, very young, very old or obviously, significantly disabled.

E. A person who refuses to submit peacefully to lawful arrest or attempts to escape from lawful custody is subject to the use of pepper spray.

1. After the Deputy has attempted “soft hands” techniques and the subject resists that attempt, or

2. When the Deputy reasonably believes the use of “soft hands” techniques may jeopardize his safety, or,

3. When the circumstances reasonably indicate that attempting “soft hands” techniques may lead to an escalation of force with a risk if serious physical injury to the subject, to the Deputy or a third party.

F. A person who assaults a Deputy, or appears to be an imminent threat to the safety of the Deputy or others, or who resists “soft hands” techniques, or flees from lawful arrest or custody, is subject to use of pepper spray. **Verbalizing and warning are not required.**

G. Agency employees may use pepper spray on a prisoner lawfully confined in a jail, before or after a conviction when:

1. The prisoner assaults or threatens imminent assault on any person; or damages property of the facility, or

2. The prisoner refuses to comply with a lawful command related to the order and security of the facility or the court, or refrains from doing any act necessary for legitimate safety concerns of the institution or court security.

3. A warning before using pepper spray is required if there is a risk of injury to persons or property. However, no warning is needed if there is an imminent threat to the safety of any person.

H. Duties after a suspect has been exposed to oc/cs:

1. If circumstances allow, do not attempt to forcibly handcuff a prisoner immediately after spraying. Give the prisoner a brief opportunity, 60 seconds, to react to the spray and overcome gagging and coughing.

2. While medical attention should not be necessary to eliminate the product’s effects, the following will aid in the subject’s recovery:

a. Remove the subject from the area of exposure and place in fresh air.

b. If the subject displays respiratory problems, seek medical attention for the subject immediately.

c. Reassure the subject that the effects of the pepper spray are temporary. Discomfort will diminish in a short period of time if the subject will not fight it.

d. If the Deputy feels safe and the subject is calmed down, flush the subject’s face with water or apply a wet towel to expedite recovery. Bottled water or saline solution may be used.

e. if possible ask the O.C. Administrative Warning Questions. If the deputy has not asked the questions prior to entering the graham County Detention Center, a questionnaire will be provided before the Detention Center Staff will take custody of the subject.

I. Deputies should initiate immediate medical attention when:

1. Gagging or breathing difficulties persist beyond an initial period of 5 minutes or,

2. The prisoner loses consciousness, sweats profusely, appears very sick, or

3. The subject continues to suffer significantly from the effects of the pepper spray for more than 45 minutes after contamination.

J. All suspects or prisoners who are in custody will be continually monitored for changes in their levels of consciousness and breathing. Any individual who loses consciousness or is not breathing normally **must** be given immediate emergency care.

K. If the subject is turned over to a Detention Center, the detention staff will be advised that the subject has recently been sprayed with pepper spray.

L. After using pepper spray, deputies should decontaminate themselves by washing their hands as soon as possible and clean their patrol car.

M. Whenever a deputy uses pepper spray, he will notify his supervisor and complete an Incident Report as soon as possible.

1. An Incident Report shall be completed for both intentional as well as accidental spraying.

2. If an animal is sprayed, the Deputy will notify the owner if found.

N. Deputies performing any law enforcement function will only carry OC sprays that have been approved by the Sheriff.

Deputies that have been assigned pepper sprays shall test the unit once every 3 months by spraying a 1 second burst onto the ground and to store the unit upside down when not in use to avoid the seals from being damaged. Deputies should avoid storing the unit in their patrol car due to the unit becoming over pressurized and exploding.

O. Deputies will ensure an adequate amount of spray is maintained in the unit(s). Empty or low unit(s) will be replaced. Low units (s) should be completely discharged and thrown into the trash.

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Sheriff Signature Sheriff Printed Name Date

 **7.0 SPECIAL DEPUTIES**

**I. PURPOSE-** This general Order is to provide guidelines for the group of certified, sworn deputies, who volunteer their time to the GCSO. The Sheriff carries their certifications at his pleasure. This group is divided into two categories, armed and unarmed deputies

**II. DISCUSSION-**“Special” deputies are those certified, sworn deputies who volunteer their time and skills to the GCSO. The requirements for certification are the same as those for a “regular” deputy.

 **III. PROCEDURES**

A. ARMED DEPUTIES- These deputies are authorized to carry concealed handguns, on duty and off duty, and have power of arrest. These deputies are required to work, in some manner, for the CSO a minimum of 8 hours per month. The Sheriff may appoint a designee to supervise this group. Armed “specials” are often used to supplement a working shift of regular deputies, do special activities which release regular deputies from non-crisis activities, or other tasks which the Sheriff/GCSO is in need of attention.

B. UNARMED DEPUTIES- This group of deputies includes deputies who have retired, r are working in another field and desire to keep their law enforcement certification current and the Sheriff is willing to carry their certification. This group may also include others who work for another agency, but the Sheriff is willing to carry their certification also. These deputies are not authorized by the Sheriff to carry concealed handguns.

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**8.0 Miscellaneous Addenda**

**I. Hazardous Materials (HAZ-MAT)** – Incidents involving “hazard materials” can be serious threat to all people, animals, property, environment in a large area, for possibly a long time. At any time a deputy arrives at a scene which may involve HAZ-MAT, there should be HAZ\_MAT placards on trucks, tanks, bottles, etc. which display a symbol and a number. This information should be communicated to the dispatcher immediately. They will have immediate, on-line access to specific information as to type and extent of hazard involved. The deputy’s first duty will, in all likelihood, be establish a secure perimeter around the scene, until fire department/rescue/squad/HAZ-MAT personnel arrive to further assess and control the situation. And also consider and implement an evacuation of the affected area if needed.

**II. Blood Borne Pathogens-** The real dangers of contamination by, and possibility of contracting, disease germs, particularly the AIDS virus, hepatitis B, are sufficient that deputies will use plastic or rubber gloves and/or other prophylactic barriers when involved in activities such as handling prisoners or other persons with exposed body fluids, or may be in danger of coming in contact with any body fluid. Deputies will be provided with rubber gloves and face shields (for CPR). Deputies may transport solutions such diluted bleach in order to wash down any contaminated areas of body contacting suspected surfaces or body fluids. Deputies will avail themselves of pertinent training offered by competent agencies. All Sheriff’s Office vehicles shall be equipped with a blood borne pathogen clean up kit. This shall be stored in the trunk of the vehicle or passenger compartment. It shall be the vehicle operator’s responsibility to request a replacement kit from their supervisor when needed.

**III. Ballistic Vests**

-Deputies will be issued “bullet resistant” vests. All uniformed Deputies shall wear their ballistic vest while on duty. While plain clothes deputies are not required to wear them at all times while they are on duty, they will be required to have them immediately available for use while they are working.

**IV. Use of Handcuffs-**When persons are arrested, they shall be handcuffed and searched as thoroughly as practical before being placed in to the patrol vehicle for transport.

**~~V. Policy Statement for In-Car Video Recording Devices~~**

**~~Purpose:~~** ~~it is the purpose of this policy to provide guidelines for the use and operation of In Car Video Recording Devices.~~

**~~Policy:~~** ~~General Use and Operation guidelines for in car video cameras~~

~~A. All maintenance and installation of any In-car systems will be done by an authorized company or technician, which will be designated by the fleet manager.~~

~~B. Deputy Sheriff’s operating Sheriff’s Office vehicles equipped with video recording devices may have the recording system in the recording mode anytime the Deputy s operating his patrol vehicle in an Emergency Vehicle Response Mode.~~

~~C. When the Deputy needs to put in a new tape on the vhs model recorder or remove one for evidence he will contact his supervisor and the supervisor will assist the Deputy in removing the tape from the locked box which is located in the trunk area or rear of the vehicle.~~

~~D. It will be the responsibility of the shift supervisor to keep and maintain tapes that are to be used in the In-car video Camera and to keep and assign replacement tapes.~~

~~E. It will be the responsibility of the individual Deputy when using a tape for evidence that he or she labels and packages it as evidence and be labeled and have it readably available for the District Attorney’s Office or for the Court to be reviewed.~~

~~F. The camera may be activated any time a Deputy effects a traffic stop and the belt microphone may also be utilized each time~~

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Sheriff Signature Sheriff Printed Name Date

**8.1 Child Abuse/Sex Abuse investigation Policy/Procedure**

1. Initial reports of Child Abuse/Sex Abuse received by the Sheriff’s office will be evaluated as soon as possible. The officer taking the report will notify Investigations or then on call investigator if after normal business hours. The officer will also make immediate notification to the Dept. of Social Services. Cases will be assigned, prioritized and investigated as soon as possible in regards to their degree of severity.

2. if at any time an officer in the performance of his normal duties has reason to believe that a child has been neglected, abused or sexually abused and is in an environment that is dangerous to its immediate welfare, shall call the Dept. of Social Services immediately. In the event Social Services cannot be contacted or will be delayed, the officer may take the child into emergency temporary custody pursuant to G.S. 7B-500 7 501.

3. When this office is contacted by the Dept. of Social Services with a request for any type of assistance, we will assist them as quickly as possible.

4. PRE INVESTIGATIVE CONTACT/CONFERENCE: The assigned investigator will communicate with the assigned DSS Protective Service Investigator to assimilate all information concerning the case and mutually decide on the best investigative approach to be used.

5. The Team Investigation should be utilized in all cases of Child Abuse/Sex Abuse as outlined in the attached protocol. The District Attorney’s office shall be notified as soon as possible after the Pre-Investigative Conference and continually updated as to the progress and status of the investigation.

6. In any event that law enforcement and DSS disagree in the course of action to be taken in an investigation, supervisors from both departments will immediately schedule a meeting between themselves and both investigators to resolve differences and come to a mutual agreement in how to precede that is in the best interests of the child. In the event, a resolution cannot be reached; the DA’s Office shall be contacted for a resolution.

7. The attached Child Abuse/Sex Abuse Protocol shall be incorporated into this Policy and Procedure.

**Multidisciplinary Team**

**Child Abuse/Sex Abuse Investigation Protocol**

The team should be made up of the following Agencies to include but not limited to law Enforcement, Dept. of Social Services, Dept. of Juvenile Justice, District Attorney’s office, Mental health Agencies, School Social Workers and Counselors, mountain Youth Resources, Child Development Services, health Dept.’s, Child Medical examiners, Guardian Ad-Litems, REACH Workers, Child Abuse/Advocacy centers, Project Pursuit/Soar, Pacesetters, licensed Child Care Facilities, and any residential Treatment or Placement Facility.

* An Emergency team that can be assembled relatively quickly for critical Incidents should be made up of the following Agencies to include but not limited to law Enforcement, Dept. of Social Services, District Attorney’s office, Guardian Ad-Litems, mental health Counselors and Child Medical Examiners. Any other agencies may be called in on a case specific incident, requiring their expertise.
* All Child Abuse/Sexual Abuse cases should be investigated using the team approach consisting of a law enforcement and Dept. of Social Services child Protective Service Investigator regardless of whether the suspect is a care taker or not, utilizing standard investigation techniques. Anytime investigators need the assistance and or expertise of any of the above agencies they should be called upon. Every above mentioned agency should fully cooperate with each other, share information and provide services for the mutual benefit of any child victim and promote a coordinated effort to provide the maximum protection for abused children. Records, notes, statements and/or any materials related to the abuse/sexual abuse of a child should be shared between each of the above named agencies. This shall be Pursuant to G.S.7B-700 (b) & 7B-3100 and the Administrative Court order issued by the Chief District Court Judge.
* During the regular Scheduled or Emergency meetings of the Multidisciplinary team, all open

Cases, should be reviewed and discussed in detail to determine if any involved agency can share information or provide service for the best possible protection and treatment of the child. Closed/Pending trial or further action cases should be reviewed each month to determine their status and if any follow up by any agency needs to be done until the case is permanently closed.

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DSS Director Signature Printed Name Date

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Sheriff Signature Sheriff Printed Name Date

GUIDLEINES FOR RESOLVING BARRICADED SUSPECT/HOSTAGE SITUATIONS

The policy and procedures there under are intended for Police Department/Sheriff’s Office use only. The policies, procedures and regulations are for internal administrative purposes and are not intended to create any higher legal standard of care or liability in an evidentiary sense than is created by law. Violations of the law form the basis for civil and/or criminal sanctions to be determined in a proper judicial setting, not through the administrative procedures of the Police Department/Sheriff’s Office.

The following procedures can be extremely helpful in achieving operational success at the scene of a barricaded suspect/hostage situation:

1. If the department staffs or has mutual aid agreement with SWAT-Hostage Negotiation Teams, alert them upon learning of a barricaded suspect/hostage situation. Once confirmation has been received from field units that a barricaded suspect/hostage situation in fact exists, request that a SWAT-Hostage Negotiation Team respond.

2. Upon arrival at the scene of a barricaded suspect/hostage situation, establish an inner perimeter to contain the suspect and the location. This should be done with a minimum or personnel, and they should have some type of radio communication. Someone should assume command pending arrival of supervisory personnel.

3. Establish an outer perimeter for traffic and crowd control. Adjacent law enforcement agencies may be used for this purpose; and if there is a shortage of personnel, a fire engine or marked squad car can be used to block a street or intersection.

4. Designate an arrest team to take charge of the suspect should he/she surrender. The arrest team should be prepared to take charge of any hostage the suspect releases. SWAT and negotiations personnel must take these hostages to a designated reception area for debriefing.

5. Restrict a radio frequency.

6. If necessary, request a helicopter.

7. Establish a command post outside the suspect’s line of fire and sight. Obtain the use of one, and if possible two, telephones. The command post should be sufficiently large to accommodate responding personnel and vehicles, including the SWAT team and fire/ambulance equipment.

8. Determine if a crime has been committed and locate victims. Obtain names, addresses and statements as soon as possible.

9. Obtain the phone number of the location and where the phone is located within the structure. Find out if the phone is cordless or not.

10. Maintain a chronological log of all activities.

11. Contact the suspect(s) by phone or P.A. system and attempt to get them to surrender. Obtain their demands. Turn over to negotiator.

12. Evacuate surrounding buildings or residences, if this can be done safely. Select a location where evacuees can go (coffee shop, Laundromat, motel, etc.) and advise them when it is safe to return to their homes. Record the name and address of anyone who refuses to evacuate after being warned of the potential hazards.

13. Have an ambulance, fire department and paramedic unit standing by near the command post. Keep them advised of the situation.

14. Select a location to assemble responding press representatives and assign someone to brief and remain with them pending arrival of press liaison personnel.

15. If possible, obtain a drawing of floor plan of the location, including entrances, location of windows, inside and outside doors, access to the garage from inside the location, and any other information that might assist the SWAT-Hostage Negotiation Team.

16. A record check should be made and station files reviewed for criminal history record information or contacts with the suspect(s).

17. Try to persuade anyone with information about the suspect(s) (friends, relatives) to remain in the vicinity of the command post for possible questioning by SWAT team members or negotiators.

18. Have the first responding officers remain available at the command post to meet with SWAT team leader or his designate.

19. Do not allow the suspect(s) and hostage(s) to leave the location.

20. Do not allow friends, relatives or other interested persons to enter the location. They could become hostages. Allowing these persons to talk to the suspect(s) may cause severe reactions.

21. As field personnel are relieved to containment duties by SWAT team members, they should report to the command post for reassignment. Once the situation is concluded, prevent crowds from approaching the location until evidence has been gathered and the fire department has cleared the location of any residual chemical munitions.

22. The handling unit should obtain report information from the SWAT team commander, leader or designate.

23. Clean up the command post area and express appreciation to anyone who has assisted (neighbors, etc.).

24. Critique the operation with those involved, perhaps during a subsequent briefing session.

**Hostage Communications Team**

1. The individual in charge of communicating with the subject shall:

a. provide any requested assistance to the OIC:

b. Provide trained primary and secondary negotiators and, as available and necessary,

c. A negotiations investigator

d. obtain all pertinent information about the hostage taker, the hostages, hostage site and other barricaded subjects:

e. Debrief hostages following the incident.

2. Psychological Services: shall serve as a resource to the hostage communications team and will:

a. monitor communications between the negotiators and subjects and provide

b. negotiators with assessments of effectiveness, recommended strategies and other relevant information;

c. assist in interviewing witnesses and debriefing hostages; and

d. provide professional assistance to hostages, witnesses and others as may be necessary.

**Responsibilities of Patrol Supervisor**

1. The patrol supervisor at the scene will establish:

a. inner perimeter

b. Outer perimeter

c. Command post

d. Staging area to include press liaison, press area

e. Develop appropriate intelligence information

f. Begin evacuation

2. The patrol supervisor will brief the tactical team commander of the situation upon his arrival at the scene outlining known factors

3. Control of the inner perimeter will be released to the tactical team commander, who will be responsible for containment and apprehension of the suspect(s).

4. After the situation is resolved, it will be the responsibility of the tactical team commander or his designee to forward a written report to the sheriff as soon as possible. The report will include a critique of actions taken by the tactical team to include:

a. injuries to any persons

b. use of weapons or chemical agents

c. any property damage

5. Press relations at the scene and issuance of a timely press release will be the responsibility of the sheriff or his designee.

**Preparation prior to the Arrival of the SWAT Team:**

In order to ensure a coordinated effort with minimum expenditure of time, it is suggested that the following preparations be made prior to the arrival of the SWAT team:

1. Obtain as much information as possible about the suspect(s), including name, physical description, military background, and mental state. A record check should be made to determine if the suspect is wanted. Station and other files should also be checked to develop the suspect(s) criminal background.

2. Obtain, if possible, firsthand information concerning all locations involved. A diagram of these locations should be prepared showing entrances, exits, windows, inside rooms, adjacent buildings, and any additional information about the location(s) which might prove useful to the team, i.e. dogs, security alarms, etc. if possible, a drive or walk-by should be conducted.

3. Develop a comprehensive plan covering the above information, as well as unit personnel assignments and duties. Copies should be prepared for all personnel. The SWAT Team leader will be responsible for developing the tactical deployment plan for his personnel.

4. Ensure that someone is prepared to brief the SWAT Team Leader. A formal briefing should be conducted for all personnel prior to commencing the operation.

5. Advise the Patrol Commander and any concerned independent agencies that the SWAT Team has been requested and will be responding to assist in their jurisdictional areas.

6. If possible, ensure that warrants obtained, or are in the process of being obtained, prior to the team’s arrival.

7. When the first report describing the operation is available, send a copy to the tactical unit for inclusion in the activation file. (NOTE: If sufficient prior notice is received, a team leader can be assigned to contact the concerned patrol/detective supervisor and participant in applicable stages of planning. In this way, the patrol/detective supervisor can be made aware of team capabilities, and the team leader can obtain firsthand information prior to the arrival of the team.

**Draft, Sample Policy to Active Shooter Situations:**

This policy and procedures there under are intended for Police Department/Sheriff’s Office use only. The policies, procedures and regulations are for internal administrative purposes and are not intended to create any higher legal standard of care or liability in an evidentiary sense than is created by law. Violations of the law form the basis for civil and/or criminal sanctions to be determined in a proper judicial setting, not through the administrative procedures of the Police Department/Sheriff’s Office.

Agency Name:

Agency Address:

Subject: Active Shooter incident Policy

I. Statement of Policy

It is the policy of the graham County Sheriff’s Department to protect life by any legal means possible.

Officers/Deputies responding to an active shooter incident shall accomplish this goal by immediately using any legal means at their disposal to make contact with the active shooter and stop him. This may include arrest, containment, or use of deadly force.

The philosophy driving this policy recognizes that the active shooter must be stopped before he can destroy any more innocent lives. This shall be the duty and responsibility of the initial responding officers/deputies, and they shall use all legal means to accomplish it. The prioritization of activities, in their order of importance is:

1. Stop the active shooter

2. Rescue the victims

3. Provide medical assistance

4. Preserve the crime scene.

While it is important to provide medical treatment to the wounded, it is our duty as law enforcement officers to first protect all innocent life by stopping the actions of the active shooter.

II. Definitions

Active Shooter: One or more subjects who participate in a random or systematic shooting spree, demonstrating their intent to continuously harm others. Their overriding object appears to be that of mass murder, rather than other criminal conduct, such as robbery, hostage taking, etc.

For purposes of this policy, the term, “active shooter” will also include anyone who uses any other deadly weapon (knife, club, bow and arrow, explosives, etc.) to systematically or randomly inflict death or great bodily harm on people.

III. Legalities

NC State Statues provides that an officer may use deadly force.

-To protect his own life or that of another

-To prevent the escape of one who has committed or attempted commit a forcible felony which involves the infliction of great bodily harm or is attempting to escape by use of a deadly weapon or otherwise indicates that he will endanger human life or inflict great bodily harm unless arrested without delay.

The law regarding the use of deadly force remains the same in an active shooter incident. However, an active shooter in engaged in a continuing forcible felony, and the time frame for the use of deadly force against him continues until the suspect discards his weapons and surrenders or is incapacitated.

IV. Suppressive Fire

Suppressive fire towards the active shooter may be necessary, especially if he has gained an advantage by height or barricade. Suppressive fire towards the position of an active shooter is permissible; so long as it appears that no innocent victims are in the line of fire.

V.

All members of the department shall carry their assigned weapons and gear in their squads while on duty. All other enforcement personnel will carry all issued firearms and equipment. Officers must be trained and range qualified with their issued weapon before carrying it on duty.

VI.

All enforcement personnel who are not on an emergency call shall respond to the scene of an active shooter incident.

Contact Team: The first responding deputies, one to four, shall go in immediate pursuit of the active shooter. The focus is to make contact as soon as possible and stop the active shooter by arrest, containment, or use of deadly force. The Officer(s) will be subject to 360-degree vulnerability and will not do a thorough clearing. They will continue on past victims or harmless distractions. The location of victims may be relayed to the rescue team.

Rescue Team: The second set of officers arriving on the scene will form a rescue team, which will locate and remove injured victims, and direct uninjured victims out of the building. Rescue team members should remember that uninjured victims may nonetheless be in shock, or paralyzed with fear, and not respond to regular verbal commands. Rescue team members are to remain constantly vigilant as the rapidly changing dynamics of the incident may put them in contact with the suspect and they will be subject to 360-degree vulnerability.

If with team encounters a suspected explosive device, they must use their own judgment reference to posting an officer near it, or reporting, marking and bypassing it.

Officers should make entry at a location other than the main entrance, if possible, as this is the place where a suspect might logically set up barricades, explosives, or an ambush.

All personnel are to restrict their use of the radio for emergency traffic only.

**Incident Command:**

The first command officer on the scene, who is not part of a contact or rescue team, will be the incident commander, and will establish a command post, in his squad car if necessary. He shall:

a. choose a safe staging area for arriving personnel.

b. Order the dispatcher to initiate the notification matrix.

c. For additional contact and rescue teams, as necessary.

d. Call for mutual aid from other agencies, as necessary.

e. Appoint a media relations officer and group the media in a safe location.

This is very important as live news coverage may comprise the safety of deputies, victims, and by-standers.

Arrange a safe staging area for medical units and treatment of the injured. Post additional responding officers to guard crime scenes. Call for detectives, crime lab, and any other resources at his disposal to bring the incident to a conclusion.

If the suspect is arrested or incapacitated, regular agency procedure will be followed regarding the investigation and evidence preservation, the Detective Supervisor will be in charge of the investigation.

If the contact team contains the suspect, the SWAT/tactical team will relieve them, and negotiators will be used t try and affect surrender. Department policy regarding HBT (hostage, barricaded gunman, terrorist) incidents will be followed.

**Bomb Threats**

A. In case of bomb threats where no specific evidence exists of explosive substances, the officer or supervisor will use discretion in searching the premises.

B. The evacuation of the premises is at the discretion of the adult person responsible for the property. The officer may order evacuation when information or evidence is compelling that a bomb is present.

C. When searches are made, they will be thorough, systematic, and supervised. An officer should ask an adult familiar with the premises to assist in the search.

1. Civilians should be instructed not to remove any suspicious or unidentified objects.

2. Suspicious objects discovered by officers should be brought to the immediate attention of the owner/occupant of the building. If they cannot be identified, they should be treated as an un-detonated explosive substance and not moved or touched.

D. When no explosive substance is found, the officer will notify the Dispatcher and complete the appropriate report.

**Un-detonated Explosive Substance**

A. When an officer discovers any un-detonated explosive device, he/she will notify the Dispatcher by telephone. The T/C will immediately notify the shift commander.

1. The supervisor will order and supervise evacuation.

2. No person shall touch, examine or otherwise tamper with any explosive substance except as authorized by the supervisor.

B. In the event a situation exists which calls for bomb disposal unit, the department may utilize the services of the US Army EOD at Ft. Bragg.

C. the highest-ranking on-scene supervisor will take command of security operation. A command post with telephone communications will be established near the scene, but not closer than 200 yards and protected from the effects of any potential explosion.

1. Minimum scene security consists of a safe area beyond a 300 yard radius from the explosive substance.

2. No person will be admitted into the danger zone except as authorized by the supervisor.

3. Only explosive ordnance specialist and investigators are authorized to enter danger zones except to prevent injury or death to a person.

D. Communications will advise the fire department and request they stand by at least 300 yards from the scene. Radio silence is to be observed (also to include cellular telephones).

1. The supervisor will inform the bomb removal specialist of the nearest suitable place for detonation of explosive substances. A suitable area is one that provides open space for a 100 yard radius. This may not be used at the discretion of the specialist.

2. If an escort is requested by the bomb removal specialist, the supervisor will provide two marked cars. All emergency lights and headlights will be turned on but the siren and radio will not be used.

**Explosions**

A. In case an explosion has occurred, the procedures for notification, scene security, and responsibility for follow-up investigation are the same as in un-detonated explosive substances.

B. When the scene is secured, the supervisor will coordinate the preservation of evidence and allow no one into the danger zone except rescue personnel, investigators, and bomb specialists.

C. The investigators will notify the supervisor when examination of the scene is complete.

D. Explosions may cause structural damage and un-detonated explosives may still be present. People on the scene should use caution and no other person should enter the danger zone except to prevent injury or death to another person. This does not apply to investigators or specialists examining the scene.

**CHEMICAL AGENST USE IN BARRACADE INCIDENTS**

 **I. Purpose**

It is the purpose of this policy to establish guidelines for the use of chemical agents to effectively deal with barricaded suspects that pose a threat to citizens, hostages, or officers, and are believed to be armed and violent.

**II. Policy**

Barricaded suspects pose a significant threat to the safety of the neighborhood or area of occurrence and are a threat to the lives of citizens and officers. The refusal to submit to arrest and exit a barricade position is indication of irrational behavior and/or violent criminal intent. Officers called upon to respond to barricade events shall follow the procedures of containment, communications, evacuation, command and control, use of force, and use of chemical agents as enumerated in this policy.

**III. Definition – Barricaded Suspect(s)**

A person(s) who uses any shelter, conveyance, structure or building as a barrier against law enforcement and refuses to exit and submit to custody or arrest. A person(s) who is known or believed to be armed and in a position of hiding and refuses to submit to custody or arrest.

**IV. Procedures**

1. A barricaded suspect or subject incident shall be contained and a command structure that is appropriate for the time frame, the location, and the tactical problem presented by the suspect/subject shall be in place.

a. As soon as reasonable possible, a communications effort should be made directing the suspect to exit the location and submit to arrest or custody.

b. A tactical deployment that would include containment and based upon the terrain or environment, long rifle positions, arrest team, entry team, emergency entry team or mobile option should be in place.

c. An evacuation of citizens from the affected area should be accompanied to prevent contamination or uninvolved persons.

d. If pyrotechnic chemical agents are to be used, the fire department shall be notified and requested tyo stand by near the scene of the incident.

e. Only personnel who are trained and certified shall deploy chemical agents.

f. Prior to deployment of chemical agents, when practical, notification to law Enforcement personnel present shall be given to avoid exposing unprotected personnel and citizens to the agents.

g. Chemical agents may be deployed when necessary, without approval of the incident Commander.

2. Volume of Chemical Agents to be Used:

a. Only that amount of chemical agent that is reasonable shall be used.

b. Basic deployment of chemical agents dictates that its use is most effective when it is a surprise to the suspect(s). Therefore, no announcement of its use is required.

c. Announcing the use of chemical agents is not prohibited.

d. The amount of chemical agent to be used should be predicated upon:

i. The seriousness of the offense;

ii. The threat to the community posed by the suspect/subject;

iii. The location: size, single level or multi-level, available windows or areas for insertion of chemical agents, wind and weather, and type of chemical agent being used;

iv. The available positions and location from which chemical agents can be deployed;

v. The available gas team members that can be used to deploy agents;

vi. The potential for injury to persons inside the location such as hostages who are elderly or under the age of twelve years;

vii. The reaction of the suspect/subject to the gas.

e. Deployment procedures shall fall into two categories: (1) Systematic Gas Out and (2) total Gas Out

i. Munitions shall be fired using trajectory to minimize injury to subjects inside the location;

ii. When practical, the upper corners of windows will be used in conjunction with upward trajectory;

iii. Chemical agents projectiles shall not be “direct fired” at a human target;

iv. Verbal directions should be used with the insertion of chemical agents; i.e.: exit the front door, unarmed, with your hands up, and you will not be harmed.”

v. Where practical, cover and/or concealment should be used when deploying chemical agents

vi. After the scene is secure and the suspect is in custody all deployed munitions and fragments should be removed from the scene.

3. Decontamination

a. persons exposed to chemical agents shall be provided with decontamination assistance in a reasonable time;

i. Flushing with clear, cool water for at least ten minutes can relieve excessive skin contaminations;

ii. Arrestees and custodies shall be taken to a medical facility and given treatment when necessary. A medical facility can be an emergency room, ambulance, EMT provider or nurse in a custody facility. This shall be accomplished in a reasonable length of time.

4. Reporting

The use of any chemical agent in any amount or number shall be reported to a supervisor as soon as practical. This information will be included in the after action report.

a. chemical agents used

b. the justification for use

c. the names of officers who dispersed the chemical agents

d. any medical treatment and decontamination provided

e. any injuries

NOTE: This policy is intended to provide department personnel with guidance during critical incidents requiring the use of chemical agents. More detailed information regarding the use of chemical agents is contained within department training materials.

**POLICY FOR USE OF FLASH/SOUND DIVERSIONARY DEVICES**

This policy and procedures there under are intended for police/Sheriff’s office use only. The policies, procedures and regulations are for internal administrative purposes and are not intended to create any higher legal standard of care or liability in an evidentiary sense than created by law. Violations of the law form the basis for civil and/or criminal sanctions to be determined in a proper judicial setting, not through the administrative procedures of the Police/Sheriff’s Office.

\*The use of flash/sound diversionary devices, also referred to as “flash bangs”, has saved the lives of many police officers and innocent civilians, as well as suspects. However, in order to reduce any potential for injury, these lifesaving less-lethal devices must be properly deployed and their use supervised.

**The purpose of this document is to establish policy regarding the use of flash/sound diversionary devices.**

**Persons Authorized to utilize Flash/Sound Diversionary Devices:**

 **Authorization for Use:**

Except in extreme emergencies (i.e. life-threatening situation), flash/sound diversionary devise shall not be used without prior authorization of the tactical unit/team commander. In the absence of the tactical unit/team commander, the tactical team leader may authorize their use.

**Justification for Use:**

Generally, flash/sound diversionary devises may be considered whenever the use of a less-lethal diversion would facilitate entry, enable arrest, and potentially reduce the risk of injury.

Circumstances justifying the use of flash/sound devices shall include, but not limited to:

* Barricaded suspect and/or hostage situations
* High-risk warrant services
* Circumstances wherein distraction of violent mentally deranged persons or those under the influence of alcohol/drugs is believed necessary in order to facilitate apprehension
* Situations wherein the authoritarian person deems their use necessary to safely resolve the incident

**Deployment Considerations:**

Prior to deploying flash/sound diversionary devices, personnel shall consider available intelligence information and circumstances (i.e. the presence of children, elderly person, etc.). Circumstances may dictate the exterior deployment is preferable to deployment on the interior of a structure. Whenever possible, devices shall be deployed to an area visible to the deploying officer. Generally, these devices shall not be used solely for the preservation of evidence.

Because flash/sound diversionary devices have the potential to ignite flammable materials, a portable fire extinguisher shall be readily accessible whenever devices are to be deployed.

**Review Process:**

The tactical unit/team commander shall review the use of flash/sound diversionary devices as soon as practical following each incident or operation to ensure the devices’ were used according to policy and that the devices functioned properly. Information thus obtained shall also be utilized for statistical and training purposes.

**GENERAL POLICY STATEMENT FOR LESS LETHAL IMPACT PROJECTILES**

This policy and the procedures there under are intended for Police/Sheriff’s Office use only. The policies, procedures and regulations are for internal administrative purposes and are not intended to create any higher legal standard of care or liability in an evidentiary sense that is created by law. Violations of the law from the basis for civil and/or criminal sanctions to be determined in a proper judicial setting, not through the administrative procedures of the Police/Sheriff’s Office.

Scope: This policy provides guidance for the purchase, storage, transportation, handling and deployment of less lethal impact projectiles and established reporting procedures for their use. All departmental personnel are responsible for understanding and complying with this policy.

Definition: For the purposes of this policy, less lethal impact projectiles are defined as those munitions that can be fired, launched, or otherwise propelled for the purpose of encouraging compliance, overcoming resistance, or preventing serious injury without posing a significant potential of causing death. Examples of less lethal impact projectiles include beanbags, launch-able wooden, foam or rubber batons, rubber pellets and other like items.

Persons Authorized to Use Less Lethal Impact Projectiles: Only personnel who have successfully completed a departmental approved training course in the proper use and deployment of less lethal impact projectiles shall be authorized to sue them during actual operations.

Justification for Use: The employment and use of these devices are decisive actions that can assist in achieving the goal of protection of life and property and/or the restoration of order. They should be considered whenever the use of less lethal options would assist in enabling an arrest, restoring order and/or reducing the risk of more serious injury. Circumstances justifying the use of these munitions include, but are not limited to:

1. restoration or maintenance of order during jail or civil disturbances

2. safely controlling violent persons

3. subduing vicious animals

4. situations wherein the authorizing person deems their use necessary to safely resolve the incident

Reporting: the use of less lethal impact munitions constitutes a use of force, and, as such, must be reported in accordance with standard departmental force reporting procedures. The subject who is struck with less lethal impact munitions shall be transported to a medical facility.

Storage, transportation, & Handling: Storage of less lethal munitions should confirm with manufacturer’s recommendations. Generally, they should be stored in their original container in a cool, dry place. Munitions which have been removed from their container shall be clearly and conspicuously identified as “less lethal” to prevent confusion with lethal munitions. Under no circumstances shall less lethal impact projectiles be kept in a manner, which might lead to confusing them with lethal munition. Generally, they should be stored in a separate container or on a separate shelf, which is clearly marked.

Except as previously noted, less lethal impact projectiles should be transported in accordance with the department’s customary policy or practice for small arms munitions.

Under no circumstances shall any person be authorized to tamper with or alter in any manner, any less lethal impact projectiles. Misfires and duds shall be recovered, rendered safe and removed from service. Appropriate notifications shall be made and munitions which have malfunctioned or are damaged, shall be handled according to departmental policy governing other types of ammunition.

Upon receiving any munitions, the person actually employing them is ultimately responsible for ensuring that these munitions are “less lethal” and used in accordance with departmental policy.

Procurement& Inventory Control: These munitions shall be procedure in accordance with normal departmental purchasing procedures. Inventory, serviceability, and tracking shall be the responsibility of the tactical range staff, team equipment manager, or other designee responsible for handling other types of munitions.

Review: This policy shall be reviewed and evaluated as to direction, completeness, execution and management by the last day of each odd-numbered year. Modification to this policy shall be incorporated depending upon circumstances, technology, and/or experience. Input from all personnel is enthusiastically sought and encouraged at any time.

**TACTICAL EXPLOSIVE ENTRY**

This policy and the procedures there under are intended for Police/Sheriff’s Office use only. The policies, procedures and regulations are for internal administrative purposes and are not intended to create any higher legal standard of care of liability in an evidentiary sense that is created by law. Violations of the law from the basis for civil and/or criminal sanctions to be determined in a proper judicial setting, not through the administrative procedures of the Police Department/Sheriff’s Office.

**I. INTRODUCTION**

The utilization of explosive breaching charges can be safe and viable tactic when supporting Special Weapons and tactics (SWAT) personnel during the resolution of certain critical incidents.

This may include:

1. terrorist events

2. hostage rescue operation

3. service of particularly high-risk search/arrest warrants

4. barricaded gunman scenarios

5. pre-detonated booby traps

6. civil disaster scenarios

Tactical breaching charges commonly used by law enforcement are not “weapons”; as they are neither designed nor intended to be used as such. Tactical breaching charges are specialized tools which are deployed in the furtherance of legitimate law enforcement duties. Tactical explosive breathing/entry, the use of explosive materials to affect an entry can be a useful tactical option. An explosive breaching charge should not be viewed as a “bomb”, rather as a forced entry tool.

An effective breach is a design where most efficient use of the minimum amount of explosive is used to achieve 100% successful penetration, 100% of the time. Effective breaching techniques allow immediate entry with minimal risk to victims, tactical officers, and the suspect(s). This technique enhances the speed and shock effect required of dynamic rescue or entry operation. Explosive breaching may also be useful to pre-detonate any emplaced booby-traps known to be present at the crisis site.

**II. DEFINITIONS**

1. **Explosive Breach-** a technique of employing material to create an opening through a door, window, wall, or other barrier to allow access.

2. **Breacher**- a member of the Tactical Unit who is specifically trained in the construction, placement, and firing of explosive breaching chargers.

3. **Assistant Breacher-** a member of the tactical Unit or designated operator who works with and is trained in explosive breaching who assists with the construction, placement, and firing of explosive breaching charges.

4. **Explosive Breaching Device-**a target-specific device constructed with explosives and non-explosive materials for the purpose of gaining entry into a structure.

5. **Breacher’s Report-**used to document the use of explosive breaching charges during training and actual operations

**III. CRITERIA FOR EXPLOSIVE BREACHING**

a. situations where explosives are the only means capable of physically breaching the locations barriers/fortifications

B. situations where the suspect possesses or has demonstrated a propensity for violence

C. situations where the breach point has an unusually risky configuration

D. situations where other breaching methods are deemed unsafe or impractical

E. situations where a penetration/comprise of the structure is desired (regardless of whether entry is being made at that time, i.e., Breach and Delay)

**IV PROCEDURE**

A. the option to utilize an explosive breach will be at the discretion of the tactical Unit Commander or his designee.

B. the construction of all explosive breach devices shall be constructed or supervised by the Breacher.

C. scouting a target analysis is an important pre-breach responsibility of the Breacher and/or Assistant Breacher.

D. construction of the specific device to be used will vary from situation to situation. It will be designed based on the known target intelligence, experience, and training of the Breacher. A selection of certain pre-made charges will be on-hand at all times and available for immediate deployment.

E. prior to setting the explosive breach, the Breacher will present a “Breacher Brief” to the Tactical Unit Commander, Supervisor, team members, and others involved in the situation.

F. placement of the explosive breaching devices shall be performed by the Breacher or the Assistant Breacher.

G. the safe and tactically sound location of the entry team’s “stack” will be determined by the Tactical Unit team leader in consultation with the Breacher.

H. once the explosive breaching device(s) are set and the entry teach positioned, the firing device will be raided.

I. the entry team leader of the mission, it will be the responsibility of the Breacher to submit a “Breachers Report”, which details the specific composition of the explosive charge(s) used and their performance.

**V. CONSIDERATIONS**

Explosive breaching charges are useful tools; however, they may not be appropriate in all situations. An explosive breach **should not** be employed when:

1. There is a presence of unstable chemicals or other incendiary materials in close proximity to the crisis site.

2. Other means of mechanical breaching would be more effective to provide positive entry, officer safety and mission success.

**VI. SAFETY PROCEDURES**

A. All explosives will remain in control of the Tactical Equipment manager and be stored as appropriate to ensure their security.

B. Tactical Emergency Medical personnel shall be present during missions and training where explosive breaching techniques are performed.

C. The Breacher and/or Assistant Breacher will be in control of the firing device at all times to prevent an unintentional detonation by other persons.

D. Safety clothing and equipment will be worn by all members of the tactical unit during explosive entry training and operations. This will include, but not limited to, Nomex uniform, balaclava and gloves, eye protection, hearing protection, helmet, ballistic/load bearing vest and boots.

**VII. TRAINING AND DOCUMENTATION**

A. Explosive breaching training shall be conducted with all members of the tactical unit.

B. Breachers and Assistant Breachers shall conduct additional on-going training to test and evaluate the types of charges best suitable for various targets.

C. A Breaching Log will be maintained to document explosive entry training and operations. This log may be used as a database for future use when determining the most appropriate charge to be selected.

**USE OF DEADLY FORCE**

This policy and the procedures there under are intended for Sheriff’s office use only. The policies, procedures and regulations are for internal administrative purposes and are not intended to create any higher legal standard of care of liability in an evidentiary sense than is created by law. Violations of the law from the basis for civil and/or criminal sanctions to be determined in a proper judicial setting, not through the administrative procedures of the Police Department/Sheriff’s office.

**INTRODUCTION**

This document meets or exceeds regulations set into law by the North Carolina general Assembly in general Statue 15A-401(d) and is intended to provide guidance to graham County Deputy Sheriffs who are authorized to carry firearms as part of their official duties. The following general principles are to govern application of the Office’s deadly force policy.

The policy is not to be constructed to require that the Deputy Sheriff’s assume unreasonable risks. In assessing the need to use deadly force, the paramount consideration should always be the safety of the public and the Deputy Sheriffs.

The reasonableness of a Deputy’s decision to use deadly force under this policy must be viewed from the perspective of the Deputies on the scene-who may often be forced to make split-second decisions in circumstances that are tense or uncertain and dynamic, and without the advantage of information of facts after the incident.

**I. Definitions**

**A. deadly force-** force that is likely to cause death or serious physical injury

**B. Necessity-**in evaluating the necessity to use deadly force, two factors are relevant: (1) the presence of an **imminent danger** to the Deputies or other third parties; and (2) the absence of **safe alternatives** to the use of deadly force. Deadly force is never permissible under this policy when the sole purpose is to prevent the escape of a suspect.

**1. Imminent danger-** “imminent” does not mean “immediate” or ‘instantaneous”, but that an action is pending. Thus, a subject may pose an imminent danger even if he is not at that very moment pointing a weapon at the Deputy of other third party. For example, imminent danger may exist if Deputies have probable cause to believe ANY of the following:

a.) the suspect possesses a weapon or is believed to possess a weapon, or is attempting to gain a weapon, under circumstances indicating an intention to use it against the Deputy or other third party; OR

b.) the subject is armed and running to gain the tactical advantage of cover; OR

c.) a subject with the capability of inflicting death or serious physical injury or otherwise incapacitating Deputies or other third parties without a deadly weapon, is demonstrating and intention to do so; OR

d.) the subject is attempting to escape by means of deadly weapon from the vicinity of a violent confrontation in which he or she inflicted or attempted the infliction of death or serious physical injury.

**2. Absence of a safe alternative-**deputies are not required to use or consider alternatives that increase danger to themselves or other third parties. If a safe alternative to the use of deadly force is likely to achieve the purpose of averting an imminent danger, deadly force is not necessary. Among the factors affecting the ability of Deputies to safely seize a subject, the following are relevant:

a.) Responses to Commands- verbal warnings prior to using deadly force are required WHEN FEASIBLE i.e., when to do so would not significantly increase the danger to Deputies or other third parties. While compliance with Deputies’ commands may make the use of deadly force unnecessary, ignoring such commands may present Deputies with no safe option.

b.) Availability of cover- availability of cover provides a tactical advantage. An armed suspect attempting to gain a position of cover may necessitate the use of deadly force; conversely, a Deputy in a position of cover may gain additional time to assess the need to use deadly force without incurring significant additional risks.

c.) Time constraints- the inherent disadvantage posed by the issue of action/reaction, coupled with the lack of a reliable means of causing an instantaneous halt to a threatening action, impose significant constraints on the time-frame in which Deputies can assess the nature and imminence of a threat.

**II. POLICY**

A. Defense of Life-Deputy Sheriffs may use deadly force when he or she has a reasonable belief that his or her life, or the life of a third party, is in imminent danger of death or serious bodily injury based on the totality of the circumstances known to the Deputy Sheriff at the time.

B. Verbal Warnings-When feasible, and if to do so would not increase the danger to the Deputy or others, a verbal warning to submit to the authority of the Deputy should be given prior to the use of deadly force.

C. **Warning Shots-ARE PROHIBITED**

D. Vehicles-Weapons may not be fired solely to disable moving vehicles. Weapons may be fired at the driver or other occupant of a moving motor vehicle only when the Deputies have probable cause to believe that the subject poses an imminent danger of death or serious physical injury to the Deputies or a third party, and the use of deadly force does not create a higher danger to the public that outweighs the likely benefits of its use.

E. Moving Vehicle-firing from a moving vehicle is generally discouraged except in defense of life and when the circumstances of the incident are reasonable based on the totality of the facts known to the Deputy at the time.

**III. APPLICATION OF DEADLY FORCE**

A. When the decision is made to sue deadly force, deputies may continue its application until the subject surrenders or no longer poses an imminent danger.

B. When deadly force is permissible under this policy, attempts to shoot to cause minor injury are unrealistic and can prove dangerous to Deputies and other third parties because they are unlikely to achieve the intended purpose of bringing an imminent danger to a timely halt.

C. Even when deadly force is permissible, Deputies should assess whether its use creates a danger to third parties that outweighs the likely benefits of its use. (This assessment is only available to the Deputy where pre-planning can be done. The majority of split second shooting incidents may not provide time for detailed thought and assessment.

**8.2 OFF-DUTY EMPLOYMENT**

Employment with the graham County Sheriff’s Office and the performance of assigned duties will take precedence over any and all other occupational interests. Authorization of Off-duty employment is a privilege which may be granted or denied by the Sheriff at his discretion, and if granted, may be withdrawn at any time. Accordingly, no employee is authorized to solicit, accept, or perform any Off-duty employment except with the prior approval of the Sheriff. This applies not only to law enforcement related employment, but to civilian occupations as well.

Employees of the Sheriff are members of an emergency services organization and are therefore, subject to immediate recall to duty in the event of a general emergency.

**DEFINITIONS:**

EMPLOYMENT: Any work performed or service provided for compensations, including self-employment.

OFF-DUTY EMPLOYMENT: Any employment for wages or other form of compensation other than full-time or part-time employment with the Graham County Sheriff’s Office. Off-duty employment includes:

EXTRA-DUTY EMPLOYMENT: Any Off-duty employment that is conditioned on the actual or potential use of law enforcement powers granted by the State of North Carolina.

OTHER EMPLOYMENT: Any Off-duty employment that will not require the use of potential use of law enforcement powers by the employee.

PROBATIONARY PERIOD: A period of time, six months, beginning with the date of employment with the Sheriff’s Office.

**PROCEDURES:**

I. Administration:

A. The Sheriff will coordinate all requests and proposals for off-duty employment by a member of the Graham County Sheriff’s Office.

B. Any employee who wishes to engage in Off-duty employment must request to the Sheriff. Requests for off-duty employment must be approved by the Sheriff prior to any work being done.

1. Employees shall communicate any changes in conditions of their employment as soon as possible.

2. All approved requests are subject to periodic review. Approval may be written at the discretion of the Sheriff.

3. The Sheriff will review all requests submitted and approve an individual or individuals for the assignment. Requests by an employee for a specific employee will be honored whenever possible. Otherwise such assignments will be rotated among available personnel.

4. Changes in condition of employment should be communicated to the Sheriff by the Deputy as soon as possible.

5. All approved proposals are subject to review and approval may be written by the Sheriff.

II. General Regulations

A. Employment which constitutes a conflict of interest will not be approved. A conflict of interest, as determined by the Sheriff, is any activity inconsistent, incompatible, or in conflict with the duties, functions, or responsibilities of his/her regular employment with the Graham County Sheriff’s Office.

B. Employment which adversely affects an employee’s mental or physical ability to perform the duties or functions of regular employment will not be approved.

C. Employment which comprises or violates the confidentiality of an employee’s regular job will not be approved.

D. Off-duty employment shall not exceed 16 hours per day, including On-duty time, e.g., a Deputy working a 10-hours shift may work six hours of Off-duty employment on the same day. A deputy on a day off may work 16 hours. For the purpose of computing allowable work time, court appearances constitute On-duty time, sick leave shall be perceived also. **ALL employees working an A.M. Shift will have 8 hours of rest between Off-duty employment and their regular duty.**

E. Any conflict between the operating policies of a private employer and the Sheriff’s office will be resolved by the Deputy acting in conformance of the policy of the Sheriff.

**F. Failure to adhere to the provisions of this directive may be grounds for disciplinary action up to and including dismissal.**

III. Extra-duty Employment

A. No employee shall perform Extra-duty employment during a probationary period.

B. Extra-duty employment is restricted to county limits.

C. The minimum salary required for Deputies employed in and Extra-duty capacity should be at least equal to the rate for a starting Deputy.

D. Serving as an employment agency and receiving compensation for procurements of Extra-duty employment jobs for other Sheriff’s Office employees is prohibited.

E. Employees will **NEVER** solicit any person or business for the purpose of gaining Extra-duty employment. While On-duty, employees will not solicit any person or business for the purpose of gaining Extra-duty or other employment.

F. Except as authorized by the Sheriff or designee, or required by the conditions of the Extra-duty employment, the following regulations apply:

1. If the uniform of the day is worn while engaging in Extra-duty employment, it must be approved by the Sheriff or his designee.

2. County-owned vehicles, radios, or other equipment shall not be used unless expressly approved by the Sheriff or designee.

G. While engaged in Extra-duty employment, Deputies shall be subject to the rules and regulations and the policies and procedures of the Graham County Sheriff’s Office, and shall be supervised by the On-duty supervisor.

IV. Sheriff’s office liability:

A. The Graham County Sheriff’s office shall not be responsible for medical expenses incurred from injuries sustained while working in any Off-duty employment.

B. Any arrangement between an employee and an outside employer shall be considered a private transaction even though it may be facilitated or approved by the Graham County Sheriff’s Office. At no time shall any outside employment be considered as a contractual agreement between the Sheriff’s Office or the Sheriff except when so designated and entered into by the Sheriff. The Sheriff’s Office will not be responsible for any billing, collections, or receiving of payments, except at its own option.

C. All income derived from off-duty employment is reportable to the Internal Revenue Service and is the responsibility of the individual employee or employer based on existing tax laws and/or IRS regulations.

NOTE: This policy is for internal use only, and does not enlarge a Deputy’s civil 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 the 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.

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Sheriff Signature Sheriff Printed Name Date

**8.3 Complaints**

**POLICY-** It is the policy of the Graham County Sheriff’s Office to investigate all complaints of alleged misconduct, either personnel, or other, and to equitably determine whether the allegations are valid or not and to take appropriate action.

I. Receipt of Complaints

A. All complaints pertaining to the Graham County Sheriff’s Office policies and procedures or alleging misconduct will be documented in writing and investigated by the Sheriff’s Office.

B. Complaints may be accepted by any supervisor. Non-supervisory personnel receiving a complaint will refer it to their immediate supervisor or other appropriate on duty supervisor.

1. Any supervisor receiving such complaints will document the complaint in writing and forward it to the chief Deputy or chief Investigator.

2. The supervisor may attempt to resolve the complaint by explaining Sheriff’s Office policies and procedures to the complainant at the time the complaint is made. Attempts to resolve complaints will be noted in the complaint report. Even if the complaint is resolved, the supervisor will submit the complaint and his findings to the chief deputy or chief Investigator.

C. The Sheriff or his designee, i.e. chief deputy or Chief Investigator, will maintain a complaint log on all complaints received. The complaint log will contain the following minimum information:

1. Date received

2. Complainant

3. Date of incident/complaint

4. Investigator

5. Date/disposition

D. The Sheriff or his designee, i.e. Chief Deputy or Chief Investigator, will maintain a secure file for all complaints received on an employee, and all other reports and records that pertain to the complaint and its investigation.

II. Investigative responsibilities

A. The Sheriff or his designee, i.e. chief Deputy or Chief Investigator, shall have primary responsibility for the review and investigation of all complaints against employees, whether initiated by a citizen or form within the Sheriff’s office.

B. The Sheriff or his designee, i.e. Chief Deputy or Chief Investigator, will review the complaint and determine whether or not to assume primary investigation of the complaint or to assign the investigation to the appropriate supervisor.

1. Allegations of misconduct that could result in discharge, suspension, demotion, or criminal charges, will be investigated by the Sheriff or his designee, i.e. Chief Deputy or Chief Investigator.

2. Allegations of minor rule violations may be assigned to the employee’s supervisor for investigation.

3. A supervisor’s investigation may be stopped at any time for a full investigation by the Sheriff.

C. All investigations will be completed within 30 days of the filing of a complaint. Any extensions beyond this period must be approved by the Sheriff.

D. The investigator will submit an investigation of the deputies’ complaint report, through channels, the Chief Deputy or Chief Investigator. The report, in memo form, will contain the following minimum information:

1. Date and time of complaint

2. Complainant’s name

3. Address and telephone number

4. Age/race/sex

5. Employee(s) involved

6. Nature of complaint

7. Location of incident

8. Summary of complaint

9. Summary of evidence (if applicable)

10. Summary of investigations

11. Findings

12. Conclusions

E. Based on the findings and conclusions of the investigation, the investigator will recommend that the complaint be classified in one of the following categories:

1. **UNFOUNDED:** The allegation is false or there is insufficient evidence to support the allegation.

2. **NOT SUSTAINED:** There is insufficient evidence to either prove or disprove the allegation.

3. **EXONERATED:** The incident complained to occurred but it was legal and proper.

4. **SUSTAINED:** The allegation is supported by sufficient evidence to indicate the allegation is true.

F. For all **SUBSTAINED** complaints, the investigating supervisor will recommend appropriate disciplinary action.

G. The Chief Deputy or Chief Investigator will submit final recommendations regarding disposition of the complaint and corrective or disciplinary action, if appropriate, to the Sheriff.

H. A report of any disciplinary action taken will be made and become a part of the employee’s personnel file.

III. Employee’s Responsibilities

A. Prior to interviewing an employee in an **ADMINSTRATIVE** investigation, the deputy/employee shall be advised of the following Gratuity Rights

1. The employee is required to answer all questions related to the performance of duties. Failure to answer questions accurately may result in the employee being relieved of duties and may result in disciplinary action up to and including dismissal.

2. Any self-incriminatory admission made during questioning may only be used in subsequent administrative proceedings, and shall not be used against the employee in subsequent criminal proceedings.

3. The Sheriff or his designee, i.e., Chief Deputy or Chief investigator, may require special examinations such as: polygraph, Breathalyzer, medical exam, psychological exam, blood and/or urine test, if such tests would be beneficial to the investigation.

4. The Sheriff, or his designee, i.e., Chief Deputy or Chief Investigator, may conduct a search of the employee’s work place to obtain evidence of misconduct. The search may be conducted only if there is reasonable suspicion that evidence will be found. Areas that can be searched will be limited to items that are related to work and are generally within the employee’s control.

B. An employee may be interviewed as part of a **CRIMINAL** investigation if the employee is advised at the beginning of the interview:

1. That the employee has the right to terminate the interview and leave the interview room at any time.

2. That the employee has the right to refuse to answer any questions and may refuse to make any statement.

3. No disciplinary action can be taken against any employee for exercising their rights as set forth in 1 and 2 above.

C. Interviews may be recorded to protect the employee and the integrity of the investigation.

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Sheriff Signature Sheriff Printed Name Date

**GRAHAM COUNTY SHERIFF’S OFFICE**

**COMPLAINT FORM**

**Name of complainant\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Race\_\_\_\_\_ Sex\_\_\_\_\_\_**

**Home address\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Phone #\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

**Business address\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Phone #\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

**Individual or business that complaint is against:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

**Summary of incident:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

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**Complainant’s Signature Date**

**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

**Received by Date**

**GRAHAM COUNTY SHERIFF’S OFFICE INVESTAGITION OF COMPLAINT FORM**

**TO:**

**FROM:**

**SUBJECT: Complaint Investigation**

The investigator of the complaint will fill out this form as accurately as possible, providing all pertinent facts and details. Be specific and include all circumstantial evidence, confirming and conflicting statements. If more room is needed, attach additional paper, noting the part and question number of the report.

COMPLAINT INFORMATION

Date and time of the complaint: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Complainant’s name: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_Age: \_\_\_\_\_\_\_Race: \_\_\_\_\_\_Sex:\_\_\_\_\_\_\_\_

Address: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_Phone#\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

DESCRIPTION OF COMPLAINT

Name, address, and phone# of individual(s) involved, including all witnesses: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Nature of complaint; \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Location of incident: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Summary of complaint (described **specific allegations** made): \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Evidence (describe all evidence, where applicable): \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Summary of investigation (include the facts, statements of the accused, witnesses, and other law enforcement officials. **Note all conflicting statements**. If there is more than one complaint, address all in the summary): \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Findings (check one):

\_\_\_\_\_\_\_\_UNFOUNDED (false or insupportable allegation

\_\_\_\_\_\_\_\_ EXONERATED (action was legal/proper)

\_\_\_\_\_\_\_\_ NOT SUSTAINED (allegation cannot be proved/disproved)

\_\_\_\_\_\_\_\_ SUSTAINED (allegation is true)

Comments on findings: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**8.4Policy statement for responding to hold-up alarms**

**Purpose:** It is the purpose of this policy to provide guidelines for response to hold-up alarms and bank alarms.

**Policy:**

I. **Notification of Alarm**

A. It is the responsibility of the on duty tele-communicator to notify Shift Supervisor

B. The closest deputy will respond to the alarm call.

II. **Duty of Responding Deputy**

A. It is the responding Deputies’ responsibility to ensure safety to himself and others while responding to alarm call

B. Deputy is to use common sense and stay aware of his location while proceeding to the call.

C. Deputy needs to use good judgment in canceling his emergency equipment and car in order to avoid a hostage situation or to alert the suspect

D. First Deputy on scene will position himself at a safe distance and observe the bank and notice if the ‘all clear Red Flag’ or card has been displayed in the front door. The deputy’s position should also be one that the suspect will not notice him from the bank.

E. First Deputy may need to take a side road and drive by the bank or set up at a business near the bank or even across the Interstate to observe and still be at a safe distance from the bank.

F. First Deputy will maintain position and keep supervisor informed until the red flag has been displayed

G. If the bank has notified communications that everything is OK but still has not displayed the red flag then the deputy is to maintain position and inform supervisor. Deputy will not proceed toward the bank.

H. In the event that a red flag has been displayed the deputy will stay in the bank parking lot and have communications contact bank manager by phone and advise him/her to come outside to meet the Deputy.

I. In the event of an actual hold up and the red flag has been displayed, Deputy will have communications obtain as much information (description of person and vehicle) as possible, relay the information and broadcast that information.

J. The deputy would then secure the crime scene and contact investigators.

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Signature Printed Name Date

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_

Sheriff Signature Sheriff Printed Name Date

**8.5 SUGGESTED LAW ENFORCEMENT PROTOCOL FOR WMD RESPONSE**

I. EMS protocol in Place

911 Receives Call

1. COMMUNICATIONS obtains needed information

A. Where? Address, Business or Residence/Apt. Number

B. Description of residence/business and where located in building

C. Name of Caller

D. Call back Number

E. Type of situation: Package/envelope, indoors/closed, leaking? Description of package/envelope

F. how many persons affected?

G. COMMUNICATIONS advises caller/reporter of appropriate actions and safety measures to be taken at scene

2. Action if required

A. Recommend they do not evacuate (due to exposure)

B. Recommend they close doors/windows, shut off air handling systems

C. Recommend they do not allow entry or exit to room or building

D. Ask caller to assign one person as a contact person (in charge) to make contact with police/fire departments

3. COMMUNICATIONS dispatches law enforcement to scene telephone communication or radio code

4. COMMUNICATIONS dispatches appropriate emergency services to scene if needed immediately

II. Law Enforcement response protocol:

First Deputy on scene responds routine, no lights or siren

1. Make contact with reporter or the designated contact person. Obtain incident information. Log those present at scene and those possibly exposed to bio hazardous materials or chemical substance

2. Assess situation and nature of threat. Take any immediate action needed to secure safety of those present and to secure and maintain scene security. As a public risk precaution, isolate and/or evacuate if needed.

3. Approach area with caution and try to determine where the contaminated area begins and ends. Establish “cold’, “warm”, and “hot” zones. Hot being where the item of concern is, warm being the area around the item that could be contaminated and cold being the closest area to the item that is not contaminated and cold being the closest area to the item that is not contaminated.

4. First Deputy on scene should not station him/herself in the cold zone and should not allow entry or exit to anyone.

5. Use common sense. Don’t take unnecessary risks. Wear appropriate protective clothing and equipment and follow emergency protocol for situation.

6. Contact Sheriff, Chief of Police, Detectives.

III. Summary of Situational Responses

Protocols

1. Anonymous Caller threat indicating a WMD

A. Law enforcement response. First Deputy on scene to obtain incident information/report

B. Building evacuation/search following local protocol. (School, hospital, Business protocol)

C. Taking control of the building ventilation system may be warranted based on findings at scene and nature of the threat.

D. Attention should be focused on appliances and devices foreign to the surroundings. What doesn’t belong!

E. Investigation similar to a telephone bomb threat

F. Not any forced entry to building

G. Notify Sheriff, Chief of Police, Detectives

H. Suspicious findings during investigation should intimate a public safety response. Contact office of emergency management

I. Emergency management will then make appropriate decisions for fire, EMS, hazmat, EOD response

2. Potential WMD device located

A. Law enforcement response. First Deputy on scene obtain incident information/report

B. Contact emergency management, Sheriff, Chief of Police, Investigators

C. Evacuation of Affected Area

D. Emergency management will make appropriate decision for fire/EMS/Hazmat/EOD response. If no hazardous materials are present, response continues as a Law Enforcement Investigation

E. Handle as Law Enforcement Investigation and note any forces entry to building

3. Potential Anthrax threat or other Biohazard threat-Letter/Package Opened and material present

A. Law enforcement and emergency management response. First law enforcement Deputy on scene obtain incident information/report

B. Emergency management will make appropriate decision for fire/EMS/Hazmat, Safety protocol

C. Contact Sheriff, Chief of Police, Investigators

D. Handle as law enforcement investigation

4. Potential Anthrax threat-letter package opened and NO material resent

A. Law enforcement response-first Deputy on scene obtain information for report

B. Contact investigator

C. Emergency management response not necessary unless suspicious material found or individuals at scene are presenting symptoms

D. Handle as law enforcement investigation

5. Potential Anthrax threat-letter/package not opened. (Suspicious mail, no obvious threat present)

A. Have reporter to double bag suspicious item prior to Deputy’s arrival to scene

B. Law enforcement response-first Deputy on scene obtain incident information/report

C. Collect evidence-double bag, place in can

D. Notify investigator of incident

GENERAL SAFETY PRECAUTIONS

1. Do not shake or empty contents of the package. Do not try to clean up powders or fluids.

2. Use gloved hands to place the envelope or package into a plastic bag or other type of container to prevent leakage of contents.

3. In no plastic available, cover the envelope or package with anything (e.g. Clothing, paper, trash cans, ETC) being careful not to disturb or create air currents. Don’t remove this cover.

4. Do not transport suspicious material.

5. Advise all affected persons to leave room or vehicle, close the door to keep other from entering.

6. Wash your hands and any other exposed body parts with soap and water. Notify your communications center to dispatch the appropriate local agencies.

7. Notify your supervisor.

8. If clothing is heavily contaminated, remove it place it in a plastic bag, seal the bag and pass it along to the responding local agency.

9. Shower with soap and water as soon as possible. Do not use bleach or disinfectant on your skin.

10. Decontaminate per emergency management protocol.

If package and material are determined to by the responding agency and the SBI to be credible risk, make sure they have your name and contact information. The Graham County Health Department will be notified. See your personal physician for medical advice.

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Signature Printed Name Date

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Sheriff Signature Sheriff Printed Name Date

**8.6 Graham County Internet and Computer Use**

Misuse includes, but is not limited to:

1. Allowing any person other than IT Department to install, perform maintenance, or disconnect components on any Graham County computer or networking equipment. (Unless authorization has been granted via a written or verbal agreement with the IT department).

2. Installing, altering, downloading, or removing any software, not job related, without IT authorization.

3. Connecting personal devices to Graham County computer or networking equipment, including but not limited to, personal laptops, games, or web cams.

4. Unplugging or disconnecting Graham County computer or network equipment.

5. Using Graham County owned equipment or an email account for a purpose that it was not intended, such as personal gain or commercial enterprise, i.e. E-bay.

6. Unauthorized attempts to read, alter, change, execute, or delete files belonging to another user or stored on a Graham County computer containing county data.

7. Installing games on any Graham County computer or networking equipment.

8. Using a Graham County computer or networking equipment to infringe copyright laws or make illegal copies without proper authorization from the legal owner.

9. Intentionally viewing pornographic or sexually explicit material including but not limited to, means of Internet, Email, Floppy Disk, CD Rom, DVD, digital camera, web cam, chat or any other media using Graham County computer or networking equipment. Unless viewing of such materials is to assist in the investigation of a criminal case, in which the usage of this material is authorized by the Sheriff.

10. Releasing or using confidential information of others, including but not limited to, data, passwords, codes, social security numbers, or any other information, which was not intended for public knowledge.

11. Installing or using any program to download files, such as Kazaa, Napster, or Morpheus.

12. Using Graham County computer or network equipment in any way for gambling purposes.

13. Port scanning, or attempting to gain access of Graham County computer or networking equipment.

14. Accessing, or allowing others to access Graham County computer or networking equipment from a remote location. (Unless authorization has been granted via a written agreement with the MIS department).

**Misuse may result in immediate termination of all Graham County computer or networking equipment use, and personnel action in accordance with Graham County Personnel Policies (See Article VIII, Section 4; Article V, Section 9), as well as criminal liability.**

**Email and/or Internet Use**

1. Do not use profanity or sexually offensive language in any computer related communications.

2. Do not send confidential or private information through email without proper encryption and instruction.

3. Do not create or forward chain letters, self-replicating messages, programs, or excessive jokes.

4. Do not attempt to hide your identity or place someone else’s identity on your communications.

5. Do not attempt to open or download email attachments which look suspicious, or if sender is unclear.

6. Do not download software from the internet without permission from the MIS department. All software downloads must be documented with MIS Department.

7. Do not view, store, send, or receive communications which are discriminatory, harassing, obscene, pornographic, sexually explicit, or otherwise illegal. Unless, the material is aiding in the investigation of a criminal case and is authorized by the Sheriff.

**Personal Use**

Email and internet use is a privilege, provided for business use. You are responsible for ensuring these tools are used properly. Please limit personal use, following your Supervisor’s guidelines. You should not have an expectation of privacy in anything created, stored, sent, or received using Graham County computers and network equipment.

**Monitoring**

Graham County computers and network equipment are monitored. Only persons with authorization to monitor computer and network activity may do so. All communications are property of Graham County Government and are subject to public records law as outlined in Chapter 132 of the N.C. General Statutes. Monitoring includes, but is not limited to, viewing user files, screening email, monitoring screens and keystrokes, monitoring Web pages viewed, monitoring programs run, and monitoring chat sessions.

**Your Responsibilities Include:**

1. Each employee is responsible for the content of all communications that they store, send, or receive using any Graham County computer, network, or communications equipment.

2. All email must be identified with your name and/or a valid email address.

3. Report any suspected misuse of Graham County computer or networking equipment to MIS Department.

4. Ensure that all passwords remain confidential.

5. Report to MIS any Web sites or email addresses encountered that could be harmful to computers, the network, or users.

6. Report to MIS ANY VIRUS-LIKE ACTIVITIES IMMEDIATELY

**When using a Graham County computer, network, or communications device, you represent Graham County. It is expected that employees use good judgment and conduct themselves in a responsible and professional manner during all communications.**

**Violations**

1. Misusing email, as stated above or otherwise, may result in temporary, or possibly, permanent loss of your email account.

2. Misusing Internet access in violation of the stated policy will be subject to corrective action in accordance with Graham County Personnel Policies.

3. Violating this policy in any way will result in disciplinary action or termination.

**Reporting Violations**

This policy is strictly enforced in order to continue providing these privileges to everyone. If you know of a possible violation, you are responsible for reporting it to your supervisor, the MIS Department, or the Sheriff. Your anonymity will be preserved as much as possible.

**Employee Agreement**

By signing this agreement, you

1. Waive the right of privacy for anything created, stored, viewed, sent, or received on any Graham County computer or networking equipment.

2. Have read and understand all the above stated policy.

3. Understand what your responsibilities are.

4. Understand that you will be held accountable for all communications that you store, send, or receive using Graham County computers or networking equipment.

5. Agree to abide by this policy.

**Employee Signature\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_Date\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

**Witness Signature\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_Date\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

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Signature Printed Name Date

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Sheriff Signature Sheriff Printed Name Date

**8.7 RIDE ALONG PROGRAM**

Private Citizens, law enforcement officers from other jurisdictions and members of the news media may ride in patrol vehicles as passengers/observations under the guidelines of this policy.

**DEFINITION:**

PARTICIPANT: A person who voluntarily applies to the Sheriff’s Office, for authorization to ride in a patrol car in the capacity of a passenger/observer.

PROCEDURES:

I. Application process

A. All prospective participants will be required to complete an application for the Ride-Along Program and a Liability Release Form before being considered for the program.

B. All Completed applications to participating in the Ride-Along Program will be evaluated and approved (or rejected) by the Sheriff or his Designee.

C. Before being accepted into the program, a limited background check will be conducted on the applicant. **DCI information cannot be used for this purpose.**

D. Any person submitting an application in the Ride-Along program may be rejected if it is believed that participant would not serve in the best interest of the Sheriff’s Office. If deputies have knowledge of facts or circumstances that leads them to believe that a participant is unsuitable for the program, a supervisor will be notified.

E. All records pertaining to the ride-Along Program will be maintained on file for a minimum of one year.

II. All participants who have been approved for the program will be briefed on the guidelines of the program before beginning his/her first duty tour.

III. All persons authorized to ride in a patrol vehicle may accompany deputies **ONLY** as passengers/observers. Participants WILL NOT participant in law enforcement actions, assist in conducting investigations, or perform any other law enforcement task or functions.

IV. Participants **ARE NOT** permitted to operate patrol cars, handle or possess firearms or other weapons, or use other equipment issued by the Sheriff’s Office. Participants may use communications equipment only in the event of an extreme emergency.

V. All participants will wear civilian clothing while participating in the Ride-Along Program.

VI. All participants must be at least 18 years old, with the exception of programs designed specifically for minors (e.g. Explores Program).

Assignments will normally be limited to uniformed patrol units. Request for other assignments must be reviewed and approved by the Sheriff or his designee.

Situations may arise that would expose participant to undue danger, violence, or other hazardous conditions. In such cases, the deputy will exercise discretion and will have the authority to temporarily leave the participant at a suitable location while responding to the call.

 Guidelines will be established for participants who are affiliated with the news media to ensure that the privacy of suspects, arrestees, victims, and the general public is maintained as required by the U.S. Constitution.

X. Participants in the ride-Along Program may be terminated from the program at any time as determined by the Sheriff. If a deputy has reason to believe the participant should be terminated from the program, it should be brought to the attention of the Sheriff.

**GRAHAM COUNTY SHERIFF’S APPLICATION**

**FOR RIDE ALONG PROGRAM AND LIABILITY**

**RELEASE FORM**

Complete and sign the front and back portions of this form. Please print legibly.

NAME: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ DOB\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

SEX: \_\_\_\_\_\_\_\_\_\_\_ DATE: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

ADDRESS: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

PHONE: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

NCDL#: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

SOCIAL SECURITY #: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

OCCUPATION: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

EMPLOYER: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

WITH WHOM DO YOU LIVE? \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

LIST 3 REFERENCES:

(1) \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 NAME ADDRESS

 EMPLOYMENT HOME/WORK PHONE #

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 NAME ADDRESS

 EMPLOYMENT HOME/WORK PHONE #

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 NAME ADDRESS

 EMPLOYMENT HOME/WORK PHONE #

**WAIVER OF LIABILITY**

I,\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, as a participant in the ride-Along program of the Graham County Sheriff’s Office, for and in condition of the opportunity to ride with and observe law enforcement Deputy in the performance of his duties, agree as follows:

(1) I hereby waive myself, my heirs, executors, administrators or assigns, any and all claims, demands, actions, or causes of action, against the Sheriff of the County, his deputies, agents, and employees and of the County itself, of whatever kind or nature may arise in any manner by reason of injury or damage to my property or both while I am riding in a patrol car, observing any operation, or participating in this program in any other manner.

(2) I do hereby covenant and agree that I will never instigate any suit or action against the County Sheriff, his deputies, agents, or employees for damages or loss or injury of any kind or on account of any damages, loss or injury to my person or property or both which may arise in any manner while I am riding in a patrol car, observing any operation or participating in this program.

(3) This agreement holds the Sheriff, his deputies, agents, and employees harmless for any injury, including but not limited to claims for wrongful death, arising in any manner to me while participating in this program.

(4) I do hereby covenant, agree, and understand that if I am authorized to participant in the Ride-Along Program my only capacity will be that of a passenger/observer. I understand that I am not permitted to take part in any law enforcement action or assist or perform any law enforcement task or function unless specifically requested to do so by the deputy I am assigned to ride with.

I have read the foregoing waiver and covenant not to sue. I understand that it constitutes a formal legal document.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Signature of participant & Parent or Guardian, if Date

Applicable

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

(Witness) Date

READ THE EXCERPT FROM THE GRAHAM COUNTY SHERIFF’S OFFICE POLICY BELOW AND SIGN IN THE SPACE(S) PROVIDED

1. All persons authorized to ride in patrol vehicles will participate in a passenger/observer capacity only. Participants will not permitted to take part in any law enforcement action, assist in conducting investigations, or perform any other law enforcement task of function.

2. Participants are not permitted to operate any patrol vehicle, handle or possess firearms or other weapons, or use equipment issued by the graham County Sheriff’s office. Participants may use the communications system only in the event of an extreme emergency.

3. All participants will wear civilian clothing while participating in the Ride-Along Program.

4. Participants must be at least 18 years old, with the exception of the Explorers program, which must be at least 14 years old.

5. Assignments will normally be limited to uniformed patrol units. Request for other assignments must be reviewed and approved by the Sheriff or his designee.

6. Situations may arise that would expose the participant to undue danger, violence, or other hazardous conditions. In such cases, the deputy will exercise discretion and will have the authority to temporarily leave the participant at a suitable location while responding to the call.

7. Any person submitting a request to participate in the patrol Ride-Along program may be rejected if such participation would not serve the best interest of the Sheriff’s Office. Deputies having knowledge of facts or circumstances that would tend to show the person unsuitable for participation should advise a supervisor.

I have read the above policy and I understand that I am required to abide by its provisions at all times.

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Signature of Participant Date

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Signature of Parent or Guardian Date

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Witness Date

**FOR SHERIFF’S USE ONLY:**

Background Investigation Assigned To: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Shift: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Car/Zone#: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Date/Time Assignment Begins: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ am/pm

Date/Time Assignment Ends: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ am/pm

NCDL Check Completed On: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

By (signature) \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Signature and Title of Approving Supervisor: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**GRAHAM COUNTY SHERIFF’S OFFICE**

**BACKGROUND INVESTIGATION FORM- RIDE ALONG PROGRAM**

Background Check Assigned To: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Date Assigned: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Name of Applicant: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Sex: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Date of Birth: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ NCDL#: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Results and Findings: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

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The Background Investigator,

\_\_\_\_\_\_\_\_\_\_\_\_ Recommends

\_\_\_\_\_\_\_\_\_\_\_\_ Does Not recommend

That the applicant participates in the Ride Along Program

Signed: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 Name Title

FOR USE BY THE CHIEF DEPUTY:

I, \_\_\_\_\_\_\_\_\_\_\_\_ recommend

 \_\_\_\_\_\_\_\_\_\_\_\_ do not recommend the applicant above to participate in the Ride Along Program.

COMMENTS:

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

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 Signed: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Chief Deputy

**FOR THE SHERIFF’S USE ONLY:**

**\_\_\_\_\_\_\_\_\_\_** Approved \_\_\_\_\_\_\_\_\_\_\_\_ Disapproved

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, Sheriff

**9.0 NEWS MEDIA RELATIONS**

It is the policy of the Sheriff’s Office to cooperate with representatives of the news media in their efforts to gather and disseminate factual information, whenever these activities do not hamper an investigation or infringe on an individual’s right to privacy or a fair trial. All information will be released in compliance with NC General Statute Chapter 132 and NCGS Section 153A-198 regarding public records.

**PROCEDURES:**

I. Release of Information to the News Media

A. The Sheriff is responsible for all releases of all information to the media including policy changes, information on disciplinary actions, promotions, demotions, terminations, etc., other personnel matters, new programs, law suits involving the Sheriff’s Office, and all similar information.

The Sheriff may designate someone else to release information to the media; however, he must approve the release of all administrative information before its release.

B. Offense reports, arrests, and other reports or incidents which are public record will be made available to the news media through the Sheriff’s Office.

C. information derived from the following is **NOT** to be released:

1. Witnesses;

2. Laboratory tests;

3. Surveillance;

4. Investigators;

5. Confidential informants; and

6. Photographs and measurements.

D. Investigative information with permission of the Sheriff, may be released according to 132-1.4 of the general Statute. Unless otherwise restricted, this includes:

1. The date, time, location, and nature of the violation or apparent violation.

2. The name, sex, age, address, employment, and alleged violation of law of a person arrested, charged, or indicated.

3. The circumstances surrounding an arrest, including the time and place of the arrest, whether the arrest involved resistance, possession or use of weapons or pursuit, and a description of any items seized in connection with the arrest;

4. The contents of a “911” or other emergency telephone call except for any contents that reveal the name, address, telephone number, or other information that may identify the caller, victim, or witness;

5. The contents of communication among deputies or other law enforcement officers that are broadcasted over the public airways; and

6. The name, sex, age, and address of a complaining witness.

E. Information which **will not** be released in connection with an investigation and in accordance with NCGS 132-1.4 includes:

1. Any information described in section I, subsection C;

2. The name and/or address of a complaining witness may be **TEMPORARILY** withheld if it is reasonably believed that the release of such information would:

a. Pose a threat to the mental health of the complaining witness. Or

b. Pose a threat to the physical health of the complaining witness, or

c. Pose a threat to the personal safety of the complaining witness, or

d. Compromise a continuing or future criminal investigation or criminal intelligence operation.

This information may be withheld until the justification for withholding the records no longer exists.

3. The identity or photograph of any juvenile who is suspected or accused of a crime.

4. The name and address of a deceased or seriously injured person until the next of kin has been notified.

5. The identity or location of a suspect before a warrant or grand Jury indictment has been issued.

6. The results of an investigative procedure such as a lineup, polygraph or lab test. The fact these procedures were done may be acknowledged without further comment.

7. Information that would interfere with an investigation or apprehension, such as unchecked leads, unverified information, details known only to the suspect or information that may cause a suspect to flee or avoid apprehension.

8. The existence of a suicide note may be acknowledged, but the contents will not be released to the media.

9. The amount of money taken in a robbery.

F. Arrest Information

1. The following information may be released at the time of an arrest, unless the accused is a juvenile:

a. The accused’s name, age, sex, address and employment;

b. The charge as listed on the warrant, the amount of bond, whether the person is in custody and the person’s court date;

c. The circumstances surrounding the arrest, including time and place, resistance involved, possession or use of weapons, pursuit, or any items seized in connection with the arrest;

d. The accused’s prior arrests and convictions which are matters of public record; and

e. Jail or “mug shot” photograph(s) of the accused that are within the control of the Sheriff’s Office.

2. In order to ensure a fair trial, the following information should not be released after an arrest:

a. The character or reputation of a defendant;

b. The existence or contents of any confession or statement made by the defendant, or failure to give a statement;

c. Results of any test or a defendant’s refusal to submit to investigative test such as a polygraph, unless the result of refusal is an Intoxilyzer test which is a matter of public record;

d. The identity, credibility, character, statement, or expected testimony of any witness or prospective witness;

e. Any opinion about the guilt or innocence of a defendant or the merits of a case; and

f. The possibility of a plea bargain or guilty plea.

II. Media at a Crime Scene or Secure Area

A. The deputy in charge of an ongoing investigation or operation may not provide information to the media at the crime scene.

B. Journalists will not have access to crime or incident scenes.

 **Journalists will NOT be allowed inside the inner perimeter of a hostage or barricaded situation.**

C. Deputies shall not authorize journalists to enter private property.

D. Deputies will not deny or restrict the media or the public from taking photographs of an area or an individual unless such photographs would materially affect an investigation or endanger lives as long as they are in an area where the public is allowed to be. Deputies will not deliberately pose a person under their control for photographs or filming.

III. News Media Access to Persons in Custody

A. Deputies who have custody of prisoners or inmates outside a detention facility will not permit news media interviews with the prisoner.

B. journalists who wish to interview a person committed to a detention facility, within the confines of the facility, must have the permission of the Sheriff. Permission will not be granted unless the interviewer has the written permission of the inmate to be interviewed. The inmate will have the opportunity to confer with his lawyer prior to making a final decision.

C. Photographing persons in custody within a detention facility is prohibited without the prior expressed permission of the person to be photographed.

**NOTE:** This policy 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 a basis of a complaint by this agency, and then only in a non-judicial administrative setting.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_

Signature Printed Name Date

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Sheriff Signature Sheriff Printed Name Date

**9.1 INCIDENT COMMAND**

**I. PURPOSE:** To identify the proper chain of command when dealing with emergency incidents.

II. **DEFINTIONS:**

**PROTOCOL:** A pre-approved plan or code requiring adherence.

**INCIDENT COMMANDER:** The incident commander is responsible for overall management of the specific incident.

**COMMUNICATION OFFICER:** The individual identified as being responsible for all radio/telephone communications.

**EMERGENCY TRAFFIC:** A term used to indicate an emergency transmission.

**EMS OFFICER:** The individual responsible for all Emergency Medical Services (EMS) pertaining to the incident.

**LIASION OFFICER:** The individual responsible for coordinating the efforts of all involved agencies.

**OPERATION OFFICER:** The individual responsible for implementing the strategic decisions of the commander.

**PUBLIC INFORMATION OFFICER:** The individual responsible for the timely release of all information to the media outlets. This shall be the highest ranking Sheriff’s Office employee present. Typically being the Sheriff or Chief Deputy, or their designee.

**RESOURCE OFFICER:** The individual responsible for obtaining all personnel, supplies, and equipment needed to support the incident.

**SAFETY OFFICER:** The individual responsible for assessing any hazardous/unsafe situations that may develop during the incident.

**STAGING OFFICER:** The individual responsible for assembling all personnel and equipment responding to the incident; typically this will be the first line Supervisor that initially responds to the incident.

FUNCTIONAL AREAS: Areas within the scene of an incident, to include:

1. **Command Post:** The physical location from which the commander exercises control over the incident

2. **Public Information Area:** The location where public information is disseminated to the media

3. **Staging Area:** The location where responding personnel and equipment will assemble for assignment

4. **Triage Area:** the location where injured/evacuated personnel will be treated prior to transport to a medical facility

**III. POLICY:** It is the policy of the Sheriff’s Office that the incident command protocol will be utilized at all times. Every Sheriff’s Office member shall recognize person(s) of rank, and the authority inherent to that rank. All members of the Sheriff’s Office shall recognize sergeants, lieutenants, or persons of higher rank when engaged in a single operation, regardless of the particular member’s assignment.

**IV. PROCEDURES:** The Incident Commander System (ICS) allows for the initial implementation of an integrated emergency scene management system during emergency incidents. In addition, ICS provides for the escalation of resources and command structures, as necessary, allowing for an orderly transition of command functions:

**A.IMPLEMENTATION OF THE INCIDENT COMMAND SYSTEM:**

1. The ICS shall be utilized during all incidents or emergency responses.

2. The incident commander shall be responsible for the overall management of the incident, including the development and implementation of strategic decisions.

3. The incident commander shall identify specific areas or functions as sectors. A Sector/Zone Officer shall be appointed and remain in command of that sector/zone until relieved by the incident commander.

4. Designated Command Structure Officers, zone, Safety, operations, etc., shall be identified by reflective vests denoting their position, when available.

5. The incident commander will select a strategic location for the command post; one that has easy access and identification to responding personnel.

6. The Command Control Chart shall be prepared by the incident commander. This will be used as a tracking tool to provide real-time information to the commander.

7. The incident commander will relay all pertinent information to the dispatch center; to include the scene condition, location of command post, etc.

**B. INCIDENT COMMAND SYSTEM OPERATIONS:**

As the size or needs of an incident expand, the incident commander shall create sectors to address these issues. On large incidents, the incident commander may need to create additional layers of safety and management, in order to maintain a reasonable span of control. The optimum span of control is one 91) leader to five (5) subordinate personnel, with an effective range of three (3) to seven (7) subordinates. Once a Command Post has been established, all radio traffic to and from the incident will be directed through the command post.

**C. TRANSFER OF COMMAND:**

The transfer of Incident Command from one commander to another should always be done on a Face to face basis. This will ensure that a smooth transition of command will take place. In a Face to face transition; both commanders are clear as to what has been done, and what needs to be accomplished next. The Sheriff’s Office Dispatch Center will be notified when the transfer of Command takes place.

**D. TERMINATION OF COMMAND:**

The incident Command Center (ICS) will remain in effect until all involved agencies/personnel have been released. As the incident begins to scale down, some of the incident officers may be relieved, as their duties will no longer be required. This will be determined by the current incident commander.

**E. CRITQUE:**

A critique of the incident, in general terms, should be accomplished the same day of the incident.

This critique should include:

1. Having all responding agencies attend the critique

2. Receive feedback from these agencies

3. Discuss any unusual circumstances of the incident

4. Agree to meet at a later time for a formal debriefing session

**F. CASUALTY INFORMATION/TEMPORARY MORGUE:**

Members of the Sheriff’s Office will not disseminate any information regarding casualties, loss of lives or body identification. That information needs to be relayed through the Public Information Officer (PIO) assigned to the command structure. In the event that a temporary morgue needs to be created, Emergency Services or the Medical Examiners will be responsible for staffing and directing such a facility. In the event that evidence/body identification becomes necessary, the Sheriff’s Office Investigations Division will be requested to assist.

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Signature Printed Name Date

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Sheriff Signature Sheriff Printed Name Date

**9.2 Confidential Informants**

**I. PURPOSE:** To establish policy, procedures, and guidelines for the use confidential informants (CI’s).

**II. DEFINITION:**

CONFIDENTAL INFORMANT: A person who, under the direction of a specific deputy and with or without expectation of compensation, furnishes information on any criminal activity or performs a lawful service for the Sheriff’s Office in its investigation of criminal activity. If compensated for services rendered to the Sheriff’s Office, they must sign a voucher indicating receipt of payment.

CONFIDENTIAL INFORMANT FILE: File maintained in order to document all appropriate information that pertains to confidential informants. The Commander of the Division that is handling the Confidential Informant shall maintain this file.

DEFENDANT/INFORMANT: Same as above, but subject to arrest and prosecution for a criminal offense or a defendant in a pending local, state or federal case who expects compensation of another form. If there is a reason to believe that an informant has committed a felony offense, a reasonable attempt to notify the appropriate district attorney’s office will be made. After consultation, the Division Commander will make a determination whether or not the Sheriff’s Office may continue to use the individual as an informant.

UNRELIABLE INFORMANT FILE:File containing information pertaining to individuals determined generally unfit to perform as informants. The Division Commander shall maintain this file.

**III. POLICY:** It is the policy of the Sheriff’s office to ensure personnel utilizing confidential informants shall adhere to the procedures identified in the Standard Operating Procedure.

**IV. PROCEDURE:**

A. CONFIDENTIAL INFORMANTS:

The use of confidential informants is important to the satisfactory completion of many criminal investigations. Procedures have been established to provide for this resource within a controlled system in order to avoid abuse and minimize adverse impact. Investigating deputies should take additional precaution in dealing with informants of the opposite sex, or with informants whose sexual preference may make an investigation more susceptible to compromise through alleged improprieties.

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Signature Printed Name Date

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Sheriff Signature Sheriff Printed Name Date

**9.3 Investigative Buy Fund**

**I. PUROPOSE:** To establish policies and procedures for use and accountability of the law Enforcement Bureau Buy Fund.

**II.DEFINITIONS:** None

**III. POLICY:** It is the policy of the Sheriff’s Office to ensure Law Enforcement Bureau personnel utilizing the Buy Fund shall adhere to the procedures established below.

**IV. PROCEDURE:** A fund shall be established to provide deputies with funds to assist them toward the satisfactory completion of criminal investigations. These funds may be used to purchase, or make arrangement to purchase, such items of evidence as controlled substances/narcotics, drugs, other contraband and stolen property.

A. FUND CONTROL:

The Division Commander or his/her designee will maintain command and control over the fund. Funds will be provided to the requesting deputy once the funding is approved by the deputy’s immediate supervisor.

B. USE OF FUNDS:

Use of the Buy Fund is governed as follows:

1. Supplying of monies to be used in the purchase or agreements to purchase items of evidence, such as: controlled substances/narcotics, drugs, other contraband and stolen property.

2. Other costs directly related to an intelligence, surveillance or investigative sting operation at the discretion of the division commander or his/her designee.

C.EXPENSE ACCOUNTABILITY: Each expense should be evaluated/approved on a situational basis by the division commander or his/her designee, prior to the expenditure of the funds if feasible.

D. BUY FUND ACCOUNTING: The Buy Fund receipts and disbursements of funds will be documented in the Buy Fund log maintained by the division commander or his/her designee. All receipts and disbursements from the Buy Fund, as well as unused returned funds, will be documented in the Buy Fund log.

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**9.4 Towed/Impounded Vehicles**

**I. PURPOSE:** To establish guidelines when towing and/or impounding motor vehicles, or those that are left in a specific location without towing.

**II. DEFINITIONS:**

ABANDONED VEHICLE: A vehicle is considered abandoned when it is parked on a public roadway, Thoroughfare, shoulder, or other area that is publicly maintained, not within close proximity to property that is owed or under the control of the vehicle owner, and has not been moved for over Three days. Or it is parked on a public roadway, thoroughfare, shoulder or other area that is publicly maintained, and is in such condition that it is not fit for operation on the roadways of the state. This includes vehicles that have had parts removed, or is in such condition that it is not readily able to travel safely, and or under its own power, or any motor vehicle that has had the registration tags removed or a vehicle that is displaying an expired or fictitious registration plate.

COMPETENT AUTHORITY: Any competent person, as designated by the owner of said vehicle or any authorized vehicle operator.

HOLD ORDER: Placing an evidence hold on a motor vehicle. Vehicles that have “holds” placed on them at the time of impound are not available for release.

IMPOUND: Holding a motor vehicle for evidence or safekeeping.

INVENTORY SEARCH: Is identified as a warrantless search of a motor vehicle, which is used to inventory the contents of the vehicle prior to impounding the vehicle. The inventory search shall include parts of the motor vehicle, including the trunk, and any closed or locked containers inside the vehicle. The purpose of an inventory search is to protect the Deputy and the Sheriff’s Office from any claims of theft of valuables from the vehicle.

ROADSIDE AUTHORIZATION: Leaving a motor vehicle parked, in place, with the written authorization of the owner/operator.

**III. POLICY:** It is the policy of the Sheriff’s Office that motor vehicles shall not be impounded as Punishment. Vehicles shall only be impounded when no other alternative exists, the vehicle presents a road hazard, or the vehicle has evidentiary value.

**IV.PROCEDURE:**

A. AUTHORIZED IMPOUND:

Deputies **may** impound motor vehicles when:

1. The vehicle is abandoned and attempts to contact the registered owner have failed. An attempt other than a green tag or phone call should be made, unless the vehicle presents a hazard to others.

2. The vehicle is deemed to be a hazard to other drivers and cannot be safely moved or parked

3. The vehicle is material evidence used in the commission of a crime

4. The vehicle is subject to civil forfeiture proceedings

5. The operator of the vehicle is taken into custody and refuses to sign a roadside authorization release and no other acceptable means can be used to care for the vehicle.

6. Misused registration creates a substantial question as to the ownership of the vehicle. Misuse of license plates is not an automatic impound. The vehicle should only be towed if ownership of the vehicle cannot be determined.

7. When the operator is arrested for impaired driving.

B. PRIVATE PROPERTY:

Ordinarily, vehicles are not to be towed from private property for abandonment, but may be towed if the vehicle is determined to have been stolen, driven onto the property by a violator and is material evidence, connected to a crime.

C. ALTERNATIVES TO IMPOUNDING A VEHICLE:

1. Roadside Authorization: The Sheriff’s office shall use the (Inventory of Items Seized form AOC-CR-206) when a vehicle is towed and impounded for evidence, and shall use the Sheriff’s Office internal form for vehicles that are towed and impounded for all others reasons. By signing the roadside authorization portion of the report, the driver of the vehicle agrees to accept responsibility for the vehicle and authorizes the vehicle to remain parked in place for up to 24 hours. Roadside authorization should be used whenever the driver is taken into custody and there is no other driver to release the custody of the vehicle to or when the vehicle has no evidentiary value.

2. If the vehicle is stopped for a violation, the vehicle should not be left on scene without the authorization of the driver or the registered owner of the vehicle. There may be instances in which the driver of the vehicle is not an authorized operator of the vehicle, such as in cases of vehicle theft. In those cases, the registered owner shall be notified and the vehicle will be processed for evidence and released to the owner. If the owner cannot be contacted, the vehicle will be impounded in accordance with standard operating procedures relating to stolen vehicle recoveries, see Investigation Division Standard Operating Procedure 16-06.

3. Whenever the Roadside Authorization option is used, the reporting deputy shall complete the Vehicle Impound/Recovery Report, and shall include the entire report with his/her case report.

4. Release to Competent Authority: Deputies may elect to release the vehicle to a competent authority instead of impounding the vehicle. In such cases, efforts should be made to contact the vehicle owner of consent to the release. If the owner is not available to consent, then authorized driver may be consulted. In either case, information regarding the release must be documented in the case report.

E. IMPOUNDING A MOTOR VEHICLE: When the decision is made to impound a motor vehicle, the reporting deputy shall obtain a case number from the Communications Center to note on the impound form. The deputy shall also complete the registered owner information, if the vehicle operator is not the owner.

F. HOLD REQUEST: The reporting deputy shall fully complete the impound/inventory form, taking special care to note whether or not the vehicle is available for release. By checking the box labeled “No” the deputy is indicating that the vehicle is to be held as evidence, or is to be held for civil forfeiture proceedings. In such cases, the vehicle shall be impounded in the Sheriff’s Office evidence lot. The impounding deputy should also write the word “HOLD” in a conspicuous place, normally at the top of the impound report, to prevent inadvertent release of the vehicle. When the need no longer exists to hold the vehicle, the deputy responsible or initiating the hold shall release the hold, and the vehicle shall be released to the owner.

G. VEHICLE INFORMATION/INVENTORY SEARCH: A complete description and condition of the vehicle will be documented in the spaces provided. The reporting deputy will also conduct a complete inventory search of the vehicle, to include closed or locked containers within the vehicle. Any evidence or dangerous items shall be removed from the vehicle prior to impound. Any high value items, such as large quantities of currency, jewelry, etc., shall be removed from the vehicle and held in the evidence facility for safekeeping. Any items that are not deemed to be of high value, or any item that cannot be removed shall be annotated on the back of the original white copy of the impound report.

H. REGISTERED OWNER NOTIFICATION: If the vehicle driver is not the registered owner of the vehicle, the deputy shall make all reasonable attempts to notify the registered owner that the vehicle has been impounded. The date/time of the notification shall be annotated on the Impound/Recovery report. If the deputy is unable to notify the registered owner, this information will be documented in the case report.

I. VEHICLE IMPOUND DOCUMENTATION: After completing the impound report, a copy shall be provided to the tow truck driver. A copy of the vehicle impound sheet, shall be given to the Administrative Assistant. The administrative assistant shall annotate the impound in the impound log. In the event that the vehicle was towed simply for abandonment, a short narrative will be written on the back of the impound sheet. The paperwork will then be placed in the active impound book for the current year. A copy of the impound report shall accompany the case report and is the responsibility of the Deputy that had the vehicle towed. Vehicles shall be released from impound only to the owner of the vehicle after the owner presents suitable identification and proof of ownership.

**9.5 Victim Advocate Program**

The Graham County Victim Assistance Program is a program in its infancy. We continue to grow, change, adapt and learn from our experience and the environment in which we have chosen to operate. As we are dedicated to serving our clients in the best way we can, so are we equally dedicated to integrating what our clients teach us about what they need and want into our Program as quickly as we can responsibly do so. So, our Program, like this Standard Operating Procedure (S.O.P.) manual, is a work in progress. As we are endeavoring to improve the level of services we provide and to develop professional expertise in certain areas that will enable us to do so, we will modify, alter and change this S.O.P. whenever necessary. It is incumbent upon all recipients of this S.O.P. Manual to be certain that they will keep it up to date.

The below guiding values outline ideals of practice to guide everyday decision-making in victim assistance.

**Competence**

Victim assistance in this Program shall maintain high standards of competence, recognizing their own particular capabilities, specializations, and limitations in expertise. Furthermore, these providers will only provide services and use techniques for which they are qualified by education, training, or experience. In those areas in which recognized standards do not yet exist, the victim assistance providers of this Program will exercise careful judgment and take appropriate precautions to protect the welfare of those with whom they work under the guiding principle of “do no harm”. Each provider shall make an effort to maintain up-to-date knowledge on services he/she renders specific to the populations that he/she serves. Due to ever-changing trends and changes in this field, the providers will recognize the need for ongoing professional development. The providers shall understand the importance of personal wellness for delivery of services and promote self-care and mutual support in their relationships with colleagues and staff. To provide best-in-class services, the victim assistance providers shall make appropriate use of professional, technical, administrative, and community resources in order to deliver a seamless multidisciplinary response.

**Integrity**

Victim assistance providers in this Program shall promote integrity in practice, policy development, and community education. In these activities, the victim assistance providers shall be honest, fair, and respectful of others. In describing or reporting their qualifications, services, products, fees, research, and teaching, they shall not make false, misleading, or deceptive statements. They shall be honest and objective in fulfilling their commitments and communicating expectations of justice or service systems. Victim assistance providers shall strive to be aware of their own histories, belief systems, values, needs, and limitations and the effect of these on their work. They shall make every attempt to clarify for relevant parties the roles they are performing and to function in accord with those roles. Victim assistance providers avoid improper and potentially harmful dual relationships (for example, relationships that blend personal and professional roles).

**Professional Responsibility**

Victim assistance providers in this program shall maintain professional standards of conduct, satisfy their own professional roles and obligations, accept appropriate responsibility for their behavior, and adapt their methods to the needs of different populations. Victim assistance providers shall consult with, refer to, and cooperate with other professionals and institutions to the extent needed to serve the best interests of those served. Victim assistance providers’ moral standards and conduct are personal matters, except as personal conduct may compromise professional responsibilities or reduce public trust in victim services. Victim assistance providers shall be concerned about the ethical compliance of their colleague’s professional conduct, both within their own programs and other programs in the field. As appropriate, they shall consult with colleagues to prevent or avoid their own unethical conduct and that of others.

**Respect for People’s Rights and Dignity**

Victim assistance providers in this Program shall respect the fundamental rights, dignity, and worth of all people. They recognize that all people they serve merit the benefits of empowerment, and victim assistance providers are committed to developing victims’ ability to help themselves. They shall respect, to the best of their ability, the rights of individuals to privacy, confidentiality, self-determination, and autonomy-mindful that legal and other obligations may lead to conflict in the exercise of these rights. Victim assistance providers shall be aware of cultural, individual, and role differences, including those related to race/ethnicity, language, sex, gender, age, sexual orientation, (dis) ability, social class, economic status, education, marital status, religious affiliation, residency, and HIV status. Victim assistance providers shall try to identify their own biases and to limit the effect of these biases on their work. They will not knowingly participant in or condone unfair discriminatory practices. Victim assistance providers shall value justice and equity in service provision and use initiative and commitment to ensure that services are extended to populations in need. They shall use flexibility, innovation, and persistence to promote fair access and benefits of service-even as confronted by frustration and other motivational or practical barriers.

**Concern for other’s Welfare**

Victim assistance providers in this program shall be mindful to the welfare of those with whom they interact professionally. They shall be committed to compassion for individual and use empathy and other practical techniques to sincerely understand and address victims’ concerns. Victim assistance providers are to take a holistic view of the person in context, and draw on needed resources and collaboration to fully address victim, family, and community needs. In their professional actions, victim assistance providers weigh the welfare and rights of those served, staff, and other affected individuals. When conflicts occur with professional obligations or concerns, victim assistance providers attempt to resolve these conflicts and to perform their roles in a responsible fashion that avoids or minimizes harm. Victim assistance providers shall be sensitive to real and ascribed differences in power between themselves and others. They shall abstain from abuse of their position, and they will not exploit or mislead other people during or after professional relationships.

**Social Responsibility**

Victim assistance providers in this Program are to be aware of their professional, legal, and social responsibilities to the community in which they work and live. They shall be committed to social justice and to the physical and psychological well-being of all in society. They apply and make public their knowledge of victim issues to contribute to human welfare. Victim assistance providers shall be concerned about and strive to decrease the causes of crime and victimization. Victim assistance providers will comply with the law and encourage the development of laws and social policies that support the interests of victims and the general public.

**Section I: Scope of Services**

**PROGRAM STANDARD 1.1: Program’s mission, goals, and objectives.**

“It is the mission of the Graham County Victim Assistance Program to identify and promote access to the opportunities and resources victims need in order to recover from a traumatic event. In addition, this unit will strive to promote justice for victims, by ensuring a voice for victims.”

Objectives

* To increase the range and availability of services for victims of crime, from the time of the criminal act and throughout the aftermath, and in all forums of justice decision-making, including criminal and civil court systems.
* To expand victims’ opportunities to participate in criminal justice system and in other institutions and systems by assisting victims of crime to be informed, present, and heard at all critical stages of the justice process, and by promoting consideration of the impact of crime in all major justice decisions.
* To increase coordination and networking of agencies, organizations, and groups that impact victims in order to develop an integrated community system of victim assistance.
* To increase public knowledge of victimization and its impact, and to promote supportive lay and professional networks for community prevention and intervention.
* To increase outreach and intervention for underserved victims of crime, including victims who are racial or ethnic minorities, linguistic minorities, immigrants or refugees, victims of hate or bias crime, homeless persons, people with disabilities, and others.

**PROGRAM STANDARD 1.2: The geographic area and types of people served by this Program**

The Graham County Victim Assistance program shall strive to provide services to victims of violent crime or traumatic circumstances that reside in Graham County or were exposed to victimization in Graham County. In order to best provide this assistance, the Victim Assistance program shall be available to all local law enforcement agencies working in Graham County and any other appropriate agency that requires the services of this program. The Victim Assistance program shall provide services to victims and/or significant others of victims (when that significant other is not accuse of committing the crime for which the victim is receiving service), regardless of race/ethnicity, language, sex, gender, age, sexual orientation, (dis)ability, social class, economic status, education, marital status, religious affiliation, residency, and HIV status. Program shall also be available to the community, in order to promote awareness, education and/or outreach efforts. Program staff shall strive to be aware of available community resources and services and provide referrals as appropriate. If no referral agencies are available or for emergency situations, program is encouraged to lend service to the extent possible (within the range of competent service delivery.)

**PROGRAM STANDARD 1.3: Compliance with all applicable laws.**

All Program staff, volunteers, and procedures will operate in accordance with all applicable local, state, and federal laws.

**PROGRAM STANDARD 1.4: Code of Ethics**

All program staff, while serving in the professional role, shall abide by the code of ethics adopted by the Program. If a written code of ethics is not available, all Program staff shall comply with the code of ethics of the Sheriff’s Office and provide services under the guiding principle of “do no harm.”

Service in the professional role includes on-the-job performance and also off-duty occasions when the victim assistance provider is acting as a representative of the victim service program, delivering victim services in the community, or acting with regard to professional information.

**Section II. Coordinating Within the Community**

**Accessibility and Safety of Services**

**PROGRAM STANDARD 2.1: Accessibility of services.**

The Graham County Victim Assistance Program shall be housed within the Graham County Sheriff’s office and every effort will be made to ensure that services will be accessible to the public, including people with disabilities and/or special needs. Every effort will also be made to ensure that basic services will be accessible for victims at the Sheriff’s Office or another equally safe and accessible location during regular working hours, per the request of the victim or the responding agency. For after regular working hours, every effort will be made to provide a crisis response for victims at the crime scene, hospital, offices of law enforcement agencies and any other appropriate and safe locations where a victim may be, per the request of the appropriate responding agency. Crisis may include, but are not limited to, the current victimization incident, disclosure of past victimization, traumatic event, or any legal proceeding or involvement.

**PROGRAM STANDARD 2.2: Program’s policy on nondiscrimination.**

The Graham County Victim Assistance program has adopted policies to ensure that services are not rendered on the basis of race/ethnicity, language, sex, gender, age, sexual orientation, (dis)ability, social class, economic status, education, marital status, religious affiliation, residency, and HIV status. If the program service is unavailable for an individual (i.e. language barrier), applicable referrals shall be provided to that person.

**PROGRAM STANDARD 2.3: Program’s procedures for assessing and maintain equal access to service.**

Demographics of the service population should roughly reflect those of the geographical area served. If a victim is unable to access the services of this Program on their own, the program staff and/or volunteers will make every effort to make contact with the victim through other channels so that the victim is not hindered from accessing the needed services. This includes, but is not limited to, working with other providers; site visits at the victim’s home or work and providing transportation to and from needed services.

**PROGRAM STANDARD 2.4: program’s procedures for assessing safety, security, and maintenance of service premises.**

Safety, cleanliness, and physical space allotments of the office are to be in compliance with the health and safety codes and appropriate to Program goals. Office area is to be kept clean and the physical environment properly maintained to ensure a reasonable degree of comfort. When program staff/volunteers provide transportation to the people served, car doors are to be locked and small children secured in safety seats. Program policy discourages staff/ volunteers from transporting intoxicated, psychotic, or actively suicidal people; runaways or others who may pose a physical threat or liability to people served or staff/volunteers. For these situations, law enforcement or other emergency transport will be warranted.

Special consideration should be given to the safety and security of communications with the people served concerning leaving messages on machines, voice mails, or with other persons. Any communications should include security measures and/or minimal disclosure of information about the nature of the case.

**Coordination and Collaboration With Other Providers**

**PROGRAM STANDARD 2.5: program procedures for communication and collaboration with other providers.**

Relationships with other victim service programs and programs outside of direct victim services are crucial to enhancing overall services; these relationships ensure that referrals are based on accurate and up-to-date knowledge of available services, and they are an ongoing channel for exchanging suggestions about how the program and outside sources can work more effectively together. These relationships may be initiated in person or by letter, phone call, or other communication. Whenever possible, written protocols and interagency agreements are to be established for coordinated community response of victimization. Furthermore, these agreements can be formalized and signed by those in authority to ensure compliance and to demonstrate commitment. Interagency agreements should address confidentiality policies, identification of which program is the first responder to a call for service by type of service needed, definition of roles and relationships, communicating channels, referral procedures between agencies, provision for backup support for community crises and other unforeseen circumstances, responsibilities for record keeping and reporting within coordinated networks of responders and name and/or position of the provider to be contacted if protocol is violated. Cross-training is especially encouraged for victim assistance providers and other professionals when they work closely with one another or when provision of services requires sharing a work area (e.g. when a victim assistance provider visits a crime scene or a hospital emergency room).

If conflict resolution is necessary, it shall be discussed on a supervisory level to both assess the events that lead to the conflict, as well as possible solutions to the conflict.

**Community Education/Outreach**

**PROGRAM STANDARD 2.6: program conducts ongoing education and outreach in the community.**

If Program funding allows, documented evidence should be focused on education and outreach and might include educational materials, training brochures, press releases, videotaped community-awareness events, or other documentation that clearly demonstrates active education and outreach activities. Public relation may include press releases, presentations to the public, public service announcements, media interviews, and meetings with newspaper reporters and editorial boards. In addition, public relations and written materials may also be available for non-English speaking populations to reflect the diversity of the community.

The Graham County Victim Assistance program will ideally deliver information on how to access services and report crime/victimizations, risk reduction and primary prevention. The extent of program involvement in education and outreach will be such that the Program is viewed as a vital member of the community.

**Section III. Direct Services**

**General Victim Services**

**PROGRAM STANDARD 3.1: General list of individual victim services provided by the Program, including descriptions of any guidelines on the timing and duration of services.**

Paid and unpaid staff members of the Graham County Sheriff’s Office Victim Assistance Program shall be clear that they themselves never make a decision for a victim and the written records shall reflect this as such. Victim Assistance members are conduits of information **only** and therefore, support shall be limited to offering emotional support, outlining possibilities and discussing alternatives.

Services shall be provided as soon as possible in crisis situations and within a reasonable amount of time for victims not identified in a crisis situation. In general, services shall be provided throughout the criminal justice process with at least one follow-up within three months of conclusion of services. However, services may be provided longer per the discretion of the Program.

Services provided shall include, but are not limited to, on-scene crisis response, general information on victimization and local resources, case coordination, safety planning, advocacy or support on behalf of crime victims, assistance with victim compensation applications and restitution, assistance with appropriate agencies (e.g., employers, medical providers, DSS, etc.), assistance with transportation to services, assistance with protective relocation or shelter, information on administrative or justice-related case proceedings, and referrals to local, state and/or national resources. If possible, program staff shall attempt monthly contacts with victims involved in the lengthy criminal justice system, especially Superior Court-related cases. In addition, the program shall attempt to complete follow-up contact approximately three months after the last contact with the victim.

**PROGRAM STANDARD 3.2: resources and procedures for providing information on justice interventions.**

When victims want to pursue civil/criminal justice remedies, advocates shall help victims connect with appropriate resources, including but not limited to law enforcement officers, magistrates, clerk’s office, and/or attorneys. If a client wishes to consult with an attorney, this Program shall attempt to provide the contact information for all attorneys in the area and surrounding areas. Advocates shall refrain from referring to or in any way leading the client to any specific attorney(s). Particular caution should be taken by the program to outline the distinction between legal advice and legal information. This program, as per G.S. & 84-4 (persons other than members of State bar prohibited from practicing law), strictly prohibits staff from practicing law or providing legal representation if they are not licensed to engage in such legal practice. If an advocate provides assistance in filing any criminal or civil motions, the assistance shall be **limited** to explanations of the forms and processes.

**PROGRAM STANDARD 3.3: Resources and procedures for addressing victim crisis situations.**

Before providing crisis response, the advocates shall complete all necessary Program-training requirements and requirements and reference the national Organization for Victim Assistance Crisis intervention Model. The specifics of this model assess

1) safety and security, which addresses physical safety, emotional security, safety of others, and/or barriers to safety

2) ventilations and validation, which allows the victim to tell his/her story as many times as he/she needs and receive validation that his/her reactions are normal and

3)predict and prepare, which includes what the victim can expect and resources available.

Crisis intervention services should be directed toward deescalating a situation, establishing physical and emotional safety and reinforcing the victim’s ability to make choices regarding possible courses of action. This program strictly prohibits advocates from offering any mental health, legal and/or medical advice to victims.

**PROGRAM STANDARD 3.4: Addressing imminent danger, stalking, and intimidation of victims/witnesses, as well as Program members.**

Program staff, both paid and unpaid, understand that the aspects and requirements of responding to crime victims and crime scenes can be hazardous and therefore, shall respond according to program manuals and pre-service and in-service training. Specifically, each on-call advocate will have access to a county vehicle so if that advocate chooses to respond in his her personal vehicle, then that advocate does so of his or her own volition. In addition, a bulletproof vest will also be accessible to be worn when responding to potentially dangerous crime scenes. The program members shall neither respond to nor remain at a crime scene without the escort and oversight of law enforcement officer. Finally, the responding member(s) have the right to refuse response if he or she feels that by doing so, they are placing themselves in imminent danger.

When applicable, advocates shall address imminent danger; stalking and intimidation of people served or Program staff. Appropriate assistance may range from assisting with relocation, shelter, safety planning, assisting with stalking diaries, emotional support and/or referral to a law enforcement officer and/or magistrate. Also, the victim advocates shall work with the detention center for offenders in the custody of Graham County Sheriff’s office to ensure victim notification is given (when the victim requests this service) when an offender is released or escapes from the facility.

**PROGRAM STANDARD 3.5: Written information to be provided to the victim on initial contact and/or throughout the service process.**

Because it is difficult for traumatized individuals to retain information, the program will work to ensure that the victim receives both verbal and written contact information for this program during the initial contact with an advocate; regardless if the response is given on-scene, at the hospital or at the Graham County Sheriff’s Office. In addition, if resources allow, the victim shall be given a copy of *Saving Steps,*

A comprehensive guide for victims of violent crime in Graham County. If this booklet is not available, the victims shall receive information on how to contact the necessary local resources that would benefit them, including contact information for future crisis or emergency. In addition, information shall be provided for subsequent steps of case processing and handling, victims’ rights, and safety planning.

The Program will also make an effort to provide services to those victims that may not have been referred for additional services by keeping an open communication with the officers, as well as periodically checking related incident reports.

**Documentation and Confidentiality**

**PROGRAM STANDARD 3.6: Program’s procedures for documenting service provision.**

Written records shall be kept documenting dates of service provision, staff member/volunteer providing services, individual(s) to whom services were provided, types of service or referral provided, content of interaction and provisions for future or ongoing service. Advocates are encouraged to document provided referrals, even if direct services were not provided to victims. Documentation of victim demographics (e.g. age, race/ethnicity, sex, gender) is helpful for Program evaluation, but is not required for services. Program advocates shall disclose to victims that they are unable to protect confidentiality of records, but shall use discretion in revealing the records to outside agencies. Furthermore, it is the policy of the Graham County Sheriff’s office, and Victim Assistance Program, that records are not provided to the public without an appropriate court order. The advocates shall attempt to record all necessary legal information and thoroughly document any pictures taken. Furthermore, all Program members shall disclose all pertinent information (either disclosed to him or her by the victim or derived from the crisis response) to the appropriate investigating law enforcement agency while on-scene or within a reasonable amount of time.

Should these records derive from outside the office and/or after regular working hours (i.e. during an on-scene crisis response), the complete written records shall be turned into the Victim Advocate office as soon as reasonably possible, preferably within 72 hours.

**PROGRAM STANDARD 3.7: program’s procedures for storing and maintaining records.**

All victims’ contacts shall be stored in the both a hard copy and in the victim advocate database. The program will ensure that the files are stored in a reasonably safe place and that the database has an efficient back-up system.

**PROGRAM STANDARD 3.8: procedures for maintaining confidentiality of records.**

This Program is unable to offer complete confidentially, but staff shall make reasonable efforts to limit access to victim information to appropriate staff and agencies that require access. Written records shall be maintained in a secure area that is accessible only by paid staff and authorized volunteers. Furthermore, it shall be the practice of this Program to store victim information separate from those records kept in the Records management Systems utilized by other areas of the Sheriff’s Office. All client information is confidential even after the staff member leaves the Program and this is clearly stated on the confidentiality agreement that all Program staff and volunteers are required to sign before accessing victim records.

After careful review, the following persons endorse this Standard Operating Procedure Manual for use in the graham County Sheriff’s Office Victim Advocate Program.

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Graham County Sheriff Date

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Victim Advocate Program Administrator Date

**9.6 Service of Civil Process**

All Civil Process shall be executed in accordance with North Carolina General Statues 162-14 and 162-16, 162-18.

**Service:** All process shall be served in a timely and efficient manner, in accordance with North Carolina law and the time restrictions set forth by the Court. A Deputy shall note on the cover sheet of the process each unsuccessful attempt for service until such has been completed.

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Sheriff Signature Sheriff Printed Name Date

**9.7 Service of Warrants**

**A warrant is a judicial writ authorizing an officer to execute a judgment or make a search, seizure, or an arrest.**

Three types of warrants

**Criminal warrant:** Local warrants for such crimes as assault, murder, breaking and entering, larceny, and worthless checks, etc.

**Fugitive warrant:** Warrant sent from another state where the suspect is believed to be in Graham County.

**Governor’s warrant:** These warrants come from the Governor’s office so the suspect, who has committed a crime in another state, may be arrested and transported back to that state.

An **arrest** is the act of depriving a person of his or her liberty usually in relation to the investigation and prevention of crime.

*“Arrest”* means the intentional seizure of a person, whether actual or presumed, by an officer who is acting under real or assumed legal authority to do so (**coupled with a recognition of the arrest by the person arrested**) for the purpose of bringing him before a court to answer for the commission of an alleged offense.

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* 1. **Policy and Procedure Pursuant to NCGS 20-38.5 (A) (B) (C)**

**(Established DEC. 2014)**

A defendant charged with an implied consent offense shall be informed of the right to request an attorney and / or any witness he or she chooses to come to the Sheriff’s Office and observe the Intoxilyzer test procedure. All efforts shall be made to assist them in contacting the person of their choice. At no time will the test administrator wait longer than 30 minutes before administering the test whether the witness is present or not.

The attorney or witness shall be escorted by law enforcement to the intoxilyzer room upon their arrival at the Sheriff’s Office.

Signs approved by the Alcohol Branch of the NC Dept. of Health and Human Services, in English and Spanish, Shall be placed in direct view of all persons entering the intoxilyzer room. These signs explain the above mentioned rights of the defendant.

After the testing procedure is completed a defendant may request to have his own blood or urine test. If he/she cannot make bond and continues to remain in custody, a Jail transport officer shall transport them to the nearest medical facility where they can obtain their own test at their cost.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Date: 12/15/2014

**Amendment (A) Motorcycle Pursuit Policy**

When a Deputy initiates and attempts to stop a motorcycle and the operator of the motorcycle attempts to flee at a high rate of speed, the deputy **shall stop the pursuit immediately,** if the pursuit becomes too dangerous due to speed, traffic or pedestrian conditions unless the deputy has reason to believe the operator has committed a serious felony, not including felony speed to elude arrest. **At no time will any attempts of any type be used to block the road of a fleeing motorcycle to include pitting maneuvers, rolling or stationary roadblocks or stop sticks.**

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**Signature Printed Name Date**

**Jerry Crisp, Sheriff 06 AUG 2020**

**Amendment (B) Driver’s License Checking Station Policy**

The Graham Co. Sheriff’s Office hereby incorporates the following General Statue into its policy and procedure:

§ 20-16.3A.  Checking stations and roadblocks.

(a)        A law-enforcement agency may conduct checking stations to determine compliance with the provisions of this Chapter. If the agency is conducting a checking station for the purposes of determining compliance with this Chapter, it must:

(1)        Repealed by Session Laws 2006-253, s. 4, effective December 1, 2006, and applicable to offenses committed on or after that date.

(2)        Designate in advance the pattern both for stopping vehicles and for requesting drivers that are stopped to produce driver’s license, registration, or insurance information.

(2a)      Operate under a written policy that provides guidelines for the pattern, which need not be in writing. The policy may be either the agency's own policy, or if the agency does not have a written policy, it may be the policy of another law enforcement agency, and may include contingency provisions for altering either pattern if actual traffic conditions are different from those anticipated, but no individual officer may be given discretion as to which vehicle is stopped or, of the vehicles stopped, which driver is requested to produce driver’s license, registration, or insurance information. If officers of a law enforcement agency are operating under another agency's policy, it must be stated in writing.

(3)        Advise the public that an authorized checking station is being operated by having, at a minimum, one law enforcement vehicle with its blue light in operation during the conducting of the checking station.

(a1)      A pattern designated by a law enforcement agency pursuant to subsection (a) of this section shall not be based on a particular vehicle type, except that the pattern may designate any type of commercial motor vehicle as defined in G.S. 20-4.01(3d). The provisions of this subsection shall apply to this Chapter only and are not to be construed to restrict any other type of checkpoint or roadblock which is lawful and meets the requirements of subsection (c) of this section.

(b)        An officer who determines there is a reasonable suspicion that an occupant has violated a provision of this Chapter, or any other provision of law, may detain the driver to further investigate in accordance with law. The operator of any vehicle stopped at a checking station established under this subsection may be requested to submit to an alcohol screening test under G.S. 20-16.3 if during the course of the stop the officer determines the driver had previously consumed alcohol or has an open container of alcoholic beverage in the vehicle. The officer so requesting shall consider the results of any alcohol screening test or the driver's refusal in determining if there is reasonable suspicion to investigate further.

(c)        Law enforcement agencies may conduct any type of checking station or roadblock as long as it is established and operated in accordance with the provisions of the United States Constitution and the Constitution of North Carolina.

(d)       The placement of checkpoints should be random or statistically indicated, and agencies shall avoid placing checkpoints repeatedly in the same location or proximity. This subsection shall not be grounds for a motion to suppress or a defense to any offense arising out of the operation of a checking station.  (1983, c. 435, s. 22; 2006-253, s. 4; 2011-216, s. 1.)

* Graham Co. Deputies will request permission from a supervisor with the rank of Sgt. Or higher to conduct a Driver’s License checking station. If the supervisor approves he/she will sign the checking station form authorizing the location, an alternate location and the date and time the check is to be performed.
* There will be a minimum of two officers present at all times.
* The standard pattern will be to stop and check every vehicle unless traffic becomes heavy to the point that would cause traffic delays. The pattern may then be changed only by a numeric pattern (i.e. by stopping every third or fourth vehicle.)
* Officers may check Driver’s License.
* There will be at least one patrol vehicle parked on the side of the road visible from both directions of oncoming traffic with activated blue lights. Officers will wear reflective Police/Sheriff Traffic vests.
* Checking Stations will be completely random and not based on any specific criteria.

**Jerry Crisp, Sheriff Date: 06 AUG 2020**