



# Carrboro Police Department

<b>Subject:</b> <b>Chapter 1: RULES OF CONDUCT</b>		<b>Number:</b> <b>XII. Subsections</b>
<b>Issued: 07-02-18</b>	<b>Revised: 01-23-20</b>	<b>Pages: 1 of 17</b>

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## **I. FUNCTION**

Members shall be governed by the following Rules of Conduct. Violation by any member of the Department of any of these Rules of Conduct is considered sufficient cause for dismissal, demotion, suspension, or other action deemed appropriate.

## **II. DUTY TO ABIDE BY LAWS, ORDERS, AND RULES**

Members shall abide by the laws of the United States and the State of North Carolina, the ordinances of the Town of Carrboro, and the rules, regulations, orders, and policies of the Department. Additionally, members shall abide by the laws of all states and ordinances of all cities and towns while within those jurisdictions.

## **III. OBEDIENCE TO ORDERS**

- A. Members shall promptly obey all lawful orders given by superior officers. Such obedience shall be prompt and willing.
- B. The failure or deliberate refusal of any member to obey any lawful order given by any superior officer shall be deemed insubordination. Failure to recognize the authority of any superior officer by manifest disrespect or by disputing his orders shall likewise be deemed insubordination.
- C. Orders, whether written or oral, from superior to subordinate, shall be in clear, understandable language, civil in tone, and issued in pursuit of



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Departmental business.

- D. No commanding or superior officer shall knowingly and willfully issue any order which is in violation of any law, ordinance, or Departmental rule.
- E. Members shall not publicly criticize or comment derogatorily to anyone about instructions or orders they have received from a superior officer, unless and except to the extent such speech is protected by the First Amendment. Nothing herein is intended to, nor should be construed so as to infringe any right protected by Federal or State law.
- F. Should any order conflict with any previous order issued by another superior officer or with any Departmental rule, the member to whom the order is given shall respectfully call attention to the conflict; and if the superior officer giving the second order does not change it so as to obviate the conflict, his orders shall stand and the responsibility shall be his. Orders shall be countermanded or conflicting orders issued only when reasonably necessary for the good of the Department.
- G. No member is 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 Carrboro. Such refusal to obey, however, is the member's responsibility, and he shall be required to show that his refusal to obey was based on a reasonable, good faith belief that the order was unlawful.
- H. Members who are given orders they feel to be unjust or contrary to Departmental rules must first obey the order to the best of their ability and then may proceed to appeal as provided herein.
- I. Members may appeal for relief from orders or instructions which are unlawful or unjust. Such appeals must be made in writing to higher authority through proper channels. Irresponsible or capricious appeals shall be considered as serious misconduct.
- J. Any member who is given any unlawful, unjust, or improper order shall at the first opportunity, report in writing the full facts of the incident together with his own action to the Chief of Police via regular channels.



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- K. Members shall perform all lawful duties as may be required of them by a superior officer, regardless whether such duties are specifically assigned to them in any Departmental rules or regulations.
- L. Members in doubt as to the nature or details of their assignments shall seek such information from their supervisor.

## IV. INTERACTIONS WITH THE PUBLIC

- A. Members shall conduct themselves at all times, whether on or off-duty, in such a manner as to reflect favorably upon the Carrboro Police Department. Members, whether on or off-duty, shall not engage in any conduct which is unbecoming of a police officer.
- B. Members, while being vigorous and unrelenting in the enforcement of the law, must maintain a strictly impartial attitude toward complainants and violators.
- C. Members shall at all times be courteous, patient, polite, and respectful in dealing with the public. All business conversations shall be conducted in a courteous and even-tempered manner.
- D. Members shall politely give their names and other pertinent identification information to any violator or other person when requested to do so, unless such action is likely to jeopardize the successful completion of an assignment.
- E. Members shall treat other members of the Department with respect. Members shall be courteous, civil, and respectful to their superior officers and associates whether on or off-duty. In addressing or referring to an officer with rank, his rank and name shall be used.
- F. Members shall cooperate, support, and assist each other in ethical endeavors and shall not publicly criticize the work or the manner of performance of duty of any other member, unless and except to the extent such speech is protected by the First Amendment.
- G. Members shall not use threatening, insulting, profane, or obscene language when dealing with other members of this Department or members of the public. Members shall not be disrespectful or rude nor shall they use abusive language



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toward any superior officer or fellow member.

H. Unless and except to the extent that such speech may be protected by Federal or State law, or the First Amendment, members shall refrain from circulating scandalous stories about other members or other governmental employees and shall refrain from circulating criticism of other governmental employees or departments. Subject to the foregoing constitutional considerations, members shall not publicly criticize the actions of any judge or other officer of any court, any member of this Department, or any Departmental policy.

I. Any information whatsoever which is made available to any member of the news media shall be done so by the Chief of Police, a Captain of Police, or by the Chief's designee. Nothing herein is intended to infringe any rights protected by Federal or State law.

## V. PERSONAL CONDUCT AND DEPARTMENT

A. Members shall conduct their private and professional lives so as to avoid bringing discredit upon the Department by scandal, spectacle, or ridicule.

B. Members shall not perform any acts or make any statements, oral or written, for publication or otherwise, which tend to bring the Department or its members into disrepute or ridicule; or which destructively criticize the Department or its members in the performance of their official duties; or which tend to disrupt or impair members in the performance of their official duties; or which tend to interfere with or subvert the reasonable supervision or proper discipline of members of the Department. This provision shall not apply with respect to government employee speech that is protected by the First Amendment.

C. No member shall commit an act of oppression, favoritism, willful wrong, or injustice.

D. Members are required to speak the truth at all times, whether under oath or not, in giving testimony or in connection with any official duty. Members are exempt from this requirement in those limited circumstances where compliance is likely to jeopardize the successful completion of an investigation, or jeopardize the health or safety of the officer or others (i.e., undercover drug operation).



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- E. Members shall be truthful and complete in all written and oral reports and shall not knowingly report any inaccurate, false, or improper information.
- F. Alcohol Use
  - 1. Members shall not drink any alcoholic beverages or be impaired or have any odor of impairing substances on their breath while in uniform or on-duty except as authorized in connection with Intoxilyzer training schools.
  - 2. Excessive use of alcoholic beverages is forbidden as well as any use of alcoholic beverages which renders the member unfit to report for his next regular tour of duty.
  - 3. Members shall not bring into or store alcoholic beverages in any Department facility or vehicle, except alcoholic beverages which are being held as evidence, and then only in conformance with Departmental procedures.
- G. Members shall not use any controlled substances as defined by the General Statutes of North Carolina, except when prescribed by a duly licensed member of the medical profession for treatment of the member.
- H. No member in uniform or while acting in an official Departmental capacity shall enter any liquor store or any other store for the purpose of purchasing intoxicating liquor, beer, or wine.
- I. Members shall not smoke, chew tobacco, or chew chewing gum on-duty while in direct contact with the public, specifically including, but not limited to, while in court and while directing traffic. Members are not permitted to smoke or use any tobacco product while in their town vehicle.

## VI. ATTENTION TO DUTY

- A. Although certain hours are allotted for the performance of duty, off-duty members are subject to being required to report for duty at any time. Off- duty members shall, when given official notice, report for duty immediately upon receipt of notification and shall comply with instructions given at the time of



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notification.

- B. Patrol officers shall report for duty by 5:45 A.M. for the day shift and by 5:45 P.M. for the night shift.
- C. Members assigned to other divisions shall report for duty during hours specified by their supervisor.
- D. Members shall remain on-duty until properly relieved by another member or until officially dismissed by a superior officer. Members shall take leave from their official duties only when authorized in conformity with regulations or when permitted to do so by the supervisor.
- E. Members shall respond without unnecessary delay to calls for assistance; however, such response shall be in compliance with Departmental rules governing emergency vehicle operations.
- F. Whenever any member is ordered to appear in court, he shall attend punctually. Dress clothing or the official uniform shall be worn when appearing in court.
- G. Members shall submit all necessary reports on time and in accordance with established Departmental procedures.
- H. Any member receiving a written communication for transmission to a superior officer shall in every case forward such communication to the intended recipient as soon as possible.
- I. Members shall maintain personal telephone service (either residential or cellular) so that they may be contacted if necessary. Members shall notify their supervisor and the Department's Administrative Assistant of a change in their telephone number or address within twenty-four hours of such change.
- J. Members receiving or possessing facts or information relative to a criminal offense or case shall not retain or suppress such facts or information but shall report such facts or information in accordance with Departmental policy.

## **VII. DUTY OF MEMBERS TO MAINTAIN PROFESSIONAL COMPETENCE**



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- A. Members are held responsible for thoroughly understanding the laws and ordinances they are charged with enforcing and all policies and procedures established by the Department.
- B. Members shall maintain sufficient competency to properly perform their duties and to assume the responsibilities of their positions.
- C. All members must maintain themselves in a physical condition sufficient to perform all essential job functions.

## VIII. RESTRICTIONS ON ACTIVITIES

- A. On-duty members registered to vote in the Town of Carrboro shall be allowed a reasonable time on election days to vote. On-duty members shall stay away from election polls except when voting or when ordered or dispatched to maintain order at the polls. On-duty members shall take no action at a polling place to influence voting.
- B. Members are forbidden to solicit, petition, influence, or intervene with any person outside the Department for purposes of personal preferment, advantage, transfer, advancement, promotion, or change of duty for themselves or any other member, except for petitions to the Town Council. Nothing herein is intended to infringe any right protected by Federal or State law.
- C. Gifts and Gratuities
  1. Neither members, nor their families, shall solicit or accept any gift, gratuity, present, or fee where there is any direct or indirect connection between the solicitation or acceptance and their employment with the Department.
  2. Other than their lawful salary, members shall not accept any gift, gratuity, or reward in money or other consideration for services rendered in the line of duty.
  3. Members are strictly prohibited from soliciting or accepting any gift, gratuity, loan, fee, or any other thing of value or from lending or borrowing or from buying or selling anything of value from or to any



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suspect, arrestee, defendant, or other person involved in any case, or other persons of ill repute, or professional bondsman, or other persons whose vocations may profit from information obtained from the police, except as officially authorized in writing by the Chief of Police.

4. Members shall not convert to their own use, or the use of another, any property found, recovered, or held as evidence pursuant to the member's police duty.
  5. A member shall not receive or accept any gift or gratuity from another member if there is any indication that preferential consideration is the purpose for such gift or gratuity.
  6. Any unauthorized gift, gratuity, loan, fee, reward, or other compensation of any kind coming into the possession of any member shall be forwarded to the Chief of Police with a written report detailing the surrounding circumstances of its acquisition.
  7. Members shall not use their official position, badge, or identification card to solicit special privileges for themselves or others, to include free admission to places of amusement, discounts on purchases, or other favors.
- D. Members shall not give testimonials or permit their names or photographs to be used for advertising purposes, where there is any reference or inference made to their employment with the Department. Members shall not seek personal publicity, either directly or indirectly, in the course of their employment.
- E. Members shall not solicit subscriptions or sell books, papers, tickets, merchandise, or other things, or collect or receive money or other things of value while on-duty or in uniform.
- F. Members, or their spouses, shall not become surety on a bail bond for any person, except a member of his immediate family. [See N.C.G.S. 15A-541] Members shall not receive or accept money to be turned in as a fine or as bail for persons charged, cited, or convicted of a violation, including parking ticket fines.
- G. Members shall not recommend, suggest, advise, or counsel, except in the





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transaction of personal business, any person in the procurement of an attorney, ambulance service, towing service, mortician, or bail bondsman.

When an ambulance or towing service is needed by a person who is unable or unwilling to procure such service himself, the officer shall notify Orange County Emergency Management and request that the telecommunicator:

1. Dispatch available emergency medical service; and/or
2. Procure a towing service pursuant to the Town's towing service contract policies.

## H. Legal Proceedings

1. Any member subpoenaed to testify for the defense in any trial or hearing or against the Town of Carrboro, against this Department, or against another member of this Department, in any trial or hearing, shall immediately notify the Chief of Police upon receipt of the subpoena.
2. Except when a member is a party to a legal action, members shall not participate in the proceedings of civil sessions of court and shall not testify in civil actions unless legally summoned.
3. Members instituting a civil action arising out of their official duties shall notify the Chief of Police in writing prior to taking such action. Members shall not use their official positions as a means of forcing or intimidating persons with whom they are engaged in a civil action to settle in favor of the member.
4. Any member who has a damage suit filed against him by reason of an act performed in the line of duty shall immediately, but no later than twenty-four (24) hours after being served with the complaint in the action, notify the Chief of Police in writing, furnishing a copy of the complaint together with a full and accurate account of the circumstances in question.

- I. Members shall promptly pay all just debts and discharge all legal obligations and liabilities incurred by them. No member should become indebted to any other



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member to an appreciable degree.

## J. Badges and Department Keys

1. Departmental issued identification cards are to be used discreetly, as circumstances necessitate, in the line of duty. They may be used by an off-duty member while transacting legitimate personal business.
2. Members are prohibited from lending their identification cards or badges to another person, or permitting them to be photographed or reproduced without the approval of the Chief of Police.
3. Upon request, the badge, identification card, and Department- issued weapon shall be surrendered to a superior officer when the member's employment is terminated, or when the member is temporarily suspended from performing his duties, or when the member uses his weapon, badge or card in any manner which adversely reflects upon the integrity of the Department.
4. Members shall obtain permission from the Chief of Police or a Captain before having duplicates made of any Departmental key or before lending or furnishing Departmental keys to any person not employed by the Department.

K. Members shall not interfere with an investigation or a case which has been assigned to another officer, unless directed to do so by a superior officer or upon request of the assigned officer.

L. All inquiries a member receives concerning a reduction in charges or plea bargaining should be courteously referred to the District Attorney or a member of his staff.

M. Members shall avoid associations or dealings with persons whom the member knows, or reasonably should know, to be a racketeer, sexual offender, gambler, felon or suspected felon, person under criminal investigation or indictment, or person who has a reputation in the community for present involvement in criminal activity.



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N. 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 of North Carolina, or the Town of Carrboro are regularly violated.

The prohibitions of this section may be waived by the Chief of Police for the purposes of a specific investigation.

O. Members shall not communicate in any manner, directly or indirectly, any information which might assist persons guilty of criminal acts to escape arrest or punishment or which may enable them to dispose of or secrete evidence of unlawful activity or money, merchandise, or other property unlawfully obtained.

P. Members shall not sleep while on-duty.

Q. Officers shall not loiter in cafes, convenience stores, service stations, or other public places except for the purpose of transacting police business or to take regular meals or breaks as provided for in Departmental rules and regulations.

R. Contact with Town Leaders

1. No member shall contact any Council Member, the Mayor, or the Town Manager concerning any police matter, except via the chain of command or by special permission of the Chief of Police. This provision shall not apply where such contact or speech is protected by the First Amendment.

2. Any member contacted by a Council Member, the Mayor, or the Town Manager concerning any police matter, other than a routine call for assistance, shall immediately notify the Chief of Police.

3. No member shall refer any citizen directly to a Council Member, the Mayor, or the Town Manager. If the citizen's request cannot be handled by the officer, it shall be referred up the chain of command.

S. No citizen shall be allowed to ride in police vehicles, except members of the Department, individuals detained or being transported in the course of the member's official duties, or others specifically authorized by the Shift Supervisor, or another superior officer.



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- T. No personal long distance calls shall be made at the Town's expense.
- U. All telephone systems and related equipment are owned and operated by the Town of Carrboro and as such, all communications conducted on Town-owned telephones are controlled by the Town. Members retain no privacy expectation whatsoever in any communication made or received by use of Town owned or supplied communications equipment or computers.

## **IX. DISCLOSURE OF DEPARTMENTAL REPORTS AND RECORDS**

- A. Members shall not disclose any confidential Departmental policies, plans, or other information except as authorized by the Chief of Police. Departmental reports and records and criminal records shall be released only by Records Division personnel, except as authorized by the Chief of Police.
- B. Release of such records and reports shall be in compliance with applicable laws.

## **X. CARE OF EQUIPMENT AND PROPERTY**

- A. Members are responsible for the proper care of all equipment issued to them. Members shall take reasonable precautions to prevent damage, loss, or destruction of equipment issued to them. If equipment is damaged, lost, or destroyed, a written explanation of the circumstances shall be made to the Chief of Police. If the loss was willful or caused by negligence, the member shall be held responsible for the cost of replacement.
- B. All members shall be issued a copy of the Department Policies and Procedures Manual and each member shall be responsible for the proper maintenance of his Manual and shall make appropriate changes or inserts as directed.

## **XI. TRAINING**

This procedure will govern aspects of training by the members of the Carrboro Police Department. The purpose of this procedure is to provide guidelines for officers attending training and officers certified to conduct law enforcement training.

- A. Definitions:



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1. Training: The teaching of vocational or practical useful skills in an effort to promote professional development. Training may be conducted in formal educational settings or seminars.
2. Instructor: An individual who is certified by the North Carolina Criminal Justice and Training Standards Commission to teach law enforcement related courses within the State.

**B. Requirements for Training:**

1. Request Protocol – Officers wishing to attend training shall adhere to the following request protocol:
  - a. The requesting officer shall complete a School Request Form, listing the officer’s name, school name, school sponsor and dates of training;
  - b. The officer shall submit the form to his immediate supervisor for approval. Supervisors shall review the request and determine the feasibility of the training based on schedule, personnel, and budgetary constraints;
  - c. If approved, the supervisor shall submit the form to the Captain of the officer’s respective division; and
  - d. If approved, the Captain shall then advise the requesting officer and their respective supervisor. The officer shall contact the appropriate representative at the school to procure a reservation for the officer to attend the training. Once the reservation has been confirmed, the officer shall notify his immediate supervisor.
2. Pay and Reimbursement
  - a. Officers attending approved training shall receive their standard salary while in class, which will be based on the time spent in class attendance. Officers shall make every effort to attend



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training during their regularly scheduled shift.

- b. Officers shall adhere to the Town of Carrboro Policy on Reimbursement for Travel Expense in the use of Town vehicles and all expenses incurred while attending training.
- c. Officers attending training for five (5) or more consecutive days shall be provided expense money prior to departing for training. Officers attending training four (4) or less consecutive days shall be reimbursed upon completion of the training.

- 3. Conduct – All officers shall act in accordance with the Department’s Rules of Conduct while attending training. Officers engaging in inappropriate behavior may be subject to disciplinary action.
- 4. Documentation – Officers shall provide documentation of successful completion of training to their immediate supervisor and to the Training Coordinator. It is strongly recommended that the officer maintain original copies of all completed training classes for future reference in pay for performance evaluations, career development and promotions.
- 5. Failure to Complete Training – Any officer who fails to complete scheduled training may be required to reimburse the Town for incurred expenses, including meals, lodging, registration/seminar fees, and training materials. Unforeseen circumstances shall be excusable, such as illness, injury, family emergencies, and Departmental recall to duty. The Training Coordinator, in conjunction with the officer’s immediate supervisor and division Captain, shall determine if the officer shall be required to reimburse the Town for the expenses.

C. Specific Training Recommendations: Officers assigned to the various divisions and positions within the Department are strongly encouraged to attend task-specific training related for their respective job responsibilities. This works to promote career development, ensure professionalism, and provide quality service to the citizens of Carrboro. Division supervisors shall be responsible for assisting subordinate personnel in choosing and attending training.

- 1. Patrol – Officers newly assigned to the Patrol Division are



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encouraged to attend the following classes within the first two years of employment:

- a. Close Quarter Pistol
  - b. Officer Survival I
  - c. Radar Certification
  - d. Intoxilyzer Certification
2. Investigations – Officers newly assigned to the Investigations Division are encouraged to enroll in the Criminal Investigation Certificate Program (CICP) through the North Carolina Justice Academy (NCJA). The curriculum identifies required and elective courses specific to investigative techniques.
  3. Community Services – Officers newly assigned to the Community Services Division are encouraged to attend classes’ specific to their job function.
  4. Supervisors – Officers promoted to supervisory positions are encouraged to attend classes to develop management and leadership qualities and skills.
- D. Instructors: Officers must meet the requirements set forth by the North Carolina Criminal Justice and Training Standards Commission and hold a current certification as an Instructor from the State to be able to conduct training. Instructors must adhere to State guidelines when conducting training sessions.
1. Departmental Training – Officers who are instructors certified by the State shall be allowed to conduct training to Departmental personnel. Training topics shall be chosen as needed or mandated for yearly in-service training by the State. Coordination for training shall be overseen by the Training Coordinator.
  2. Off-Duty Training – Officers who are instructors shall be allowed to conduct training for other agencies or at training institutions, such as sites



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conducting Basic Law Enforcement Training. Officers must get the approval of their immediate supervisor and by use of the appropriate request form prior to conducting the training. Outside agencies may enter into agreement with the Department to conduct inter-agency training during the officer’s scheduled duty day.

Officers who are contracted by an outside agency or institution to conduct training shall do so on their own time and will not be compensated by the Town. Outside employment shall be conducted when the officer is either off-duty, on leave, or on vacation. Any employee who violates this section shall be subject to disciplinary action.

**E. In-Service Training:**

1. The Carrboro Police Department will provide State mandated in-service training to all sworn personnel. In-service training dates will combine range qualification and classroom instruction. Officers are encouraged to take advantage of these combined training dates in order to meet the required State training levels. If any officer misses a training date, it is incumbent upon that officer to arrange appropriate training via the established training request protocol described above.
2. On a case-by-case basis, individual instructors may elect to conduct retraining of certain blocks of instruction in accordance with State requirements. This retraining is solely at the discretion of the individual instructor.
3. All officers will receive annual training on bloodborne pathogens. This training will be delivered in a traditional classroom setting or on-line format.

**XII. POLICY INSPECTION**

- A. Members are responsible for maintaining ready and continuous access to this Policy and Procedure Manual for reference and consultation.
- B. Members are responsible for ensuring that this Policy and Procedure Manual is





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current and up-to-date at all times.

- C. Supervisors may request members under their immediate supervision to produce this Policy and Procedure Manual for routine inspection.
- D. Failure to maintain a current and up-to-date Policy Manual may result in disciplinary action.