

GENERAL ASSEMBLY OF NORTH CAROLINA
1983 SESSION

CHAPTER 904
HOUSE BILL. 626

AN ACT RELATING TO THE GASTON COUNTY POLICE DEPARTMENT.

The General Assembly of North Carolina enacts:

Section 1. The title of the law enforcement agency known as the Gaston County Police Force shall henceforth be known as the Gaston County Police Department. The purpose of the Gaston County Police Department is to secure a more effective administration of the criminal laws of the State of North Carolina and the County of Gaston, to prevent crime, to procure the speedy apprehension of criminals and to protect the lives and property of the citizens of Gaston County. Law enforcement officers of the Gaston County Police Department shall have the authority to arrest in accordance with the provisions of the North Carolina General Statutes.

Sec. 2. The Gaston County Police Department shall consist of a Chief of Police and such officers and other employees of the Department as the Gaston County Board of Commissioners shall, in its discretion, deem sufficient to protect the lives and property of the citizens of Gaston County. The compensation paid to all employees of the Gaston County Police Department shall be determined by the Gaston County Board of Commissioners through its budget process and in accordance with a pay plan as provided by the Board of Commissioners for all employees of Gaston County government.

Sec. 3. The Chief of Police of the Gaston County Police Department shall be suspended or removed from office by the Gaston County Board of Commissioners for cause. The Chief of Police of the Gaston County Police Department shall, subject to the approval of the Gaston County Board of Commissioners, be appointed to office by the County Manager. The Chief of Police shall be directly responsible and accountable to the County Manager for the fulfillment of all the duties and responsibilities of the police department. The process used by the County Manager to recommend the appointment to the office of Chief of Police shall be one that is fair and equitable, that provides for equal opportunity for employment, that establishes a selection and appointment process based on merit and a reasonable evaluation of each candidate's qualifications, which qualifications may minimally include, but not be limited to: (1) Bachelor's Degree; (2) A minimum of four years' police administrative experience; (3) Above average physical condition and excellent state of health; (4) A psychological evaluation indicating no pathological conditions; (5) Excellent character and reputation.

Sec. 4. Applicants for employment in the Gaston County Police Department shall meet the minimum employment standards for entry level employment as a law

enforcement officer in accordance with the rules and regulations established by the North Carolina Criminal Justice Education and Training Standards Commission. The Gaston County Board of Commissioners may establish additional requirements for employment in the Gaston County Police Department, and shall make all such general rules, regulations, and requirements for the conduct and services of the employees of the Department as it may consider advisable. The rules and regulations established by the Board of Commissioners shall be printed and made available for public inspection and for use of employees of, and the applicants for, employment in the Gaston County Police Department.

Sec. 5. The Chief of Police shall be responsible for the investigation of applicants and shall prepare a list of qualified applicants for presentation to the Civil Service Board. The Chief of Police shall ensure that each applicant, whose application is submitted to the Civil Service Board for employment consideration, meets all employment standards and is well qualified for employment as a police officer. Each applicant for employment shall be thoroughly investigated as to fitness to become a police officer and such investigation shall include determinations of moral character, general reputation, absence of criminal history and other considerations necessary to a comprehensive background investigation. Each applicant shall take an oath, as required by the General Statutes, to uphold the Constitutions of the State of North Carolina and of the United States of America and to enforce the laws promulgated thereunder.

Sec. 6. Notice of the time and place for making application for employment with the Gaston County Police Department shall be given by Gaston County in accordance with policies established by the Gaston County Board of Commissioners.

Sec. 7. Effective upon the ratification of this act, the rules, regulations and procedures under which the Gaston County Police Department operates shall be subject to the approval of the Gaston County Board of Commissioners.

Sec. 8. All promotions within the Gaston County Police Department shall be made by the Chief of Police pursuant to policies and procedures adopted by the Board of Commissioners; provided, that promotions to any position other than that of Chief of Police shall be made by the Chief of Police after a competitive examination is administered to eligible officers.

The members of the Department shall be under the control and direction of and shall be responsible to the Chief of Police for the proper conduct of the various duties of the Department. The Chief of Police may discipline, suspend or terminate any officer of the Department for any misconduct in office, or for any infraction of the rules, regulations or procedures established by the Chief of Police and approved by the Board of County Commissioners.

Sec. 9. On the first of each and every calendar month, the Chief of Police shall make out and certify to the County Manager a statement regarding the conduct of the affairs of the Gaston County Police Department, which report shall contain an evaluation of the efficiency and effectiveness of the Department and shall contain any suggestions for improvement in the service rendered or in the personnel of the Department. Said report shall be made by the County Manager to the Board of Commissioners as soon as reasonably possible.

Sec. 10. Every police officer has a civic responsibility to support good government by every available means and in every appropriate manner. Any police officer may join or affiliate with civic organizations of a partisan or political nature, may attend political meetings, and may advocate and support the principles or policies of civic or political organizations in accordance with the Constitution and laws of the State of North Carolina and in accordance with the Constitution and laws of the United States of America. However, no police officer of the Gaston County Police Department shall (1) engage in any political activity while on duty, (2) be required as a duty of his office or employment, or as a condition for employment, promotion, or tenure of office, to contribute funds for political or partisan purposes, (3) solicit, or act as custodian of funds for political or partisan purposes, (4) coerce or compel contributions for political or partisan purposes by any other police officer of the County, or (5) use any supplies or equipment of the County for political purposes. No applicant for employment nor any police officer of the Gaston County Police Department shall be examined concerning his or her political opinions, political affiliations, voting registration or voting preference. Any violation of this section shall be deemed improper conduct and shall subject such police officer to dismissal or other disciplinary action.

Sec. 11. The Gaston County Board of Commissioners is hereby authorized to contract with the governing bodies of municipalities located within Gaston County for the provision of law enforcement service and protection within the corporate limits of said municipalities that desire to contract with Gaston County for said service.

Sec. 12. There is hereby created a Civil Service Board for the County of Gaston to consist of three members to be appointed by the Senior Resident Judge of the Superior Court of the Judicial District in which Gaston County is located, said members of the Civil Service Board to hold their office as provided in this act.

Sec. 13. The members of the Civil Service Board shall possess the qualifications of a voter of Gaston County, North Carolina, and shall take an oath (or affirmation) for the faithful discharge of the duties of their office. One of the members of the Civil Service Board shall be a citizen and resident of Gastonia township, Gaston County, and the other two members of the Civil Service Board shall be residents of townships of Gaston County other than Gastonia township. The members of the Civil Service Board shall be subject to removal from office by the Senior Resident Superior Court Judge for malfeasance, misfeasance, or nonfeasance in office, or for any violation of the laws of the State of North Carolina, or for any cause which in the discretion of the Senior Resident Superior Court Judge makes such removal in the best interest of the public.

Sec. 14. At the expiration of the term of each member of the Civil Service Board the Senior Resident Superior Court Judge shall appoint a successor for a term of three years. Any vacancy in the said Civil Service Board shall be filled in the manner herein provided for the appointment of members thereof, and the person so appointed shall serve for the remainder of the unexpired term of the member whose place he fills. Members of the board shall hold office until their successors are appointed and qualified, but, in no case, longer than 60 days. No member of the Civil Service Board,

who shall have held office for a three-year term shall be qualified to succeed himself or replacement.

Sec. 15. The members of the Civil Service Board shall organize by electing a Chairman and a Secretary at the first meeting of the Civil Service Board in July of each year. The Civil Service Board shall prepare a set of rules, policies, and procedures under which the Civil Service Board shall conduct its affairs and govern its proceedings. Such rules, policies and procedures shall from time to time be reviewed by the Civil Service Board for changes and improvements. These rules, policies, and procedures and any revisions shall be subject to the approval of the Gaston County Board of Commissioners.

Sec. 16. (a) The Civil Service Board shall review the qualifications of applicants for positions as law enforcement officers with the Gaston County Police Department, and appoint to vacant positions only those applicants as are best qualified.

(b) The Civil Service Board shall hear grievances regarding charges of discrimination when such grievances are made in writing to the Civil Service Board by an individual police officer or by groups of police officers within the Gaston County Police Department. Gaston County police officers shall have the option of presenting complaints or grievances regarding discrimination to their Police Department supervisors or directly to the Civil Service Board. After hearing any such grievance, the Civil Service Board shall report its findings in writing jointly to the Chief of Police and the County Manager along with any recommendations that, in its judgment, would be in the best interests of the Police Department and of Gaston County.

(c) The Civil Service Board shall adopt procedural rules, subject to the approval of the Gaston County Board of Commissioners, which are sufficient to insure a meaningful due process hearing for any officer who requests a hearing prior to the enforcement of a disciplinary order.

(d) The Civil Service Board shall review disciplinary action taken against any officer, upon the written request of the officer for a review; provided, however, that the Gaston County Board of Commissioners shall review disciplinary action taken by the County Manager against the Chief of Police, upon the written request of the Chief of Police. The Civil Service Board shall, upon the written request of any officer against whom disciplinary action has been taken, conduct a hearing into the formal charges against the officer and shall make written findings of fact regarding the charges against the officer. The officer, against whom charges have been filed, shall be given ample opportunity at a disciplinary hearing to be heard in his own behalf. The Civil Service Board shall report its findings and conclusions to the County Manager with its request that the County Manager implement the necessary action in accordance with its conclusions. The Civil Service Board shall find facts upon which it will base a decision that the officer against whom charges have been filed shall either be reinstated, suspended, demoted, discharged or exonerated of the charges against him. The County Manager shall review the findings and decision of the Civil Service Board. The County Manager may, no more than three times, remand the action to the Civil Service Board with directions for further findings prior to the final disposition of the Civil Service Board's decision, or if there is no reason for additional hearings before the Civil Service

Board, he shall direct the Chief of Police to implement the order of the Civil Service Board.

(e) The Civil Service Board shall review the personnel policies of the Gaston County Police Department and shall make recommendations to the County Manager for revisions of the police personnel policy. the Gaston County Board of Commissioners shall review and adopt the personnel policies for the Gaston County Police Department, making such changes as it deems to be necessary and in the best interests of the Department and the County.

Sec. 17. The Chairman of the Civil Service Board shall conduct the meetings and hearings of the Civil Service Board in accordance with the rules, policies and procedures adopted by the Gaston County Board of Commissioners. The Chairman shall prepare and deliver the annual report of the Civil Service Board to the Board of County Commissioners. The Chairman shall make such reports and recommendations to the County Commissioners and the County Manager as are provided for herein or as requested. The Secretary shall keep the minutes of the proceedings of the Civil Service Board and shall be the custodian of all the papers and records pertaining to the business of the said Board, and shall perform such other duties as the said Board shall prescribe or direct. The records of the Civil Service Board shall be open to the inspection of the public except where the inspection of said records is prohibited by law.

Sec. 18. At the first regular meeting of the Board of Commissioners in January of each year, the Civil Service Board shall make an annual report of its actions for the preceding year to the Board of County Commissioners. Said report may include any recommendations of the Civil Service Board as to the practical effects of the personnel rules or personnel system in use, together with any suggestions which the members of the said Board may deem proper for the improvement of the personnel administration of the Gaston County Police Department.

Sec. 19. The members of the Civil Service Board shall receive for their services such compensation as may be determined by the Board of Commissioners of Gaston County.

Sec. 20. All laws or clauses of laws in conflict with the provisions of this act are hereby repealed.

Sec. 21. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 21st day of July, 1983.