

# ***300 – Manual of Procedures***

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<b>MONTREAT POLICE DEPARTMENT</b>	<b>GENERAL ORDER: 301</b>
<b>SUBJECT: MANUAL OF PROCEDURE INTRODUCTION</b>	<b>ADOPTED DATE: AUGUST 8, 2013</b>

**FROM THE OFFICE OF THE CHIEF OF POLICE**

**August, 2013**

The law enforcement function provides for a high degree of interaction between police officers and citizens. To the extent possible, police service to the citizen should be uniform, consistent and professional. To enhance law enforcement services, these rules have been designed to promote police behaviors that are hallmarked by professionalism, effectiveness and equitable service to all.

Rules cannot be written to address each and every situation that an officer may encounter. In situations where rules may not directly apply, officers should make decisions based upon the Police Code of Ethics, their Oath of Office, and the Department’s Mission Statement.

To form a partnership with the community, protect constitutional rights and provide for the safety and welfare of visitors to, and residents of the Town, the following rules have been established. These rules are to be reviewed and understood, so as to incorporate their content into the services provided by members of the Montreat Police Department.

The Department’s Principles and Rules are the basis for establishing a “public trust”, without which the police cannot function effectively within the community. All members of this agency shall dedicate themselves to maintaining this trust by adherence to the values and rules incorporated in this Manual.

**By:** \_\_\_\_\_ **J. M. Staggs, Chief of Police**

**I have read, understood and will abide by all rules contained in this Manual.**

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Date)

# ***Montreat Police Code of Ethics***

*“As a Law Enforcement Officer, my fundamental duty is to serve humankind; 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 individuals 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 the 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 my duty.*

*I will never act officiously or permit personal feelings, prejudices, 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 so long as I am true to the ethics of the police service. I will constantly strive to achieve these objectives and ideals, dedicating myself faithfully to my chosen profession- law enforcement.”*

# *Montreat Police Department*

## *Mission Statement*

The Montreat Police Department exists to improve the quality of life in the community by protecting life and property, reducing crime, enforcing the law, and by maintaining order for all citizens of Montreat.

# *Montreat Police Department*

## *Manual of Procedure*

### **GENERAL RULES OF CONDUCT**

All members of the Montreat Police Department shall be responsible for knowledge of and compliance/ obedience to all rules and procedures of this department. Failure to comply shall be cause for disciplinary action.

Failure of an officer to perform a task or to follow procedure because the officer did not know the appropriate rule, regulation, policy or order shall be deemed **NEGLECT OF DUTY**.

Officers shall not commit any acts or omit any acts which constitute a violation of any of the procedures, regulations, and rules stated in these procedures and elsewhere.

Officers shall obey all applicable Federal Law, State Law, and Town of Montreat Ordinances, personnel rules, and employment polices.

# *Montreal Police Department Manual of Procedure*

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# *Montreat Police Department Manual of Procedure*

## **CLASSIFICATION DEFINITIONS**

**MEMBERS**- All individuals working for the Montreat Police Department in either a paid or volunteer capacity including both “sworn” and “non-sworn” persons.

**OFFICER** - Any duly appointed and sworn member of the Montreat Police Department charged with enforcing the law.

**SUPERVISOR** - Any individual, who by assignment or circumstance, has been promoted, designated or classified to have authority and responsibility for the professional actions of another. In the case of an officer, the term applies to an individual with the rank of sergeant or above.

## **DESIGNATION KEY**

**(M) - All Members**

**(O) - Officers**

**(S) - Supervisors**

# *Partnership with the Community*

## **302 - COMMUNITY SERVICE RESPONSIBILITY**

As members of a law enforcement agency we have been endowed with a sacred trust given to us by the community. This trust must be earned and validated through offering only the highest level of competent and professional service. This is an important and necessary part of our overall commitment to bettering the Town of Montreat through service to its citizens.



- 302.01 ASSISTING THOSE IN NEED (O)**  
Officers shall always be alert for and compassionate to those who are lost, helpless, injured or ill. When necessary, appropriate assistance shall be rendered or arranged for by an officer.
- 302.02 QUALITY SERVICE(M)**  
Members shall conduct themselves so that the highest possible quality of law enforcement service is delivered to the citizens and the community.
- 302.03 TRANSPORTING CITIZENS (M)**  
Members shall transport citizens in departmental vehicles, only when it is necessary to accomplish a police purpose. Such transportation outside city limits requires supervisory approval.
- 302.04 IDENTIFICATION AS OFFICER (O)**  
Officers shall, except when impractical, unsafe or unfeasible, or when their identity is obvious, identify themselves by displaying the appropriate badge and identification card before taking police action.
- 302.05 IDENTIFICATION AS EMPLOYEE (M)**  
Members shall, when asked, courteously and professionally respond to all requests for identification. They will provide a correct name, and badge number, if appropriate, and if requested, provide the name of their immediate supervisor.
- 302.06 COMPLAINTS (M)**  
Members shall courteously and promptly report to their immediate supervisor any complaint made by a citizen or fellow employee against any member of the department. The immediate supervisor will process the complaint.
- 302.07 CONDUCT TOWARD THE PUBLIC (M)**  
Members shall be courteous and orderly in their dealings with the public. They shall avoid harsh, violent, profane or insolent language. They shall remain calm regardless of the provocation to do otherwise. They shall attend to all requests from the public quickly and accurately, avoiding unnecessary referral to other parts of the department.
- 302.08 PERSONAL PREFERENCE (M)**  
Members shall not seek the influence or intervention of any person outside of the department for the purpose of personal preference, transfer or advantage.
- 302.09 IMPARTIAL ATTITUDE (M)**  
Members shall remain impartial toward all persons coming to the attention of the department.

- 302.10 COMMUNITY POLICING PHILOSOPHY (O)**  
Officers shall be aware that Community Policing is a philosophy and not a program. Every Officer shall participate in policing the community in partnership with its citizens. This philosophy encourages, aids and abets community cooperation through a partnership between citizens and law enforcement.
- 302.11 PROBLEM SOLVING APPROACH (O)**  
Officers shall develop a problem-solving approach to assignments. They shall use their knowledge, skills, abilities and departmental resources to encourage community development and remedy illegal, problematic or unsafe conditions.
- 302.12 COMMUNITY FUNCTIONS (O)**  
Officers, when possible, will participate in community functions where a police presence would be of value as a legitimate resource to assist in improving the quality of life within the community.
- 302.13 LEGAL AUTHORITY (O)**  
Officers shall recognize that their authority is derived from the people as embodied in the U.S. Constitution, State Statutes and Town Charter.
- 302.14 CITIZEN EXPECTATIONS (O)**  
Officers shall recognize that every person in our society is entitled to professional, effective and efficient law enforcement services.
- 302.15 SAFETY GOALS (O)**  
Officers must understand the basic public safety goals of the community and the department. They shall work with one another and all citizens to ensure a heightened quality of life through individual safety.
- 302.16 REPORTING OF HAZARDS (O)**  
Officers shall report immediately to their superior officer or other proper authority any hazard, hazardous conditions or hazardous materials found to be a threat to themselves, the community or its citizens.
- 302.17 PATROL NEIGHBORHOOD RESPONSIBILITIES (O)**  
Officers assigned to uniformed duties are expected to treat patrol areas as their own personal neighborhoods. They shall develop knowledge and understanding of the residents.
- 302.18 PREJUDICE (M)**  
Members shall carry out their duties without prejudice for or against any racial, sexual, religious, economic, ethnic or other type of social group, culture or sub-culture.
- 302.19 ATTENTION TO SERVICE RESPONSIBILITIES (O)**  
Officers, during their tour of duty, shall diligently devote their time and attention to the effective and professional performance of their responsibilities relating to community service.

**302.20           ALERTNESS TO COMMUNITY NEEDS (O)**

Officers shall be attentive and alert at all times while on duty and shall devote their time and energy to serve the department and the community.

**302.21           RECOMMENDING SERVICES (O)**

Officers shall not furnish, recommend or suggest any attorney, counsel, bondsman, or wrecker service to any member of the public while in the official performance of their duties.

<b>MONTREAT POLICE DEPARTMENT</b>	<b>GENERAL ORDER: 303</b>
<b>SUBJECT: PROFESSIONAL, PERSONAL AND PUBLIC CONDUCT</b>	<b>ADOPTED DATE: AUGUST 8, 2013</b>

## *Respect for Human Dignity*

### **303 - PROFESSIONAL, PERSONAL AND PUBLIC CONDUCT**

In all that we do as members of a law enforcement agency, it is critical that we value the dignity and intrinsic worth of each individual with whom we have contact. This respect for others manifests itself in our professional, personal and public conduct.

- 303.01**            **CODE OF ETHICS (O)**  
Officers will be familiar with and will adhere to the principles of the Police Code of Ethics included in this manual.
- 303.02**            **GENERAL RESPONSIBILITIES (M)**  
Members shall read, be familiar with, and adhere to all policies, procedures, departmental rules, regulations, orders and directives of the Montreat Police Department and the Town of Montreat.
- 303.03**            **MEMBERS' OBLIGATIONS (M)**  
Members shall familiarize themselves with and conform to all the rules established in this manual.
- 303.04**            **OBEYING THE LAW (M)**  
Members of the department shall obey all federal, state, and local laws and ordinances of any jurisdiction in which the member is present. This does not apply when a violation of the law is necessary in the performance of an official duty.
- 303.05**            **VIOLATIONS OF THE LAW (M)**  
Members convicted of any violation of law, excluding motor vehicle infractions, shall be guilty of a violation of this section. Lack of a conviction shall not be the singular factor when considering a violation of this rule. Employees shall notify their immediate supervisor when they have been arrested or served with a Criminal Summons. Members shall notify their supervisor if they have been charged with a motor vehicle infraction that is likely to result in the suspension of their driver's license, or a loss of driving privilege.
- 303.06**            **USE OF ALCOHOL WHILE OFF DUTY (M)**  
Members, while off duty, shall refrain from consuming intoxicating beverages to the extent that it results in behavior which discredits the department, or renders the employee unfit to report for a regularly scheduled tour of duty.
- 303.07**            **REPORTING FOR DUTY POST-CONSUMPTION (M)**  
Members who have been summoned to report for duty for an unscheduled call-out or emergency who have consumed alcohol prior to being contacted shall inform the supervisor in charge of the call-out of this fact. The supervisor shall then determine the member's fitness for duty.
- 303.08**            **PURCHASING INTOXICATING BEVERAGES (O)**  
Officers shall not purchase intoxicating beverages in a public place either on or off duty when they are in uniform or when their identity as an officer is clearly apparent.

- 303.09 USE OF ILLEGAL DRUGS (M)**  
Members shall not use or possess any drug or controlled substance in violation of federal or state laws.
- 303.10 USE OF PRESCRIPTION DRUGS WHILE ON DUTY (M)**  
Members shall not possess or use any controlled substance, except when prescribed in treatment by a licensed medical person, or as is necessary to accomplish a police purpose. If a controlled substance has been prescribed to the member and is to be used while on duty, the member's supervisor should be advised. Any use of prescription drugs that are likely to cause impairment while on duty is prohibited without a physician's approval and supervisory approval. Supervisors may restrict a subordinate's duty as they deem appropriate.
- 303.11 USE OF ALCOHOL WHILE ON DUTY (M)**  
Members shall not consume intoxicating beverages while in uniform or while on duty, except in the performance of a legitimate duty while acting under proper and specific orders of a supervisor.
- 303.12 APPEARING FOR DUTY WHILE INTOXICATED (M)**  
Members shall not appear for duty or be on duty while under the influence of intoxicants to any degree whatsoever. Members shall not have the odor of intoxicants on their breath when reporting for duty or while on duty.
- 303.13 USE OF ALCOHOL WHILE ARMED (O)**  
Officers are at no time to consume any alcohol, non-prescription drugs, or be impaired by any substance, controlled or prescribed, while armed with a firearm.
- 303.14 INTOXICANTS ON/IN DEPARTMENTAL PROPERTY (M)**  
Members shall not illegally possess any intoxicating beverages or controlled substances on departmental property. Members shall not transport these items in departmental vehicles except when it is necessary to perform a police task. Alcoholic beverages or controlled substances brought onto departmental property lawfully are to be identified and stored as required by policy.
- 303.15 GRATUITIES (M)**  
Members shall not maintain an expectation of receiving any type of gratuity from another stemming from their positions within the department. They shall not accept any reward, gratuity or other compensation for any service performed as a result of, or in conjunction with, their duties as members of the department. They shall not accept or solicit from any person, business or organization, any gift including money, personal property, food, beverage, loan, promise, thing of value, or service that is connected, directly, or indirectly, to the performance or non-performance of an official duty. Notwithstanding the provisions above and with the approval of the Town Administrator, the Chief may accept a gift officially and on behalf of the department so long as it does not benefit any individual officer or employee directly.

- 303.16 GIFTS FROM SUSPECTS OR PRISONERS (O)**  
Officers shall not accept any gift or gratuity from any suspect, prisoner, defendant or other interested party involved in any official departmental matter. They shall not accept any gift or gratuity from any professional bondsmen or other person whose vocation or activities may profit directly or indirectly from professional information or service given by the officer.
- 303.17 TRANSACTIONS (O)**  
Officers shall not knowingly buy or sell anything of value from any complainant, suspect, witness, defendant, prisoner, or other person involved in a particular case that has come to their attention during their official duties.
- 303.18 LOYALTY (M)**  
Members shall maintain a loyalty to the department and to their associates as is consistent with the law and departmental rules and policies.
- 303.19 STANDARD OF CONDUCT (M)**  
Members shall not conduct themselves, on or off duty, in such a manner as to reflect unfavorably on the department. Conduct unbecoming shall include that which brings the department into disrepute or reflects discredit upon the employee as a member of the department. It also includes anything that impairs the operation, efficiency or morale of the department.
- 303.20 CRITICISM (M)**  
Members shall not internally or publicly criticize or ridicule the department, its policies or other employees by talking, writing or using other forms of expression that are defamatory, obscene or unlawful. Members shall not engage in any form of communication that impairs the efficient operation of the department or the ability of supervisors to maintain discipline and order. Members are encouraged to offer constructive feedback through the proper chain of command.
- 303.21 COURTESY (M)**  
Members shall treat other members of the department with civility and respect. They shall be courteous, civil and respectful to superior officers, subordinates and other employees of the department. When on duty, and particularly in the presence of other employees or members of the public, members should be referred to by rank or title.
- 303.22 USE OF TOBACCO PRODUCTS (M)**  
Members of the department shall not smoke or use tobacco products while engaged in the following: traffic direction; an assignment that involves standing a fixed post or standing in formation; any activity that is in direct contact with, or in view of the public. Members shall not use a tobacco product while taking a report in a residence, building, place of business or other closed location. Using tobacco products may be deemed appropriate in a city-owned vehicle if necessary during an undercover operation.

Members shall comply with and observe tobacco use policies of other businesses and organizations while in the performance of an official duty or while in uniform. Members shall not leave an assigned duty location for the sole purpose of using a tobacco product. Tobacco use is prohibited within the perimeter of a crime scene.

**303.23 VISITING PROHIBITED ESTABLISHMENTS (M)**

Members shall not knowingly visit, enter or frequent a house of prostitution, gambling, house or establishment wherein the laws of the United States, the State, or a local jurisdiction are regularly violated except in the performance of an official duty or while acting under proper and specific orders from a supervisor.

**303.24 TRUTHFULNESS (M)**

Members shall give truthful statements at all times regarding matters within the scope of employment, the employee's suitability for employment, and/or operations of the department. In this regard, a statement should not be made unless the employee is sure of its truthfulness. During an administrative investigation employees shall truthfully answer all questions directed to them regarding the investigation.

**303.25 USE OF THE DEPARTMENT'S NAME TO PURCHASE (M)**

Members shall not order, purchase, lease or otherwise acquire any goods, merchandise, or services in the name of the Montreat Police Department, except when done for official purposes through standard procedures or with prior approval of the Chief of Police.

**303.26 ASSOCIATIONS (M)**

Members shall avoid regular or continuous association or dealings with persons whom they know or should know are under a criminal investigation or indictment, or who have a reputation in the community or the department for present involvement in criminal activity. This does not apply to associations required in the performance of an official duty or where it is unavoidable because of personal relationships that exist between the individual and the member.

**303.27 USE OF INAPPROPRIATE JOKES AND SLURS (M)**

To encourage a positive work environment, members shall never engage in any form of speech pertaining to a person's ethnicity, religion, sexual preference, gender, socio-economic status or other social grouping. Members shall not engage in conversations that are likely to be construed as involving a racial or religious joke or slur.

**303.28 GAMBLING (M)**

Members shall not engage or participate in any form of illegal gambling at any time. This does not apply to officers who are performing an official duty while under direct orders from a supervisor.



- 303.29 NATIONAL COLORS AND ANTHEM (O)**  
Officers who are in uniform shall render full military honors to the national colors and anthem at the appropriate times. Officers who are in civilian dress shall render proper civilian honors to the national colors and anthem at the appropriate times.
- 303.30 PRESENCE AT UNAUTHORIZED PLACES (O)**  
Officers are prohibited from being present at any establishment or other place on or near their beat while on duty except for a legitimate police purpose. No officer shall possess the keys to any public premises or commercial building in the city limits unless it is owned by that officer.
- 303.31 TELEPHONES AND ADDRESSES (M)**  
Members are required to have operational telephones in their residences at all times. Members are required to supply the department with an updated and accurate address for their primary residence. Members shall immediately report any changes of their address or telephone number in writing to the appropriate supervisor and to the Chief of Police.
- 303.32 USING DEPARTMENTAL ADDRESS (M)**  
Members shall not use the department as a mailing address for private purposes, nor shall the address be used by a member on any personal motor vehicle registration or operator's license. Members shall not use departmental letterhead for private correspondence.
- 303.33 UPHOLDING THE CONSTITUTION (M)**  
Members of the department shall affirmatively uphold the Constitution of the United States of America and the State of North Carolina Statutes, shall affirmatively uphold the constitutional rights of all individuals, and shall abide by all federal, state, and local laws.
- 303.34 RESPONSIBILITY FOR CERTIFICATION (O)**  
Officers shall be responsible for ensuring that they acquire and continue to maintain all necessary professional certifications and training required by duty or assignment.
- 303.35 FINANCIAL OBLIGATIONS AND DEBTS (M)**  
Members shall not undertake financial obligations that they know or reasonably should know they will be unable to meet. Members shall pay all just debts when they are due. Financial difficulties stemming from unforeseen medical expenses or personal disaster shall not constitute a violation, provided that a good faith effort to settle all accounts has been taken.

- 303.36 SUGGESTING SERVICES (O)**  
Officers shall not recommend or suggest in any manner, except in the transaction of personal business, the employment or procurement of a particular product, professional or commercial service. When such a service is necessary and the person in need of that service is unable to request it, officers may request the service for the individual. An example of this would be a request from a citizen for the officer to call a particular wrecker service.
- 303.37 LOYALTY (M)**  
Members shall be loyal to the law enforcement profession, the Montreat Police Department and the Montreat Town Government.
- 303.38 MORAL CONDUCT**  
Members shall maintain a level of moral conduct in their personal and business affairs that is in keeping with the highest standards of the law enforcement profession. Members shall not participate in any incident involving moral turpitude (lying, cheating, stealing) which impairs their ability to perform as law enforcement officers or causes them or the department to be brought into disrepute.
- 303.39 OUTSIDE EMPLOYMENT**  
Members shall submit a request for a permit to engage in any outside employment to the Chief of Police. They shall follow all departmental and city regulations regarding this employment.
- 303.40 POLITICAL ACTIVITY (O)**  
Officers are prohibited from using their official capacity to influence, interfere with or affect the results of any political campaign or election. Officers are prohibited from conducting any type of political activity while representing themselves as members of the department. They shall not engage in any type of political activity or solicitation while on duty.
- 303.42 PUBLIC TESTIMONIALS (M)**  
Members shall not use their names, photographs or official titles which identify them as members of the department in connection with testimonials without proper authorization from the Chief of Police.
- 303.43 ABUSE OF POSITION (M)**  
Members shall not use their official position, official identification cards, badges, or equipment for: personal or financial gain, obtaining privileges not otherwise available to them except in the performance of duty, or avoiding consequences of illegal acts.

<b>MONTREAT POLICE DEPARTMENT</b>	<b>GENERAL ORDER: 304</b>
<b>SUBJECT: COMMUNICATION, CORRESPONDENCE AND REPORTS</b>	<b>ADOPTED DATE: AUGUST 8, 2013</b>

## *Organizational Excellence*

### **304 – COMMUNICATION, CORRESPONDENCE AND REPORTS**

To grow and improve, an organization must constantly strive for excellence. We shall do this by evaluating the quality of service delivered, accepting responsibility for all that we do or fail to do as an agency. This has much to do with communication, correspondence and the desire to meet judicial responsibilities through competent case preparation and evidence handling. We shall accept stewardship for property given to us for use as a department. From these values, we will develop organizational excellence and accountability.

- 304.01 DISSEMINATION OF INFORMATION (M)**  
Members shall treat the official business of the department as confidential. Information regarding official business shall be disseminated only to appropriate persons, in accordance with established departmental policy. Members remove or copy official records or reports only in accordance with State law and established departmental policy. They shall not divulge the identity of persons giving confidential information except as authorized or required by policy, law or other proper authority. Citizens requesting information that is “non-public” in nature shall be directed to use official channels. No member shall publicly comment on department cases or investigations that are pending adjudication in court or internal resolution. No member shall comment on any personnel issues considered confidential by law.
- 304.02 PROTECTION OF NOTICES (M)**  
Members shall not mark, alter, or deface any posted notice of the department. They shall not post notices without prior approval of the appropriate supervisor. They shall not remove official notices without proper authority. Notices of a derogatory or obscene nature are not to be posted at any time.
- 304.03 DEPARTMENTAL REPORTS (M)**  
Members shall submit all necessary reports on time and in accordance with established departmental procedures. Reports submitted by members shall be truthful and complete. No member shall knowingly enter or cause to be entered any inaccurate, false, improper, or misleading information.
- 304.04 DEPARTMENTAL RECORDS (M)**  
Members shall not steal, alter, forge or tamper with any police document or record regardless of the medium, to include but not to be limited to: reports, records, citations, complaints, photographs, tape recordings, computer data, etc. When information is added to a document it shall be done for a legitimate police purpose. Original records or documents shall not be removed from their storage area unless pursuant to a subpoena or with the permission of the Chief of Police.
- 304.05 USE OF FORCE REPORTS (O)**  
Officers who are required to use force beyond mere restraint shall notify their supervisor and file the appropriate Use of Force Report
- 304.06 READING PAPERS BEFORE EXECUTION (O)**  
Officers are required to completely read all papers before serving or executing them when appropriate.
- 304.07 MAINTENANCE OF MANUALS (M)**  
Members are responsible for the maintenance of any issued manuals and will keep these current by inserting any necessary updates or information.

- 304.08 PERSONAL PROJECTS DURING ON-DUTY TIME (M)**  
Members shall not use on-duty time to prepare projects, do research or conduct non-departmental business, whether for compensation or not. Special projects on duty may be approved by the Chief of Police. Such projects shall not be done for outside compensation.
- 304.09 REPORTING ACCIDENTS (M)**  
Members shall promptly notify their immediate supervisor of any personal injury, property damage or motor vehicle accident involving any departmental vehicle or equipment in their charge. Members shall promptly provide their supervisor with the necessary report and information as required by policy.
- 304.10 EXCEEDING AUTHORITY (M)**  
Members shall not exceed their authority when entering into official departmental correspondence.
- 304.11 PROFESSIONAL REFERENCE (M)**  
Members are not permitted to use a departmental title, city telephone number, or refer to their city employment in any manner on personal stationary or business cards.
- 304.12 REQUIREMENTS REGARDING INFORMATION (O)**  
Officers shall be responsible during each tour of duty for reading and reviewing posted or other types of communication. This includes Personnel Orders, Training Orders, Special Orders, Wanted Notices, Work Schedules, Electronic Mail or any other pertinent information. Officers shall be responsible for checking and promptly reading communications placed in their mailbox and on their E-mail. Outdated material shall be removed from mailboxes and from E-mail. Mailboxes shall be kept clean and orderly. E-mail can be used for official communications only. Electronic mail hardware and software remains the property of the Police Department.
- 304.13 RADIO USE (M)**  
Members shall operate and transmit over police radios for official police business only. They shall maintain the highest degree of professionalism when using police broadcasting equipment. Personal conversations, using vulgar or inappropriate language, making unnecessary sounds or the transmission of unofficial communications is prohibited. Members will communicate with other personnel from the communications Center in a professional and courteous manner, providing information over the air in an accurate and timely manner. All dispatch calls shall be aired. Unless an emergency exists, officers and member shall not fail to communicate as required over the radio.

<b>MONTREAT POLICE DEPARTMENT</b>	<b>GENERAL ORDER: 305</b>
<b>SUBJECT: DEPARTMENTAL PROPERTY AND EVIDENCE</b>	<b>ADOPTED DATE: AUGUST 8, 2013</b>

- 305.01 USE OF EQUIPMENT (M)**  
Members shall maintain departmental equipment assigned to them, keeping it in good condition. Members are responsible for reporting damaged equipment to the appropriate supervisor. In the event that city property is found bearing evidence of damage that has not been reported, the last person using the equipment is responsible. These situations shall be reviewed by the appropriate supervisor and Chief of Police on a case-by-case basis.
- 305.02 SAFE USE OF EQUIPMENT (M)**  
Members shall not be careless, negligent, or unsafe in their use of departmental property or equipment.
- 305.03 USE OF FIREARMS (O)**  
Officers shall not use or handle weapons in a careless or imprudent manner. Officers shall use weapons in accordance with the law and departmental policy. Officers are required to report any discharge of firearms, except during training. This report will be made in accordance with departmental policy.
- 305.04 ABUSE OF EQUIPMENT (M)**  
Members shall not intentionally abuse, deface, alter or damage departmental equipment or property. Members shall utilize departmental equipment and property for its intended purpose, in accordance with established policy.
- 305.05 REMOVAL OF EQUIPMENT (M)**  
Members shall not, without proper authorization, remove from police property any departmental equipment, evidence, contraband or property that has been found, or is being held for safekeeping or evidence.
- 305.6 ABUSE OF DEPARTMENTAL BUILDING (M)**  
Members shall not intentionally mark, mar, or deface any surface in any departmental building. No material is to be affixed in any way to any wall or surface on departmental property without authorization from the appropriate supervisor.
- 305.07 OPERATION OF EQUIPMENT (M)**  
Members shall not operate any police equipment unless qualified, certified or licensed to do so.
- 305.08 USE OF PRIVATE VEHICLES OR EQUIPMENT (M)**  
Members shall not use their private vehicles or equipment for official purposes unless directed or authorized to do so by the Chief of Police.
- 305.09 PROCESSING OF PROPERTY AND EVIDENCE (M)**  
Members who discover, gather or receive evidence in connection with departmental responsibilities shall complete an Evidence Form. Members shall not convert to their own use, manufacture, conceal, falsify, destroy, remove, tamper with or withhold property or evidence in connection with an investigation or other police action.

- 305.10 CARE OF DEPARTMENTAL VEHICLES (M)**  
Members are responsible for the cleanliness and maintenance of assigned departmental vehicles. Ignition keys are to be removed from all police vehicles when a member must leave the immediate vicinity of the vehicle. Vehicles are to remain locked when not in use. This rule does not apply if emergency or other mitigating circumstances exist.
- 305.11 USE OF DEPARTMENTAL CONVEYANCES (M)**  
Members shall use all departmental conveyances for official business only. Members shall use these in accordance with policy. Members using conveyances equipped with radios are to keep these on while in departmental conveyances.
- 305.12 OPERATION OF DEPARTMENTAL VEHICLES (M)**  
Members shall operate departmental vehicles with due regard for the safety of others at all times. They shall exercise due caution if operating an emergency vehicles and responding to an emergency call. Members shall adhere to all traffic laws and rules of the road even when engaged in emergency response authorized by policy or state law.
- 305.13 ALTERATION OR MODIFICATION OF EQUIPMENT (M)**  
Members shall not use any equipment that does not conform to departmental policy or specifications. All equipment shall be carried and used by the member according to training and authorization. No changes, alterations or modifications shall be made to such equipment unless approved by the Chief of Police.
- 305.14 RESPONSIBILITY FOR EQUIPMENT (M)**  
Members are responsible for all departmental conveyances or equipment that has been assigned to them. They shall, as much as possible, protect departmental equipment from loss, damage, or destruction. Any damaged equipment shall be reported to the appropriate supervisor. Members are responsible for protecting and safeguarding any private property or equipment that has come into their possession by reason of an official duty. Members shall not permit unauthorized persons to tamper with, modify or use departmental equipment. Members are responsible for all departmental vehicles or equipment that has been assigned to them.
- 305.15 OWNERSHIP OF DEPARTMENTAL EQUIPMENT (M)**  
Members shall be aware that all equipment, furnishings or facilities provided by the Department are the property of the town. As such, any and all departmental equipment and property may be inspected at any time by supervisory personnel. Private furnishings that are brought into the office and are used to store departmental property are also subject to inspection.

**305.16**

**USE OF ELECTRONIC/ COMMUNICATION DEVICES (M)**

Members shall use all departmental electronic or communication devices for official police business only. This includes, but is not limited to, the following: computers, telephones, radios, fax machines, electronic surveillance equipment, recorders and data transmission terminals.

**305.17**

**SURRENDER OF EQUIPMENT (M)**

Members are required to surrender all departmental property in their possession upon separation from service.



<b>MONTREAT POLICE DEPARTMENT</b>	<b>GENERAL ORDER: 306</b>
<b>SUBJECT: JUDICIAL RESPONSIBILITY</b>	<b>ADOPTED DATE: AUGUST 8, 2013</b>

- 306.01 SERVICES OF SUBPOENAS (S)**  
Supervisors shall be responsible for the timely service of all judicial and administrative subpoenas and documents to members under their direct supervision.
- 306.02 PREPARATION FOR COURT (O)**  
Officers shall diligently prepare for all cases subject to court proceedings.
- 306.03 ATTENDANCE IN COURT (O)**  
Officers shall arrive prepared and on time for all court proceedings.
- 306.04 MISSING COURT (O)**  
Officers unable to honor a court obligation shall notify the prosecuting attorney or competent court official. Only the prosecuting attorney may release an officer from a court obligation.
- 306.05 APPEARANCE IN COURT (M)**  
Members appearing in court on duty shall be dressed in their official duty uniform or clothing appropriate for their current assignment. On-duty “plain clothes” members shall be dressed in clothing that is professional in appearance and considered “proper business attire.” Members appearing in court off duty shall be dressed in either their official duty uniform or clothing that is professional in appearance and is considered “proper business attire.” Weapons shall not be displayed unless the uniform is being worn.
- 306.06 ATTITUDE IN COURT (O)**  
Officers are at all times to be attentive and courteous toward the court, prosecutor, defense counsel, and other witnesses. They shall testify in a courteous and professional manner avoiding any mannerism that could be construed as disrespectful to the court.
- 306.07 PRESENTING TESTIMONY (O)**  
Officers shall truthfully, completely and impartially testify and present evidence in all matters of an official nature.
- 306.08 TRUTHFULNESS (M)**  
Members shall be truthful at all times both in court, and out, whether under oath or not.
- 306.09 PURSUING CASES (O)**  
Officers shall aggressively pursue their cases through all stages of prosecution. Officers shall respond to requests from appropriate judicial authorities to give the professional support necessary to see that a case receives justice.

- 306.10 ASSISTING IN CIVIL CASES (M)**  
Members shall not serve civil-process papers nor render assistance in civil cases except with the consent of the Chief of Police, or as required by law.
- 306.11 CIVIL RESPONSIBILITIES (M)**  
Members of the department shall not testify in civil cases or produce any records, written or oral, unless they are lawfully subpoenaed and the release is authorized by the Chief of Police.
- 306.12 INTERVIEW WITH CIVIL ATTORNEYS (M)**  
Members who are asked to be interviewed in a civil litigation case arising out of their official actions shall first contact their immediate supervisor. Any formal interview with civil attorneys or their representatives shall only be given with the direct knowledge and consent of the Chief of Police or city attorney.
- 306.13 CIVIL DEPOSITIONS AND AFFIDAVITS (M)**  
Members shall confer with the Chief of Police before giving a deposition or affidavit in a department-related civil case.
- 306.14 TESTIFYING IN CIVIL CASES (M)**  
Members shall not testify in civil action cases arising out of their employment with the department unless legally subpoenaed to do so. All such subpoenas will be reported to the Chief of Police. This does not prevent the employee from undertaking a civil action of a personal nature.
- 306.15 TESTIFYING FOR THE DEFENDANT (M)**  
Members subpoenaed or requested to testify for the defense in any legal proceeding against the Town of Montreat or the Montreat Police Department shall immediately notify the Chief of Police.
- 306.16 COLLECTING WITNESS FEES (M)**  
Members shall not collect and retain any type of witness fee or compensation when testifying on duty with regard to an official act. Members assisting another agency through court appearance shall be compensated for their time by the department.
- 306.17 RECOMMENDING ATTORNEYS OR BONDSMEN (M)**  
Members shall not suggest, recommend, or advise the retention of a specific attorney or bonding agent to any person, except family members. This does not include referral to Legal Aid Services.
- 306.18 SUPERVISORY COURT RESPONSIBILITY (S)**  
Supervisors shall be responsible for determining whether actions taken regarding civil cases by employees under their supervision will prove detrimental to the department. In this case, the supervisor is to bring the matter up for review to the next highest level in their Chain of Command.

**306.19****NOTICE OF LAWSUITS AGAINST MEMBERS (M)**

Members who have had a law suit filed against them because of an official act performed while working or on duty shall notify the Chief of Police in writing immediately. They will furnish a copy of the complaint as well as a full and accurate account of the circumstances regarding the case.

**306.20****DEPARTMENTAL INVESTIGATIONS (M)**

Members shall cooperate fully and be truthful at all times during any personal or internal departmental investigation. They will provide, without delay, information or material requested by a competent authority pertaining to the scope of the investigation.

MONTREAT POLICE DEPARTMENT	GENERAL ORDER: 307
SUBJECT: CHAIN OF COMMAND	ADOPTED DATE: AUGUST 8, 2013

## *Teamwork Approach to Problem Solving*

### **307 – CHAIN OF COMMAND**

A teamwork approach to problem solving is an essential part of delivering quality police service. With it, we are able to combine our strengths and meet the challenges that face this agency. To function as a team, an individual must accept both the necessity and importance of orders, discipline and a clearly defined Chain of Command. Within this framework supervisors are called upon to develop and be accountable for those who work under their command. It is through these values that the ideal of teamwork becomes a reality in the organizational structure of this department.

**307.01**

**CHAIN OF COMMAND (M)**

The Chain of Command by Rank shall be as follows:

Chief of Police  
Captain  
Officer  
Probationary Officer  
Auxiliary Officer

Every officer or employee shall have a designated immediate supervisor responsible for their performance, work schedule and job responsibilities.

- A. Officers or Employees must utilize the Chain of Command except in the following instances:
  - A dispute or complaint is with the officer's immediate supervisor.
  - The incident involves harassment- sexual, racial, religious or other.
  - The immediate supervisor is unable to remedy the dispute, complaint, or incident.
  
- B. Officers or Employees who have a complaint or dispute with their immediate supervisor or who are not satisfied with an immediate supervisor's remedy to a complaint or dispute may petition the next level above their supervisor within the Chain of Command.
  
- C. Officers or Employees shall not take police or employment issues outside the department unless they have first exhausted the Chain of Command.

**307.02**

**MANNER OF ISSUING ORDERS (O)**

Officers shall issue orders whether verbally or in writing from the superior to the subordinate level in clear, understandable language, civil in tone and issued in the pursuit of departmental business.

**307.03**

**DOCUMENTING ORDERS (O)**

Supervisors shall properly issue and document orders according to established policy. Memorandums shall not be used to issue long-standing orders.

- 307.04 OBEDIENCE TO ORDERS AND INSUBORDINATION (M)**  
Members shall promptly obey the lawful orders and directions given by supervisors. This will include orders from a superior that may be relayed by a member of equal or lesser rank. The failure or deliberate refusal of a member to obey such orders shall be deemed insubordination and is prohibited. Displaying contempt for the authority of supervisors by showing obvious disrespect or by disrupting their orders shall likewise be deemed insubordination.
- 307.05 QUESTIONS REGARDING VERBAL ORDERS (O)**  
Officers who have questions, concerns, or difficulties regarding a verbal order that does not required immediate action may, when reasonable, request that the supervisor issuing the order explain the order. The supervisor may do so orally or in writing.
- 307.06 QUESTIONS REGARDING ASSIGNMENTS (M)**  
Members who do not understand or who are in doubt as to the nature or detail of an assignment shall seek such information as is necessary for clarification. This shall be done through the supervisor or appropriate chain of command, if necessary.
- 307.07 UNLAWFUL ORDERS (S)**  
Supervisors, those acting in the capacity of a supervisor, and command staff members are prohibited from knowingly, willfully, or negligently issuing any order that is in violation of any Federal Law, State Law, City Ordinance, Policy, or contrary to any General Order or orders of a higher level of authority.
- 307.08 OBEDIENCE TO UNLAWFUL ORDERS (M)**  
Members are not required to obey any order which is contrary to the laws of the United States, the State of North Carolina or the ordinances of the Town of Montreat. A member who receives an unlawful order shall first respectfully advise the person issuing the order of its unlawfulness and request clarification. In the event that the order is not withdrawn or clarified, the member has the right to seek clarification from the next higher level in the member's chain of command. The issuance of an unlawful order shall be reported by the member to the appropriate supervisor or the Chief of Police. Responsibility for refusal to obey an unlawful order and the justification for that refusal rests with the officer.
- 307.09 OBEDIENCE TO UNLAWFUL DIRECTIVES (M)**  
Members are not required to obey any directive from a supervisor which is contrary to any law, ordinance, or departmental rule. Responsibility for refusal to obey an unlawful order and the justification for that refusal rests with the member.

- 307.10 OBEDIENCE TO CONFLICTING ORDERS (O)**  
Officers who receive any order that conflicts with a previous order or instruction shall respectfully advise the person issuing the order of this conflict. Responsibility for countermanding the original order or instruction then rests with the individual issuing the second order. Orders will be countermanded only when reasonably necessary for the good of the department and for the accomplishment of a legitimate police purpose.
- 307.11 SUPERVISORS COUNTERMANDING ORDERS (S)**  
Supervisors, those acting in the capacity of a supervisor, and command staff members who knowingly approve circumvention of policy or rules shall take full and complete responsibility for any associated actions or consequences. Any directions given by a supervisor of this nature will relieve the officer(s) or member(s) of the responsibility relating to any violation of policy or rules.
- 307.12 FORWARDING COMMUNICATIONS/ORDERS (M)**  
Members receiving a written or oral communication or order that is designed to be transmitted to either a higher or lower command, shall, in every case, forward this communication or order. Any member receiving a communication order from a subordinate directed to a higher command shall endorse it indicating approval, disapproval or acknowledgment and then forward it to the appropriate member.
- 307.13 UNNECESSARY INVOLVEMENT (S)**  
Supervisors shall not become involved in the cases or activities of members who do not fall under their area of supervision, unless justifiably necessary to accomplish a legitimate police purpose. This does not prevent a supervisor from becoming involved in correcting a professional incompetence or error or to prevent a violation of law, policy or rule
- 307.14 VIOLATING THE CHAIN OF COMMAND (M)**  
Members shall not knowingly violate the chain of command without appropriate reason and justification.
- 307.15 COMMAND BY ORDER PRECEDENT (O)**  
Officers shall abide by the Command of Order Precedent. This means that upon the arrival on duty of an officer of higher rank, that officer assumes command or may relieve an officer of lower rank of command. Relieving an officer of command also relieves that officer of all the obligations and responsibilities of command.

- 307.16 RANKING OFFICER IN CHARGE (O)**  
Officers shall allow for the highest ranking officer on duty to assume the obligations and responsibilities of the officer-in-charge.
- 307.17 SENIOR OFFICER IN CHARGE (O)**  
Officers of equal rank who are simultaneously employed in the same operation shall allow for the senior member to be responsible and in charge when necessary and appropriate. This is unless otherwise ordered by a superior officer.
- 307.18 SPECIALIZED OFFICER IN CHARGE (O)**  
Officers who have appropriate specialized training and/or knowledge required on a particular scene assume the duties and responsibilities of officer-in-charge. This is only when the use of that specialization is required.
- 307.19 FIREARMS OFFICER IN CHARGE (O)**  
While on the firing range, the designated firearms instructor(s) shall be the officer-in-charge of the range, regardless of that officer's rank.
- 307.20 RESPECT FOR SUPERIOR OFFICERS (M)**  
Members shall display respect for the rank of superior officers. They shall not speak or act toward any superior officer in a disrespectful, defamatory, untruthful, insolent, opposing or abusive manner. When on duty, and particularly in the presence of other members of the public, members should refer to superior officers by rank.



<b>MONTREAT POLICE DEPARTMENT</b>	<b>GENERAL ORDER: 308</b>
<b>SUBJECT: DISCIPLINE AND COMMENDATION</b>	<b>ADOPTED DATE: AUGUST 8, 2013</b>

- 308.01 COMMENDING OFFICERS (S)**  
Supervisors should commend in the presence of fellow officers those who have performed police work of an unusually high quality or merit. This commendation should also be done in writing using the appropriate forms.
- 308.02 REPRIMANDING OFFICERS (S)**  
Supervisors are not to reprimand subordinates in the presence of other officers, employees, or the public. Any form of reprimanding done by a supervisor shall be conducted in a professional and courteous manner. This rule does not restrict superiors from correcting the activities of subordinates to ensure the legal, safe, and proper conduct of police employees or to prevent operational errors.
- 308.03 RIGHT TO KNOW COMPLAINANT (M)**  
Members shall have the right to know both the identity of the complainant and nature of any complaint that has been formally filed against them and is being investigated by the department.
- 308.04 SUBMISSION TO EXAMINATIONS (M)**  
Members when requested by the Chief of Police, shall submit to a polygraph, medical or chemical test, or shall pose for photographs and/or participate in a line-up. Such procedures shall be specifically directed toward and narrowly related to a particular internal investigation being conducted by the department. Only in internal and administrative cases will members be ordered to submit to a polygraph examination.
- 308.05 PLACING OF COMMENDATIONS AND REPRIMANDS (S)**  
Supervisors shall place all official commendations and reprimands in member's personnel file in accordance with the law, department, and town policy.
- 308.06 APPEALS AND RESOLUTIONS OF GRIEVANCES (M)**  
Members who have grievances shall file the grievances in accordance with the current Town of Montreat Grievance Policy.