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Wilkesboro Police Department

Electronic Written Directives Document

I. PURPOSE

The purpose of this policy is to define the territorial jurisdiction, authority and operations of the Wilkesboro Police Department (WPD).

II. POLICY

A. Jurisdiction

1. The Wilkesboro Police Department role and authority is defined by Local, State and Federal Legislation and the Constitutions of both the United States of America and the State of North Carolina. No authority shall be granted to officers of the department in violation of these laws.
2. Wilkesboro Police officers have only the power and authority granted by the ordinances of the Town of Wilkesboro, the Laws and Constitutions of the State of North Carolina and the United States of America.

Note: The geographical boundaries for the Town of Wilkesboro are determined by annexations and property acquisitions that are approved by the Town Council. The Town Planning Department, through its Geographic Information System (GIS) Section, maintains this information and provides maps depicting the city limits that comprise the boundaries for the city. This information is provided at least annually.

Maps for the Town of Wilkesboro are located in the Officer's Room and the Town of Wilkesboro Planning Department. These maps are updated as needed. The Town Clerk provides memos of new annexations, which are posted, and new Annexations are discussed at Staff Meetings. Officers are advised of new annexations as they occur.

3. Wilkesboro Police Officers may also arrest persons outside Wilkesboro jurisdiction when the following condition exists: the person arrested has committed a criminal offense within Wilkesboro jurisdiction for which the officer could arrest, and the arrest is made during the person's immediate and continuous flight from Wilkesboro jurisdiction.
4. Wilkesboro Police Officers have powers of arrest within the corporate city limits of Wilkesboro and on any property and right-of-way owned by the city outside its limits. Officers may arrest persons at any point that is one

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mile or less from the nearest point from the town limits of the Town of Wilkesboro.

5. Wilkesboro Police officers may transport a person in custody to or from any place within the State of North Carolina for the purpose of that person attending criminal court proceedings. While engaged in the transportation of persons to attend criminal court proceedings, Wilkesboro Police Officers may arrest at any place within the State for offenses occurring in connection with the transportation of persons in custody as allowed by North Carolina General Statute 15A-402(c).

B. Concurrent Jurisdictions

The Wilkesboro Police Department has primary responsibility for providing law enforcement services for the Town of Wilkesboro with authority to enforce all laws and ordinances within the town. However, by law the Department shares this authority concurrently with other agencies. The following agencies have concurrent jurisdiction within and around the Town of Wilkesboro:

1. North Wilkesboro and Wilkesboro Police Departments and the Wilkes County Sheriff's Department have adjoining jurisdictions. Wilkesboro officers have concurrent jurisdiction in the towns in areas that are within one mile of the Wilkesboro town limits as allowed by state law, GS 160A-286. This one mile extraterritorial jurisdiction also includes unincorporated areas of Wilkes County.
2. Wilkes County Sheriff's Department has authority to enforce laws within the County including the Town Limits of Wilkesboro, County property outside the County, and anywhere in the State for a felony committed in the County. However, they do not normally answer calls for service or provide other services performed by the Police Department within the City limits.
 - a. The Sheriff's Department continues to have exclusive responsibility for civil process within the Town. Occasionally, criminal investigations conducted in the County by the Sheriff's Department will overlap into the Town limits.
3. State officers, in accordance with N.C.G.S. 15A-402(a), have statewide jurisdiction and therefore, have arrest power for any crime that occurs in their presence within the Town, although their investigative jurisdiction is limited by State law.

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- a. The following State agencies having concurrent jurisdiction within the Town of Wilkesboro:
 - (1). State Highway Patrol - Members have general arrest powers for any offense committed within their presence and any crime committed on any street of highway, or other laws regulating travel and the use of a vehicle. Because of tradition, unwritten policy and practice, the State Highway Patrol may enforce traffic laws within the Town limits on State highways. However, Town police officers will investigate all traffic collisions that occur on State highways within the Town, except for collisions on Interstate 40; the State Highway Patrol investigates these collisions. The Highway Patrol will not normally respond to calls for service within the Town without a request from the Department or direction from their Troop Headquarters. Motor Carrier Officers within the State Highway Patrol are authorized to enforce laws pertaining to N.C. G.S. Chapter 20.
 - (2). State Bureau of Investigation - Original jurisdiction is limited to arson, drugs, theft, or misuse of State property, and assaults on executive officers. They may be requested by the Chief of Police or the District Attorney's Office to assist in investigations.
 - (3). Alcohol Law Enforcement Agents - Jurisdiction relates to the enforcement of State ABC and drug laws.
 - (4). Probation and Parole Officers - Members may arrest parolees on orders of the Parole Commission, and probationers for violating their probation, with an order for arrest.
 - (5). Alcohol Beverage Control Officers - Jurisdiction relates to State and local ABC and drug laws. However, these officers may arrest for any criminal offense committed in their presents (N.C.G.S. 18B-501).
4. It is the duty of each member of the Department to assist other law enforcement agencies in the execution of their duties while within the Town. Primary contact will be the on-duty Sergeant or Supervisor in the Sergeant's absence. Assistance is to be provided, as requested if that assistance is consistent with the Department's mission of providing service to the community.
5. Wilkesboro Police Officers are authorized to provide back-up support to officers of other state and local agencies conducting police functions

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within the Town (e.g. traffic stops). Back up may be initiated through the Communications Center or by on-site action of Department personnel.

6. Services to citizens will not be delayed in the event of a discrepancy in jurisdictional boundaries.

C. Mutual Aid Agreements

1. The Chief of Police, or designee, pursuant to state law, may temporarily provide assistance to another municipal or county police department, or sheriff's office if so requested in writing by the head of the requesting agency. While working for the requesting agency, officers will have the same powers, rights, privileges and immunities as the officers of the requesting agency.
2. The Chief of Police, or designee, pursuant to state law, may temporarily provide assistance to a state law enforcement agency in enforcing the laws of North Carolina if so requested in writing by the head of the State agency. While working for the State agency, officers will have the same jurisdiction, powers, rights, privileges and immunities as the officers of the state agency.
3. In the event of an emergency, which, in the opinion the Chief, requires federal law enforcement assistance, the Chief, or his/her designee, is authorized to solicit aid from the appropriate federal agency in accordance with any requirements established by the particular agency, contracted. The Chief, or his/her designee, will contact the particular field office of the federal agencies by telephone or have Communications contact the field office by telephone.
4. An emergency may arise which requires the call-out of the North Carolina National Guard. If this is necessary, the Chief of Police, or his/her designee, will notify the Town Manager.
5. The Chief of Police, or his/her designee, must request the call-out from the Mayor, or the highest elected official if the Mayor cannot be located. Once permission is given, the Chief, or his/her designee, will contact the Emergency Management Coordinator by phone or pager, who will contact the State Emergency Management Team at the Governor's Office. The State Emergency Management Office will contact the National Guard.

- D. The provision of law enforcement services by the Wilkesboro Police Department for which a fee is paid by another agency or organization will be

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based upon a precise written contractual agreement in accordance with the provisions of this directive.

1. All contractual agreements will contain the following:
 - a. A statement of the specific services to be provided
 - b. Specific language dealing with financial agreements between the parties, including the cost and method of payment
 - c. Specification of the records to be maintained concerning the performance of services
 - d. Language dealing with the duration, modification, renewal, and termination of the contract
 - e. Specific language dealing with legal contingencies, including provisions for possible litigation that may arise
 - f. Stipulation that the Wilkesboro Police Department maintains complete managerial control over Department personnel
 - g. Specific arrangements for the use of equipment and facilities
 - h. A procedure for review and revision of the agreement, if needed
2. All contractual agreements will provide indemnification of the Town of Wilkesboro, the Department, and any officer, agent, or employee while lawfully providing the specified, agreed-upon services.

E. Oath of Office

Each person appointed or employed as Chief of police, police officer, or reserve police officer shall take and abide by the oath required by the North Carolina Constitution, North Carolina General Statute, and the Town Charter of the Town of Wilkesboro. No person is authorized to begin his/her duties until such oath is administered and a copy of the oath is filed in the city clerk's office.

No officer with the Wilkesboro Police Department shall be sworn as a law enforcement officer with another department or agency without the consent and authorization of the Wilkesboro Chief of Police.

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I [individual officer's name], do solemnly swear (or affirm) that I will be support the Constitution of the United States; that I will be faithful and bear true allegiance to the State of North Carolina, and to the constitutional powers and authorities which are or may be established for the government thereof; and that I will endeavor to support, maintain and defend the Constitution of said state, not inconsistent with the constitution of the United States and that I will be alert and vigilant to enforce the criminal laws of this state; that I will not be influenced in any matter on account of personal bias or prejudice; that I will faithfully and impartially execute the duties of my office as a law enforcement officer according to the best of my skill, abilities, and judgment; so help me, God.

F. Discretion

WPD officers are authorized to make discretionary decisions within their lawful span of authority. Officers have the discretion not to arrest except for offenses and violations in which the suspect, by law, must be arrested. The use of discretion includes the use of alternatives to arrest.

Alternatives to arrest available to officers include, but are not limited to, the use of citations for non-violent misdemeanors and infractions; verbal and written warnings; and referral to other agencies. The use of discretion does not authorize officers to overlook criminal activity.

G. Empowerment

Empowerment is the concept of transferring decision-making, controls and information to the lowest ranking levels of the Department.

1. Supervisors and managers must create a work environment where employees will choose to exert themselves to deliver a higher level of service to the public and to the department. This environment will enable employees to make prompt, informed decisions within their responsibility.
2. This decision making ability is accompanied by the delegated authority and each employee is accountable for the use of this delegated authority.
3. The empowerment of employees will require supervisors to clearly communicate expectations to employees to transfer decision-making responsibility to the employee. Supervisors will remain accountable for the activities of employees under their command.

H. Delegated Authority

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When Command level supervisors and managers are unavailable to provide command and supervision of their area of responsibility, they will delegate this authority to another supervisor or manager. When delegating this authority, notification will be made in writing to the Command Staff.

1. The supervisor that has been delegated the authority of his/her command level supervisor or manager will have the authority and responsibility to supervise their delegated area of responsibility and all personnel. These supervisors are accountable for the decisions made under that delegated authority.
2. In the sudden or unplanned absence of the Command level supervisor or manager, and if no acting commanding officer or manager has been designated, the senior ranking officer in that same chain of command will assume command until relieved by higher authority.
3. Each organizational section of the Department shall be under the direct command of only one supervisor. Each employee will be accountable to only one supervisor at any given time consistent with the chain of command. This directive does not prevent a supervisor from issuing an order to an employee outside the supervisor's immediate responsibility when this action is necessary.

I. Authority to Carry Weapons

North Carolina General Statutes 15A-401 and 160A-285 authorize police officers to use appropriate force, including Less Than Lethal response, in the performance of law enforcement duties. The Wilkesboro Police Department will issue weapons only to those employees legally authorized to use force in the performance of their duties. Use of weapons and tactics will be in conformance with state law and departmental policy and training. Proficiency levels will be established and enforced for each approved weapon.

J. Incident Command

The Wilkesboro Police Department will utilize the Incident Command System if circumstances dictate the necessity of expanding personnel and resources beyond the scope of first responder. ICS is a management system that has flexibility and adaptability to be applied to a wide variety of incidents and events both small and large. The five principle functions of the ICS are:

1. Command;
2. Operations;

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3. Logistics;
4. Planning; and
5. Finance /Administration.

An after action report will be completed upon demobilization of the incident Command structure. The complete Action Plan and the After Action Report will be forwarded to the Office of Professional Standards for storage.

III. REFERENCES

N.C.G.S. 15A-401
 N.C.G.S. 15A-402
 N.C.G.S. 18B-501
 N.C.G.S. 160A-285
 N.C.G.S. 160A-286
 N.C.G.S. 160A-288
 N.C.G.S. 160A-288.2
 WPD Jurisdiction Map
 WPD Mutual Aid Agreements
 CALEA 1.1.1, 1.2.1, 1.2.2, 1.2.6, 1.2.7, 2.1.1, 2.1.2, 2.1.3(a-d), 2.1.4, 3.1.1, 3.1.2
 11.2.1, 11.2.2, 11.3.1, 11.3.2 and 12.1.2