

## Policy Manual

### 103.1 PURPOSE AND SCOPE

The manual of the Montgomery County Sheriff's Office is hereby established and shall be referred to as the Policy Manual or the manual. The manual is a statement of the current policies, rules and guidelines of this office. All members shall conform to the provisions of this manual.

All prior and existing manuals, orders and regulations that are in conflict with this manual are rescinded, except to the extent that portions of existing manuals, orders and other regulations that have not been included herein shall remain in effect where they do not conflict with the provisions of this manual.

### 103.2 POLICY

It is recognized that the work of law enforcement is not always predictable and that circumstances may arise which warrant departure from these policies. It is the intent of this manual to be viewed from an objective standard, taking into consideration the sound discretion entrusted to members of this office under the circumstances reasonably available at the time of any incident.

#### 103.2.1 DISCLAIMER

The provisions contained in the Policy Manual are not intended to create an employment contract nor any employment rights or entitlements. The policies contained within this manual are for the internal use of the Montgomery County Sheriff's Office and shall not be construed to create a higher standard or duty of care for civil or criminal liability against the county, its officials or members beyond that imposed by law. Violations of a policy may form the basis for office administrative action, training, to include suspensions with or without pay, termination and or criminal charge for willfully omitting, neglecting or refusing to discharge any duties required of the office may occur. The Montgomery County Sheriff's Office reserves the right to revise any policy content, in whole or in part.

### 103.3 AUTHORITY

The Sheriff shall be considered the ultimate authority for the content, interpretation and adoption of the provisions of this manual and shall ensure compliance with all applicable federal, state and local laws. The Sheriff or the authorized designee is authorized to issue Departmental Directives, which shall modify those provisions of the manual to which they pertain. Departmental Directives shall remain in effect until such time as they may be permanently incorporated into the manual or otherwise superseded or repealed.

### 103.4 DEFINITIONS

The following words and terms shall have these assigned meanings, unless it is apparent from the content that they have a different meaning:

**Adult** - Any person 18 years of age or older.

**County** - The specific territorial jurisdiction of The Montgomery County Sheriff's Office.

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**Non-sworn** - Employees and volunteers who are not certified peace officers.

**CJIN** - North Carolina Criminal Justice Information Network

**CCH** - Computerized Criminal History file

**Commission** - Includes the North Carolina Criminal Justice Education and Training Standards Commission, the North Carolina Sheriff's Education and Training Standards Commission, the North Carolina Company Police Program and the North Carolina Campus Police Program, operated under the authority of the North Carolina Department of Justice.

**Criminal Justice Officer** - The administrative and subordinate personnel of all the departments, agencies, units or entities comprising the criminal justice agencies who are sworn law enforcement officers, both state and local, with the power of arrest; state correctional officers; state probation/parole officers; state probation/parole officers-surveillance; officers, supervisory and administrative personnel of local confinement facilities; state juvenile justice officers; chief court counselors; and juvenile court counselors.

**DCI** - Division of Criminal Information

**Office/MCSO** - The Montgomery County Sheriff's Office.

**DMV** - North Carolina Division of Motor Vehicles of the Department of Transportation

**DSS** - North Carolina Division of Social Services

**Employee/personnel** - Any person employed by the Office.

**Justice Officer** - Includes:

- (a) A person who, through the special trust and confidence of the Sheriff, has taken the oath of office prescribed for a peace officer in the office of the Sheriff, including deputy sheriffs, reserve deputy sheriffs, special deputy sheriffs and detention officers.
- (b) A person appointed as a detention officer by a Sheriff.
- (c) A telecommunicator under the supervision of a Sheriff or other entity and presented to the commission for the purpose of obtaining certification.
- (d) The administrator or other custodial personnel of a district confinement facility.

**Law Enforcement Officer** - An employee or volunteer of an employer who possesses the power of arrest, who has taken the law enforcement oath administered under the authority of the state as prescribed by Law, and who is certified as a law enforcement officer or certified as a deputy sheriff.

**Manual** - The Montgomery County Sheriff's Office Policy Manual.

**May** - Indicates a permissive, discretionary or conditional action.

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**Member** - Any person employed or appointed by the Montgomery County Sheriff's Office, including full-time or part-time certified deputies, reserve deputies, auxiliary deputies, non-sworn employees and volunteers.

**N.C.G.S.** - North Carolina General Statutes Annotated; for example, N.C.G.S. § 160A-282(a) (example with chapter, section and subsection)

**N.C.A.C.** - North Carolina Administrative Code; for example, 12 NCAC 10B.1006(a) (example with title, subchapter, section and subsection)

**N.C. Const.** - North Carolina Constitution; for example, N.C. Const. Art VI § 7 (example with article and section)

**NCDOT** - North Carolina Department of Transportation

**NCDPS** - North Carolina Department of Public Safety

**NCSHP** - North Carolina State Highway Patrol

**Deputy** - Those employees, regardless of rank, who are certified law enforcement officers of the Montgomery County Sheriff's Office.

**On-duty** - A member's status during the period when he/she is actually engaged in the performance of his/her assigned duties.

**Order** - A written or verbal instruction issued by a superior.

**Rank** - The title of the classification held by a deputy.

**SBI** - North Carolina State Bureau of Investigation

**Shall or will** - Indicates a mandatory action.

**Should** - Indicates a generally required or expected action, absent a rational basis for failing to conform.

**Supervisor** - A person in a position of authority regarding hiring, transfer, suspension, promotion, discharge, assignment, reward or discipline of other members, directing the work of other members or having the authority to address grievances. The supervisory exercise of authority may not be merely routine or clerical in nature but requires the use of independent judgment.

The term "supervisor" may also include any person (e.g., deputy-in-charge, lead or senior worker) given responsibility for the direction of the work of others without regard to a formal job title, rank or compensation.

When there is only one office member on-duty, that person may also be the supervisor, except when circumstances reasonably require the notification or involvement of the member's off-duty supervisor or an on-call supervisor.

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#### **103.5 ISSUING THE POLICY MANUAL**

An electronic version of the Policy Manual will be made available to all members on the office network for viewing and printing. No changes shall be made to the manual without authorization from the Sheriff or the authorized designee.

Each member shall acknowledge that he/she has been provided access to, and has had the opportunity to review the Policy Manual and Departmental Directives. Members shall seek clarification as needed from an appropriate supervisor for any provisions that they do not fully understand.

#### **103.6 PERIODIC REVIEW OF THE POLICY MANUAL**

The Sheriff will ensure that the Policy Manual is reviewed and updated as necessary.

#### **103.7 REVISIONS TO POLICIES**

All revisions to the Policy Manual will be provided to each member on or before the date the policy becomes effective. Each member will be required to acknowledge that he/she has reviewed the revisions and shall seek clarification from an appropriate supervisor as needed.

Members are responsible for keeping abreast of all Policy Manual revisions.

Each supervisor will ensure that members under his/her command are aware of any Policy Manual revision.

All office members suggesting revision of the contents of the Policy Manual shall forward their written suggestions to their supervisors, who will consider the recommendations and forward them to the command staff.