

ASHEVILLE POLICE DEPARTMENT POLICY MANUAL

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INTRODUCTION

This directive establishes guidelines for the role of the Asheville Police Department, the limits of its authority, and matters related to mutual aid assistance.

POLICY STATEMENT

It is the policy of the Asheville Police Department to delineate its members' duties, limits of authority, and responsibilities for those situations where sworn officers are required to act in an official capacity or are performing official duties, including in instances of mutual aid and within concurrent jurisdictions.

DEFINITIONS

Concurrent Jurisdiction: enforcement authority shared by two or more law enforcement agencies at a particular location or on a particular subject matter.

Exclusive Jurisdiction: enforcement authority granted to only one law enforcement agency at a particular location or on a particular subject matter.

Mutual Aid: a temporary request of services, personnel, and/or equipment between emergency services agencies to augment the capability of locally available resources.

RULES AND PROCEDURES

400.1 AUTHORITY AND JURISDICTION

- A. [N.C. Gen. Stat. § 160A-285](#) authorizes law enforcement officers to enforce all state laws, city ordinances, or regulations and to serve criminal and civil processes that may be directed to them by the General Court of Justice. [1.2.1]
- B. Before assuming sworn status, all law enforcement personnel must take an oath of office to enforce the laws of the State of North Carolina, the ordinances of the City of Asheville, and to uphold the Constitution of the State and North Carolina and the Constitution of the United States. [1.1.1]
- C. The legally authorized geographical area for law enforcement services by members of the Asheville Police Department is limited to the corporate city limits, one (1) mile outside the city's corporate limits, and on all property owned by the city wherever located. Department members may refer to available maps or inquire through the Communications Center to confirm if a specific location is within city limits. [2.1.1]
- D. Department members are responsible for being familiar with the general boundaries of the City of Asheville. Citizens with requests for law enforcement services outside the city limits are to be referred to the appropriate agency unless exigent circumstances require immediate attention under a mutual aid agreement or a request for assistance is received from another law enforcement agency.
- E. Department members are to familiarize themselves with and have a working knowledge of the laws of the State of North Carolina and the ordinances of the City of Asheville, which they are required to enforce. Department members are authorized to make only those arrests, searches, and seizures that they know, or should know, are legal and in accordance with departmental procedures. [1.2.1]
- F. Department members should employ every lawful means at their disposal in the investigation, arrest, and prosecution of any person observed or known to be violating or to have violated any statute or any ordinance pertaining to criminal matters, traffic offenses, or vice activities.
- G. Department members are authorized to make discretionary decisions within their lawful span of authority. [1.2.7]

- H. Officers have the discretion not to arrest except for offenses and violations in which the suspect, by law, must be arrested. The use of discretion includes the use of alternatives to arrest. Officers are authorized and encouraged to use alternatives to arrest when, at their discretion, the alternative would be in the best interest of the public, the parties involved, and the criminal justice system. Alternatives to arrest include but are not limited to the following: [1.2.6] [1.2.7]
1. Verbal warnings.
 2. Referrals to community/government organizations or mental health resources.
 3. Criminal/juvenile justice diversion programs, where applicable. [1.1.3]
 4. Informal resolutions (e.g., informing the proper agency or organization or notifying a parent/guardian of juvenile activity).

400.2 CONCURRENT JURISDICTION

- A. It is the duty of each member of the department to assist other law enforcement agencies in executing their duties within the jurisdictional limits of the City of Asheville. This assistance will not violate the department's policies, procedures, rules, and regulations. Department members will notify the Communications Center when providing such assistance. [2.1.2]
- B. Real property that is owned by the U.S. Government in Asheville is subject to the exclusive jurisdiction of federal officers, with the exception of the Veterans Affairs (VA) Hospital property which is subject to concurrent jurisdiction, with the VA Police assuming primary responsibility for all law enforcement activities.
1. A federal agency may request specific assistance from an Asheville Police Department officer on a federally owned property, at which time the jurisdiction becomes concurrent until assistance is no longer appropriate (e.g., the Federal Courthouse).
- C. Real property that is leased by the U.S. Government within the corporate limits of Asheville is subject to concurrent jurisdiction by the Asheville Police Department and federal officers. Most parcels of post office property fall into this category.
- D. The Asheville Police Department has concurrent jurisdiction with state law enforcement officers within the city limits. The chief of police may enter into an agreement with a state law enforcement agency that specifies responsibility for the preliminary investigation of certain offenses on parcels of property under the direct control of those agencies.

- E. The Asheville Police Department has concurrent jurisdiction with Buncombe County law enforcement officers within the city limits.
- F. There are multiple agencies with jurisdictions that border the City of Asheville, providing them with concurrent jurisdiction one (1) mile within the Asheville city limits. Examples include the Biltmore Forest Police Department, Fletcher Police Department, and Woodfin Police Department.
- G. Certain agencies have jurisdiction on property owned or leased by that agency or parent company within the Asheville city limits; examples include the Asheville Buncombe Technical College Police, Biltmore Estate Police, and Norfolk Southern Railway Police.

400.3 MUTUAL AID

- A. [N.C. Gen. Stat. § 160A-288](#) and [N.C. Gen. Stat. § 90-95.2](#) authorizes law enforcement agencies to provide temporary assistance (mutual aid) to another agency. Mutual aid response may include personnel, vehicles, radios, and/or other police services.
 - 1. Requests must be made in writing by the head of the requesting agency or designee. A DCI message or email request may satisfy this requirement. [2.1.3 c,d]
 - 2. The Watch Commander will be immediately notified of mutual aid requests and will be responsible for evaluating the department's immediate response. The only exception to this procedure will be an emergency request requiring an immediate response to prevent loss of life or serious injury. All notifications will then be made as soon as practicable.
 - 3. Department members assigned to another agency under mutual aid provisions will be subject to lawful operational commands of supervisors of that agency.
- B. Assistance may be provided to North Carolina State law enforcement agencies, according to [N.C. Gen. Stat. § 160A-288.2](#).
- C. All requests for mutual aid to assist the Asheville Police Department, including assistance from state or federal law enforcement, will be made by the chief of police or designee pursuant to [N.C. Gen. Stat. § 160A-288](#). [2.1.3 d]
 - 1. In the event of critical incidents that require non-law enforcement assistance beyond the capabilities of city resources, Buncombe County Emergency Services will be contacted to serve as the primary coordinator for local, state, and federal resources. [2.1.4]

2. If the mayor of Asheville issues a proclamation declaring a state of emergency, the mayor may request the assistance of the North Carolina National Guard through the Office of the Governor. [2.1.4]
 3. Formal requests from national law enforcement, security services, or military assistance in an emergency will be made in conjunction with the Office of the City Manager or Buncombe County Emergency Services in the event of a county-wide emergency. [2.1.4]
- D. If extensive external resources are requested via a mutual-aid request, a staging area and resource manager will be designated to manage, track, and allocate resources - see [Policy 1100 - Critical Incident Response](#).

BY ORDER OF:

A handwritten signature in black ink, appearing to read 'ML LH', is written over a light blue horizontal line.

Michael Lamb
Chief of Police