

<b>SUBJECT:                    CONSTITUTIONAL RIGHTS</b>
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**CONSTITUTIONAL RIGHTS**

- A. Special Agents of the North Carolina State Bureau of Investigation prior to assuming sworn status, will take an oath of office to enforce the law and uphold the Constitution of the United States and the Constitution of the State of North Carolina.
- B. The North Carolina State Bureau of Investigation strives to protect life and property, to enforce the law, and to protect the rights of all citizens as guaranteed under both the U.S. and the North Carolina Constitutions. Acting in accordance with both the letter and the spirit of the state and federal Constitutions offers the best way to ensure that the lives, property, and rights of all citizens are protected.
- C. The SBI has unique responsibilities both to enforce the law aggressively against those who violate criminal statutes, as well as to protect those with unpopular views and ensure that people accused of even heinous crimes are afforded a fair trial. Performing these functions within the guidelines set out by both the U.S. and the North Carolina Constitutions best exemplifies the aspirations of professional law enforcement within a democratic society.
- D. No person may be deprived of constitutional rights because he or she is suspected of having committed a crime. The task of determining the constitutionality of a statute lies with a court of proper jurisdiction. Agents who lawfully act within the scope of their authority do not deprive persons of their civil liberties. Agents may, within the scope of proper authority, make reasonable inquiries, conduct investigations, and arrest on probable cause. However, when agents exceed this authority by unreasonable conduct, they violate the integrity of the law they are sworn to uphold.
- E. All employees of the SBI exercise their authority in conformity with constitutional and legislatively enacted mandates. As well, the SBI fulfills its obligation to see to it that others do not infringe on the constitutionally protected rights of citizens.
- F. The Bureau conducts all investigations in compliance with both the letter and the spirit of constitutional requirements regarding the rights of criminal defendants as defined by statute and interpreted by the courts. The Bureau ensures all sworn personnel  
  
receive timely and thorough instruction governing the rights of criminal defendants and are informed of all changes in the status of those rights.

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