


<p>RABUN COUNTY SHERIFF'S OFFICE</p>  <p>General Order Number: 5.02</p>	<p>Date of Issue</p> <p>2/23/2016</p>	<p>Effective Date</p> <p>2/23/2016</p>	<p>Revision Date</p>
<p>Subject: <b>AUTHORITY OF SWORN / NON-SWORN PERSONNEL</b></p>	<p>Amends:</p>		<p>Rescinds:</p>
<p>Index as:          Authority of Sworn &amp; Non-Sworn Personnel          Criminal Procedure/Process</p>	<p>State Certification Standards: 2.6</p>		
<p>Special Instructions:</p>			

**PURPOSE**

The purpose of this General Order is to prescribe the policies and procedures of the Rabun County Sheriff's Office regarding the authority of sworn and non-sworn personnel.

**STATEMENT OF POLICY**

It shall be the policy of the Rabun County Sheriff's Office that deputies who are sworn (certified) employees shall have the authority vested in them as provided by the statutes of the state of Georgia. It shall also be the policy of the Rabun County Sheriff's Office that deputies who are non-sworn (not certified) and civilian employees shall only have the authority vested in private citizens.

**DISCUSSION**

Rabun County is a political sub-division of the state of Georgia. The Georgia Constitution provides that each county in the state elect a Sheriff. The duties of the office of the Sheriff are defined in O.C.G.A. 15-16-10. Provisions for the appointment of Deputy Sheriffs are defined in O.C.G.A. 15-16-23. Deputies who are appointed as Deputy Sheriffs of Rabun County serve at the pleasure of the Sheriff and are tasked with providing law enforcement services in conjunction with the other duties of the Office of the Sheriff for the citizens of Rabun County.

## DEFINITIONS

**CERTIFIED OFFICER OR SWORN OFFICER** — An officer who has complied with the state training standards as described in O.C.G.A. 35-8-10 and 35-8-21. Certified deputies are peace deputies as defined in O.C.G.A. 16-1-3(11) and are vested by statute with a duty to maintain public order or to make arrests for criminal offenses. Also a commissioned law enforcement officer, subject to an oath of office and possessing those general peace officer powers prescribed by constitution, statute, or ordinance in the jurisdiction. For the purposes of this General Order, the terms Certified Officer, Sworn Officer, and Sworn Employee shall mean the same.

**NON-CERTIFIED OFFICER OR INDIVIDUAL OR NON-SWORN OFFICER OR INDIVIDUAL** — An officer who has not complied with the state training standards as described in O.C.G.A. 35-8-10 and 35-8-21. These individuals are civilian employees working in clerical or administrative positions, or deputies assigned as Peace Officer Trainees working in the Rabun County Jail who have not completed the state training for peace deputies. Also employees who may or may not be required to take of oath or office as a condition of employment, but who are not authorized to act in the capacity of a peace officer. For the purposes of this General Order, the terms Non-certified Officer, Non-sworn Officer, or civilian employee shall mean the same.

## I. GENERAL PROVISIONS

- A. Deputies of the Rabun County Sheriff's Office who have successfully completed the Georgia Peace Deputies Standards and Training Council (POST) requirements for certification as a Peace Officer and who have been sworn in as a Deputy Sheriff will have the authority of a Deputy Sheriff of the Rabun County Sheriff's Office. The nature of the individual officer's specific duties and responsibilities are determined by the assignment within the department.
- B. All sworn personnel have the general duty to maintain public order and enforce Federal, State, and local statutes or ordinances as defined by current and future statutes and court decisions.
- C. Sworn personnel have greater legal authority than the average citizen. However, this authority is not without limits. Sworn personnel are bound by oath or affirmation to support the Constitution of the United States and of the State of Georgia. When exercising the authority of a Peace Officer and there is a conflict between the Constitution of the United States and state or local statute, the former will always take precedence.
- D. Personnel who are sworn Peace Officer Trainees (Jail Deputies) and have not successfully completed the Georgia Peace Deputies Standards and Training Council (POST) requirements for certification as a Peace Officer and who have not been sworn in as a Deputy Sheriff may only exercise the authority of a private citizen as pertaining to arrests.
- E. All civilian employees may only exercise the authority of a private citizen as pertaining to arrests.



By Order of the Sheriff: **Chad K. Nichols**  
Sheriff, Rabun County