

NORTH CAROLINA GENERAL ASSEMBLY
1973 SESSION

CHAPTER 101
SENATE BILL 464

AN ACT TO AUTHORIZE THE CREATION OF A BOARD OF PUBLIC SAFETY
OF COLUMBUS COUNTY, AND TO ESTABLISH A COUNTY POLICE FORCE
FOR SAID COUNTY.

The General Assembly of North Carolina enacts:

Section 1. There is hereby created the Columbus County Public Safety Commission, which shall be composed of five (5) reputable citizens of the county. The members shall be appointed by the General Assembly for terms of four (4) years and until their successors are appointed and qualified, except that of the members first appointed, two (2) shall be appointed for four (4) years and three (3) shall be appointed for two (2) years. Thereafter as the terms of the members expire their successors shall be appointed for terms of four (4) years. Members of the Commission shall be eligible for reappointment and vacancies shall be filled by the General Assembly for the unexpired portion of the term vacated. The General Assembly shall designate the chairman of the Commission. The Commission members shall designate their own secretary. Said Chairman shall have the same voting rights as other members of the Commission. The Chairman shall serve as such for a period of two (2) years and shall be eligible to succeed himself. For the transaction of business, it shall be necessary to have a quorum of three (3) members. Members of the Columbus County Public Safety Commission shall receive the same per diem compensation as that received by members of the Columbus County Board of Commissioners.

Sec. 2. The Columbus County Public Safety Commission shall meet on the first Monday of each month, or the following Tuesday if the first Monday is a holiday, at the Columbus County Law Enforcement Center, to make plans for future activities, to discuss activities of the County Police Force of Columbus County during the previous month, to hear complaints from any citizen of the county, and to take up any other matters dealing with the business of law enforcement and public safety in the county. The time, date and place of special meetings shall be set by the Commission Chairman. A record shall be kept of all activities of all regular and special meetings of the Commission which shall be open to the public.

Sec. 3. The Commission shall appoint a chief of county police for the county and no more than ten (10) county policemen. The Commission may hire a clerk or other such personnel as it deems necessary and shall make all rules and regulations for governing the county police and shall be the final authority upon all matters relative to the conduct of such policemen.

Sec. 4. The Commission shall have exclusive jurisdiction of the Columbus County Law Enforcement Center, including the jail. The Commission shall employ the jailer, assistant jailers, clerk and all other personnel necessary for the carrying out of the provisions of this Article and for the orderly process of law enforcement and the upkeep and maintenance of the Columbus County Law Enforcement Center, including the jail.

Sec. 5. Terms of service of the county policemen, including the chief, shall be at the pleasure of the Commission, and the Commission shall have the exclusive power to remove any county policeman, including the chief. Such policeman shall first be allowed a hearing before the Commission prior to his removal; provided, however, that such county policeman may be suspended by the Commission pending such hearing. The Commission shall investigate promptly any complaint made against the chief or any policeman for neglect of duty, misuse of power, or misconduct in office.

Sec. 6. The chief and all the county policemen appointed by the Columbus County Public Safety Commission shall be bona fide residents of the county at the time of appointment, or shall become bona fide residents of the county thirty (30) days after the time of such appointment. They shall be able-bodied men, of good habits, not addicted to the use of alcoholic liquors or drugs, and physically able to perform the duties of county policemen. Each of such policemen shall, before entering on the duties of his office, enter into a bond, the surety to be approved by and filed with the clerk of court, payable to the county, in the sum of three thousand dollars (\$3,000) conditioned for the faithful performance of his duties and for such damages as may be sustained by reasons of his malfeasance in office or abusing his authority.

Sec. 7. The Commission may, at its discretion, require a written examination of each applicant for employment, but in every event no applicant shall be employed without having sufficient education to know and understand the duties of his office, and he shall be examined as to a legible handwriting for the purpose of maintaining permanent records of arrest and the filing of reports to his chief.

Sec. 8. The purpose of this act being the creation of a high quality police force for Columbus County, the Commission shall have the power to stipulate the educational and training background of all applicants, including the chief, for positions on the County Police Force: provided, however, the minimum requirements for chief of the Columbus County Police shall be two (2) full years of college and two (2) years' experience in law enforcement, or five (5) years' experience in law enforcement at least two (2) of which were served in a supervisory capacity. Every officer appointed to the Columbus County Police shall have met, or taken the necessary courses to comply with the minimum standards established by the Criminal Justice Training Standards Council. The Commission members, while reviewing applications for members of the County Police Force, including the chief, shall give full consideration to the law enforcement education and prior law enforcement experience of all applicants, and shall not discriminate among applicants because of race, color, religion, sex, or national origin.

Sec. 9. The chief of police shall file, on a monthly basis, with the Commission, a detailed report of the activities of the County Police Force, and shall call to the attention of the Commission in the written report any and all matters which he feels sufficient to call to their attention. Each individual policeman shall file daily with

the chief a report of his activities during the previous twenty-four hour period while on duty.

Sec. 10. Before entering the discharge of his duties, each Commissioner to the Columbus County Public Safety Commission shall take and subscribe to the following oath:

"I, _____, do solemnly swear (or affirm) that I will support and maintain the Constitution and laws of the United States, and the Constitution and laws of North Carolina not inconsistent therewith, and that I will faithfully discharge the duties of my office as _____, so help me, God. (I do so affirm)."

The oath of office after being taken and subscribed by said Commissioner shall be filed with clerk of court of said county.

Sec. 11. Before entering upon the discharge of his duties, the said policeman shall take and subscribe to the following oaths:

"I, _____, do solemnly swear (or affirm) that I will support and maintain the Constitution and laws of the United States, and the Constitution and laws of North Carolina not inconsistent therewith, and that I will faithfully discharge the duties of my office as _____, so help me, God. (I do so affirm)." "I, _____, do solemnly swear (or affirm) that during my term of office as county policeman I will study the act creating the office in prescribing my duties and will be alert and vigilant to enforce the criminal laws of the State, and to apprehend and bring to punishment every violator of the same, and will conduct myself at all times with due consideration to all persons, and will not be influenced in any matter on account of personal bias or prejudice: so help me, God. (I do so affirm)."

The oath of office after being taken and subscribed by said policeman shall be filed with the Clerk of Superior Court of said county, together with the bond provided for in this act.

Sec. 12. No county policeman, including the chief of police, shall take part in any political activity or issue, and no county policeman shall be allowed to remain in office after announcing his candidacy for any political office.

Sec. 13. The chief of county police, in addition to his regular duties as a county policeman, shall have full command and authority over the regular county policemen appointed under the authority of this Article and shall have the right, authority and duty of giving orders and directions to the county policemen in performance of their duties.

Sec. 14. It shall be the duty of said policemen, under the general control and direction of the chief, to patrol and police the county; to detect and prevent the violation of criminal laws of any and every kind; to make arrests upon their own initiative as well as upon information or complaint; to report their acts and all known or suspected violations of the criminal laws to the chief of police of the county; to obtain warrants for arrest for and to prosecute all persons who have violated any of the criminal laws; and they shall at all times obey and carry out the orders and instructions of the chief, when not inconsistent with the law and with this act. That the said county policemen shall

have the power and authority and shall be required to serve all criminal processes and indictments issued by any lawful authority and placed in their hands for service, and may perform civil duties when directed by the chief.

Sec. 15. Chapter 470 of the Session Laws of 1949 is hereby repealed, and all duties created in that act establishing a Bureau of Identification for the County of Columbus are hereby vested in the Columbus County Police Force. The County Police Force shall have the duty to fingerprint and photograph all persons arrested in Columbus County for any offense in accordance with the law. It shall be the duty of the County Police Force, or if the chief of police deems it necessary, to designate one (1) policeman who shall serve as a criminal investigator, to make photographs at the scene of all homicides and to assist members of the Columbus County Police Force, as well as all other law enforcement agencies in the county, in any and all matters concerning criminal investigation including, but not limited to, fingerprinting, voice prints, photographs, supervision of lineups and chemical analysis.

Sec. 16. It being the purpose and intent of this act to create a County Police Force for Columbus County, whose primary responsibility shall be that detailed in Section 14, the sheriff of such county shall have the full power and the primary duty of civil process, and shall attend upon the Superior and District Courts while in session within the county. Said sheriff shall have no more than three (3) deputies (either regular or special), one (1) court officer, and one (1) clerk. If deemed necessary, the chief of the Columbus County Police Force shall have the power to call on the sheriff of Columbus County, and his deputies, to be of aid and assistance in all criminal matters.

Sec. 17. The Columbus County Public Safety Commission shall present to the County Commissioners, once per year, a proposed annual budget for all maintenance and operations of the Columbus County Police Force, including, but not limited to, uniforms, equipment, motor vehicles, and salaries. The County Commissioners shall provide adequate funding for such Commission and Police Force and for the sheriff and his deputies to insure the proper maintenance and operations of the Commission and Police Force and the sheriff's department, including but not limited to, uniforms, equipment, motor vehicles, and salaries.

Sec. 18. In accordance with the terms of this act, members of the Columbus County Public Safety Commission shall be appointed on or before May 1, 1973. Said commissioners shall draw and present to the County Commissioners a budget for the Commission, and the Columbus County Police Force, on or before June 1, 1973. The Commission members shall select a police chief on or before August 1, 1973. Members of the Columbus County Police shall be hired, equipped, and assume the full duties of their office on October 1, 1973. In accordance with the terms of Section 16 of this act, the sheriff shall select and appoint three (3) deputies (either regular or special), one (1) court officer, and one (1) clerk to begin their duties on October 1, 1973.

Sec. 19. All laws or sections of laws in conflict with this act are hereby repealed.

Sec. 20. This act shall become effective upon ratification.

In the General Assembly read three times and ratified, this the 26th day of March, 1973.