
Reporting of Arrests, Convictions and Court Orders

1307.1 PURPOSE AND SCOPE

The purpose of this policy is to describe the notification requirements and procedures that members must follow when certain charges, arrests, convictions, mental commitments and court orders restrict their ability to perform the official duties and responsibilities of the Montgomery County Sheriff's Office. This policy will also describe the notification requirements and procedures that certain retired deputies must follow when a charge, arrest, conviction or court order disqualifies them from possessing a firearm.

1307.2 POLICY

The Montgomery County Sheriff's Office requires disclosure of member charges, arrests, convictions, mental commitments and certain court orders to maintain the high standards, ethics and integrity in its workforce, and to ensure compatibility with the duties and responsibilities of the Office.

1307.3 DOMESTIC VIOLENCE CONVICTIONS AND COURT ORDERS

Federal and North Carolina law prohibit individuals convicted of certain offenses and individuals subject to certain court orders from possessing firearms. Such convictions and court orders often involve allegations of the use or attempted use of force, or threatened use of a weapon on any individual in a domestic relationship (e.g., spouse, cohabitant, parent, child).

All members and reserved personnel are responsible for ensuring that they have not been disqualified from possessing firearms by any such conviction or court order, and shall promptly report any such conviction or court order to a supervisor, as provided in this policy.

1307.4 OTHER CRIMINAL CONVICTIONS AND COURT ORDERS

Any person who has been convicted of, or committed, a felony and any person who has committed or been convicted of any of the crimes specified in 12 NCAC 09B.0111 and 12 NCAC 10B.0307 is prohibited from being a law enforcement officer.

While legal restrictions may or may not be imposed by statute or by the courts upon conviction of any criminal offense, criminal conduct by members of this office may be inherently in conflict with law enforcement duties and the public trust, and shall be reported as provided in this policy.

1307.5 REPORTING

All members and all reserved personnel shall immediately notify their supervisors in writing of any past or current criminal detention, arrest, charge or conviction in any state territory of the United States, including the District of Columbia, Indian reservation or foreign country, regardless of whether the matter was dropped or rejected, is currently pending or on appeal, and regardless of the penalty or sentence, if any. These notifications do not apply to minor traffic violations. Any expungement of a felony must also be reported.

Montgomery County Sheriff's Office

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All members shall immediately notify their supervisors in writing if they become the subject of a domestic violence-related order or any court order that prevents the member or reserve deputy from possessing a firearm or allows for the suspension or revocation of the deputy's applicable commission certificate.

Any member whose criminal charge, arrest, conviction or court order restricts or prohibits that member from fully and properly performing his/her duties, including carrying a firearm, may be disciplined. This includes, but is not limited to, being placed on administrative leave, reassignment and/or termination. Any effort to remove such disqualification or restriction shall remain entirely the responsibility of the member, on his/her own time and at his/her own expense.

Any member failing to provide prompt written notice pursuant to this policy shall be subject to discipline, up to and including termination.

1307.5.1 NOTIFICATION REQUIREMENTS

Whenever a deputy is charged, arrested, pleads no contest, pleads guilty or is found guilty of any criminal offense, except minor traffic offenses, he/she shall report it to the Sheriff immediately.

- (a) Within the time period specified by state law, notify the commission and the Sheriff or the authorized designee of the matter in writing:
 1. Of all criminal offenses, except minor traffic offenses, with which the deputy is charged.
 2. The nature of the offense, the date of offense or criminal charge and the charging agency.
 3. The court in which the case was handled.
 4. All domestic violence orders and civil no contact orders which are issued by a judicial official and which provide an opportunity for both parties to be present.
 5. The final disposition and date.
- (b) Within 20 days of the date the case was disposed of in court, make the same notifications to the Sheriff or the authorized designee.
 1. The Sheriff or the authorized designee, provided he/she has knowledge of a deputy's arrest, criminal charge or final disposition shall also notify the Commission within 30 days of the date the case was disposed of in court.

