


Buncombe County Sheriff's Office

	Policy Number: 101	Effective Date: June 15, 2020
	Subject/Title: POLICY MANUAL	
	Rescinds: Not Applicable; New Policy	
	Approved: Sheriff Quentin Miller	

101.1 PURPOSE AND SCOPE

This policy creates the Buncombe County Sheriff's Office Policy Manual.

This policy also establishes employee responsibilities under the Manual and sets forth the method for the acknowledgment, clarification, and input of Buncombe County Sheriff's Office employees related to the creation, modification, and approval of policies contained therein.

101.2 POLICY STATEMENT

The Buncombe County Sheriff's Office hereby establishes this formal Buncombe County Sheriff's Office Policy Manual as a living record of all current policies, guidelines, and rules of the Buncombe County Sheriff's Office. Employees shall behave in a manner consistent with the policies contained in this Manual, as of each policy's most recent effective date.

All prior and existing manuals, policies, orders, rules, and regulations in conflict with this manual are hereby rescinded, except to the extent that portions of existing manuals, policies, orders, rules, and other regulations that have not yet been included shall remain in effect pending the initial completion of this Manual.

An initial completion date for this Manual will be provided to employees at the time the Manual is complete. After this completion date, any existing manuals, policies, orders, rules, and other regulations that have not been incorporated into this Manual will no longer remain in effect leaving this manual as the single source for all current BCSO policies. Pending full completion and incorporation of this Manual new policies become effective on the date specified in the new policy.

101.3 DISCLAIMERS

101.3.1 NO HIGHER LEGAL STANDARD CREATED; OBJECTIVE STANDARD OF MANUAL VIEW

The policies contained within this manual are for the internal use of the Buncombe County Sheriff's Office only and shall not be construed to create any higher standard, burden, or duty of care for civil or criminal liability against the Sheriff, the Sheriff's Office, or the

Sheriff's employees beyond that imposed by law. It is well-known and well-established that the work of law enforcement is unpredictable at times and that situations may arise which merit deviation from the policies set forth herein. Thus this manual is to be viewed from an objective standard that contemplates the sound discretion entrusted to employees of the BCSO given the circumstances reasonably presented at the time of any incident.

101.3.2 NO EMPLOYMENT CONTRACTS OR EMPLOYMENT RIGHTS CREATED

The policies and provisions contained in this Manual are not intended to create an employment contract or any employment rights.

The Sheriff retains the legal right to hire, discipline, transfer, promote, and terminate all employees at-will.

101.3.3 REVISION AT ANY TIME

The Buncombe County Sheriff's Office reserves the right to revise any policy, in whole or in part, at any time.

101.3.4 ACTION/S AGAINST EMPLOYEES FOR VIOLATION/S

A violation of policy may form the basis for administrative and/or non-administrative action against employees including but not limited to demotion, suspension, and termination of employees, and/or criminal charges against employees for willful failure, refusal, neglect, or omission to discharge any duty required by the employees' offices.

101.4 AUTHORITY

The duly elected or appointed Sheriff of Buncombe County retains the ultimate authority for the interpretation and content contained in this Manual. The Sheriff or the Sheriff's authorized designee/s shall ensure the contents of this Manual comply with all applicable federal, state, and local laws, however, this does not relieve employees from the duty to know and apply the law in a manner consistent with their oaths of office.

If a situation were to arise where following policy would result in an employee violating the law, and the employee does not have time to clarify the law's applicability to the situation with the Chain of Command, employees should follow the law.

Only the Sheriff or the Sheriff's authorized designee may modify, amend, update, or introduce new or existing content to this Manual.

In the absence of sufficient time to modify, amend, update, or introduce new or existing content to this Manual, the Sheriff or the Sheriff's authorized designee may modify this Manual only by the use of an Official Directive. The use of Official Directives is further detailed in the Official Directives Policy.

101.5 DEFINITIONS

The following definitions apply to this Manual unless otherwise defined by individual policies:

Adult - Any person 18 years of age or older.

BCSO/The BCSO - The Buncombe County Sheriff's Office.

County – Refers to Buncombe County, as in, “BCSO deputies patrol within the County” or “Paperwork should be returned to XYZ County Office.”

CJIN - North Carolina Criminal Justice Information Network

CCH - Computerized Criminal History file

DCI - Division of Criminal Information

Deputy – An employee of this Office who is certified as a law enforcement officer, has the power of arrest, and has taken the oath of office as required by law, regardless of rank.

Detention Officer – An employee of this Office who may or may not also be a certified law enforcement officer, who serves within the BCSO Detention Facility, regardless of rank.

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

DSS/Buncombe County DSS - North Carolina Division of Social Services/Buncombe County Social Services

Employee - Any person employed or appointed by the Buncombe County Sheriff's Office, including full-time or part-time certified deputies, reserve deputies, detention officers, non-sworn employees, and volunteers when acting on behalf of or representing the Buncombe County Sheriff's Office in an official capacity and/or under the supervision of a BCSO non-volunteer employee.

Law Enforcement Officer - An employee or volunteer of another agency who is certified, has the power of arrest, and has taken the oath of office as required by law, regardless of rank.

Manual/The Manual - The Buncombe County Sheriff's Office Policy Manual; may also be referred to as the BCSO Policy Manual or the Policy Manual when abbreviation is appropriate.

May - Indicates a permissive or discretionary action; may also indicate an action based on a condition precedent, for example, “If X situation occurs an employee may respond by taking Y action.”

Non-sworn/Non-sworn Staff - Employees and volunteers who are not deputies or detention officers also certified as law enforcement officers, who lack BCSO arrest or detention authority.

N.C.G.S. - North Carolina General Statutes Annotated

N.C.A.C. - North Carolina Administrative Code/Office/The Office- The Buncombe County Sheriff's Office; the Office of the Sheriff of Buncombe County.

On-duty – The employee status during the period when employees are engaged in the performance of their assigned duties.

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

Rank/Ranking - The title of the classification held by a deputy or detention officer; may also be used to designate rank within a group, for example, "The highest-ranking deputy on duty should institute the Incident Notification procedure."

SBI/NCSBI – The North Carolina State Bureau of Investigation.

Shall or will - Indicates a mandatory action.

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

Supervisors – When viewed from the position of employees, any person in a position of authority. Supervisors may be either direct, for example, where the supervisor directly supervises the employee such as a Patrol Sergeant to a Patrol Deputy or indirect, for example, where the supervisor supervises other employees or supervises a unit, section, project, or task such as a Detention Sergeant to a Patrol Deputy. The term supervisor also includes employees of equal rank when one of the employees has been placed in a position of responsibility for the other employees or the completion of a particular task or directive (e.g., a lead deputy, a deputy-in-charge.)

101.6 ISSUANCE OF THE MANUAL

The Manual will be distributed to employees and maintained using an electronic records system. The current system in use for new policies and the resulting finalized Manual is PowerDMS.

Employees should read each policy in PowerDMS within a reasonable time following receipt and, after providing any questions or requests for clarification to a supervisor and having received answers or clarification to their satisfaction, shall electronically sign and acknowledge each policy within PowerDMS. Employees shall not sign any policy they do not understand or cannot comply with.

Supervisors receiving requests for clarification from an employee/s shall process any requests for clarification as outlined in the Employee Notifications and Grievances Policy.

101.6.1 PERIODIC REVIEW AS ORDERED BY THE SHERIFF

The Sheriff or the Sheriff's authorized designee will set a schedule for periodic review of the contents of this Manual.

101.7 REVISIONS

Employees may submit a request for a policy revision by following the steps outlined in the Employee Notifications and Grievances Policy. The Sheriff or the Sheriff's authorized designee shall review any requested or proposed revisions and take responsive action as necessary.

Any revisions submitted by the Sheriff will be published to employees before the revision's effective date, during which time employees may submit written questions, concerns, or clarifications regarding the revisions. The process for submitting written questions, concerns, and/or clarifications will be set at that time.

Employees should acknowledge, read, clarify, and sign any revisions in the same manner used for new policies.