

RESOLUTION 2011-R13
A RESOLUTION ESTABLISHING A POLICY FOR MUTUAL ASSISTANCE
WITH OTHER LAW ENFORCEMENT AGENCIES

WHEREAS, pursuant to North Carolina General Statutes § 160A-288, the governing body of a city may adopt appropriate guidelines for the purpose of mutual assistance with other municipal and county law enforcement agencies; and

WHEREAS, pursuant to said laws, the law enforcement assistance to be rendered may include lending officers to work temporarily with officers of the requesting agencies, including in an undercover capacity, and lending equipment and supplies; and

WHEREAS, such reciprocal assistance is necessary for the protection of the citizens of the Town of Swansboro, and it is deemed to be in the best interests of the citizens of the Town of Swansboro to establish a reasonable policy and guidelines to govern reciprocal law enforcement assistance that may be rendered to and obtained from other governmental jurisdictions; and

BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE TOWN OF SWANSBORO that the following policy and guidelines are established to govern agreements for law enforcement mutual assistance involving law enforcement officers, equipment, supplies, or other related resources of the Town of Swansboro Police Department:

BOARD OF COMMISSIONERS POLICY 16

LAW ENFORCEMENT ASSISTANCE TO OTHER AGENCIES

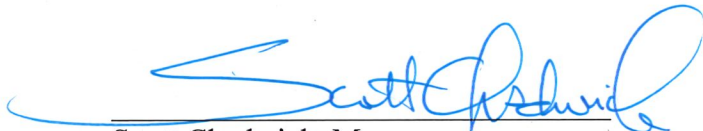
Adopted November 15, 2011

1. Temporary Assistance Authority. The chief of police is hereby authorized, under the terms and conditions of this policy, to permit officers of the Swansboro Police Department to work temporarily with officers of a requesting agency, including in an undercover capacity, and the chief of police may lend such equipment and supplies to requesting agencies as he deems prudent and advisable. All such request and authorizations shall be in accordance with North Carolina General Statutes § 160A-288, as applicable.
2. Agreements. The chief of police is hereby authorized to enter into mutual assistance arrangements with other North Carolina municipal and county law enforcement agencies, provided that the head of the requesting law enforcement agency makes such a request for such assistance in writing. The form of such agreements, including agreements entered under the authority of GS 90-95.2, shall be reviewed and approved by the town manager and the town attorney to insure compliance with this policy. Any agreements that are not in the approved form shall be replaced as expeditiously as possible with compliant agreements. All agreements that are entered shall be reported to- and provided to the town manager and the town clerk.
3. Resources. The chief of police shall, in considering provision of mutual assistance to other law enforcement agencies, remain mindful of the primary mission of the police department to protect the lives and property of the citizens of Swansboro. In evaluating requests for cooperative assistance, the

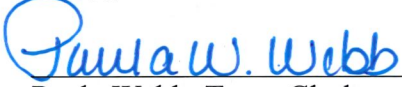
chief of police shall taken into consideration the extent of the Town's resources, the potential for risk to officers and property, and the probability of reciprocal assistance by the requesting agency. The chief of police shall report to the town manager any circumstances in which there is a significant imbalance between requests for assistance and reciprocal assistance by the requesting agency.

4. Requests, Records, and Reports. The chief of police shall be responsible for insuring that written requests are obtained or issued for all instances of mutual assistance and that a record of all such requests is documented and available for inspection by the Board of Commissioners and/or the town manager. The chief of police shall maintain a record of all instances of mutual assistance to- and from other agencies and shall report such instances annually.
5. Duration of Assistance. Individual instances of temporary assistance provided to other agencies under this policy shall normally be limited to no more than 24 hours in duration. Longer term mutual assistance shall be undertaken only after consultation with the town manager and should include consideration of compensation, if appropriate, from the requesting agency.
6. Disciplinary Actions. Any disciplinary actions arising out of the temporary assignment of any officer loaned by the Town with remain the responsibility of the Town.
7. Liability. The requesting agency must agree to assume all liability for any act committed by a temporarily assigned officer within the course of the officer's temporary assignment and for any damage or injury caused by the use or misuse of loaned equipment. The requesting agency must also agree to hold harmless and indemnify the Town for any damages, including the payment of attorney's fees, incurred by the assisting agency pursuant to the temporary assignment.
8. Damages to Property. The requesting agency must hold harmless the Town for any damage to the property of the requesting agency incurred in the scope and course of the temporarily assigned officer's duties or in the course and scope of the use of loaned equipment that is not accompanied by a temporarily assigned officer. The requesting agency must agree to accept responsibility for any uninsured damages to town equipment or other property incurred during its use by a loaned officer or its use by others during temporary assistance to that agency.

Adopted by the Swansboro Board of Commissioners in regular session, November 15, 2011.


Scott Chadwick, Mayor

Attest:


Paula Webb, Town Clerk

