

## CHAPTER 32: POLICE DEPARTMENT

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### **§ 32.01 MEMBERSHIP.**

The Police Department of the town shall consist of the Chief of Police, Assistant Chief and as many patrol officers as the Board of Commissioners shall, from time to time, determine.

('81 Code, § 12-1)

### **§ 32.02 METHOD OF APPOINTMENT.**

Members of the Police Department, including the Chief and Assistant Chief, shall be appointed by the Town Manager and shall serve until their successors are appointed. All appointments shall be subject to the approval of the Board of Commissioners.

('81 Code, § 12-2)

### **§ 32.03 POLICE CHIEF; DUTIES.**

Under the general supervision of the Town Manager, the Chief of Police shall have charge of the police force, shall assign such duties to the patrol officers as he thinks best and shall see that they faithfully perform their duties. The Chief shall be responsible for the execution of the rules and regulations of the department by the members of the Police Department. The Chief shall make such reports and perform such other duties as may be required by the Town Manager.

('81 Code, § 12-3)

### **§ 32.04 ASSISTANT CHIEF TO PERFORM CHIEF'S DUTIES; WHEN.**

The Assistant Chief of Police shall perform all the duties of the Chief of Police in the absence of the Chief.

('81 Code, § 12-4)

## **§ 32.05 DUTIES OF POLICE.**

The Police Department shall enforce all laws and ordinances of the town and the state, and shall at all times preserve the peace and protect the property and safety of the people of the town. The police shall, under the direction, rules and regulations prescribed by the Chief:

(A) Direct and regulate vehicular and pedestrian traffic.

(B) Regulate on-street parking.

(C) Patrol the streets and alleyways of the town, especially at night.

(D) Give reasonable aid and assistance when required.

(E) Investigate crimes and apprehend the offenders.

(F) Maintain notes and be prepared to present testimony in cases where they have made arrests or complaints.

(G) Staff and operate radio or other communication equipment committed to their charge in accordance with F.C.C. licensing regulations.

(H) Maintain and preserve order at fires.  
(‘81 Code, § 12-7)

## **§ 32.06 UNIFORMS AND EQUIPMENT.**

(A) The town shall furnish each regular member of the Police Department such uniforms and other equipment as shall be prescribed from time to time and upon resignation or dismissal, such uniforms and equipment shall be surrendered to the Chief of Police. The Chief of Police shall be responsible for the good appearance of the members of the Department. Also, he shall designate when summer or winter uniforms shall be worn.

(B) Uniforms shall be worn by all regular members of the Police Department when on duty. However, any member of the police force designated or employed for emergency, limited or special duty, need not be clad in a uniform unless specially directed by the Chief of Police to wear uniforms.

(C) Police officers shall wear their uniforms only when on duty. Each employee shall report to the police locker room in time to change from civilian clothes to uniform before going on duty and upon completing duty shall change back to civilian clothes. Each police officer shall be provided with a locker in the locker room to which he shall have the only key. Police officers shall be required to open their lockers for inspection by the Chief of Police at such times as the Chief may designate.

('81 Code, § 12-6)

**§32.07 ADOPTING A POLICY FOR MUTUAL ASSISTANCE WITH OTHER LAW ENFORCEMENT AGENCIES**

1. The Chief of Police is hereby authorized to enter into a mutual assistance arrangements with other municipal, county and/or state law enforcement agencies, provided that the head of the requesting law enforcement agency makes such a request in writing.
2. The Chief of Police is hereby authorized to permit officers of the Tryon Police Department to work temporarily with officers of the requesting agency. Including in an undercover capacity; and, the Chief of Police may lend such equipment and supplies to requesting agencies as he deems advisable.
3. The Chief of Police is hereby authorized to request officers of other law enforcement agencies to work temporarily with the officers of the Tryon Police Department, including in an undercover capacity; and, the Chief of Police may borrow such equipment and supplies from other law enforcement agencies as he deems advisable.
4. All such requests and authorizations shall be in accordance with North Carolina General Statutes 160A-288, 160A-288.2 and 90-95.2 as applicable.
5. While working with requesting agency, an officer shall have the same jurisdiction, powers, rights, privileges and immunities (including those relating to the defense of civil actions and payment of judgments) as the officers of the requesting agency in addition to those he normally possesses.
6. While on duty with the requesting agency, an officer shall be subject to the lawful operational commands of his superior officers in the requesting agency, but he shall for personnel and administrative purposes, remain under the control of his own agency, including the purposes of pay. An officer shall furthermore be entitled to worker's compensation and the same benefits to the extent as though he were functioning within the normal scope of his duties.
7. The Chief of Police is hereby authorized to enter into mutual assistance agreements with other law enforcement agencies in accordance with such reasonable arrangements, terms and conditions as may be agreed upon between the respective heads of the law enforcement agencies.
8. (a) If assistance is deemed advisable by the Chief of Police from agencies not covered by the provisions of General Statutes 160A-288, 160A-288.2 and/or 90-95.2. the Chief of Police is authorized to commission the officers of such other agencies as volunteer police officers of the Town of Tryon under G.S. 160A-282 or G.S. 160A-283.

- (b) While undergoing official training and while performing duties on behalf of the Town pursuant to orders or instructions of the Chief of Police of the Town of Tryon, the volunteer law enforcement personnel authorized in paragraph 8(a) above shall be entitled to benefits under the North Carolina Worker's Compensation Act and to any other fringe benefits for which such volunteer personnel qualify.

(Ord. 1995-8, passed 9-25-95)

**§ 32.08 CRIMINAL BACKGROUND CHECKS FOR THE TOWN OF TRYON.**

1. In order to protect the citizens of the town and their properties, the procedures herein are established to provide for fingerprinting and criminal history checks on all final applicants for regular full and part time positions in town government, as well as interns and volunteers as determined appropriate by the Town Manager such as where the volunteer or intern will be coaching or teaching children. Employment or intern/volunteer positions with the town may be denied for those persons convicted of any crime against a person, or crimes against property where intent is an element, or any drug or gambling related offense.
  - A. The Town Manager, or designee, may conduct an investigation of any final candidate for a permanent full time, part time, volunteer or intern position with the town government and it shall be a precondition of employment that an applicant for such a position shall, upon request, provide fingerprints and all necessary personal identification including a birth certificate, social security number and driver's license, if available, so the Town Manager, or designee, may cause a thorough search to be made of local and state criminal records to determine if the applicant has a history of criminal convictions for the crimes enumerated above by the use of the Division of Criminal Information Network (DCI) in accordance with NCGS 143B-945, NCGS 143B-943 and consistent with the rules set forth in 14B NCAC Chapter 18.
  - B. The Town of Tryon Police Department shall provide the findings from the use of the DCI to the Town Manager, or designee, provided that all necessary agreements with the State Bureau of Investigations Divisions of Criminal Information have been executed.
  - C. An evaluation of any crime for purposes of employment will take into account the nature and the circumstances of the offense and the time frame of the offense as it relates to the essential job functions, or the

position applied. Prior to denial or termination of employment based upon Criminal History Record Information (CHRI) received, the Town of Tryon Police Department shall verify the existence of a record by either obtaining a certified public record or by submitting a fingerprint card of the individual to the Criminal Information and Identification Section for verification that the CHRI record belongs to the individual.

- D. If the information in the record is used to disqualify an applicant, the Town Manager or designee making the determination of suitability for employment shall provide the applicant the opportunity to correct, complete, or challenge the accuracy of the information contained in the record. The applicant must be afforded a reasonable time to correct, complete or to decline to correct or complete the information. An applicant shall not be presumed to be guilty of any charge/arrest for which there is no final disposition stated on the record or otherwise determined. Applicants wishing to correct, complete or otherwise challenge a record must avail themselves of the procedure set forth in 14B NCAC 18B .0404(c).

(Ord. 2023-03, adopted 02-21-23)