

Asheville Police Department Policy Manual

Chapter: 5 - Law Enforcement Operations

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Introduction

This policy establishes procedures for the receipt, issuance, and accounting for citations.

Policy Statement

It is the policy of the Asheville Police Department (APD) to prepare, process, and distribute all citations correctly and efficiently. Department members will complete North Carolina uniform citations in accordance with North Carolina law.

Definitions

Citation: a directive issued by a law enforcement officer or other person authorized by statute that a person appear in court and answer a misdemeanor or infraction charge or charges.

eCitation: an electronic citation system administered by the NC Administrative Office of the Courts (NCAOC) that automates North Carolina Uniform Citation processes.

Rules and Procedures

506.1 Use of Citations [74.3.1]

- A. North Carolina law permits the issuance of citations in the case of traffic infractions **or to** persons for whom officers have probable cause to believe have committed a misdemeanor ([N.C. Gen. Stat. § 15A-302](#)). Once probable cause is established, the decision to issue a citation for a misdemeanor offense instead of a custodial arrest is at the officers' discretion.
- B. Officers will complete all citations as thoroughly and accurately as possible. Citations must contain the information required by [N.C. Gen. Stat. § 15A-302](#).
- C. Officers with access to the eCitation system are recommended to utilize the system instead of handwritten citations when circumstances and situations allow. Specific procedures for completing eCitations are available through guides published by the NCAOC. When issuing an electronic citation, officers will:
 - 1. Print a copy of the electronic citation and give it to the violator named on the citation.
 - 2. Transmit electronic citation information to the NCAOC daily by the end of their shift.
- D. Officers completing handwritten citations will:
 - 1. Provide the violator with the pink copy (Defendant's copy).
 - 2. The white copy marked "Original Court Copy" will be given to the department's court liaison to deliver to the Buncombe County Central Data Entry (CDE) for processing.
 - 3. The yellow copy marked "Audit Copy" will be submitted to the Records Unit by the end of the officer's tour of duty.
 - 4. The white (fourth) copy is the officer's copy.
- E. If a violation does not amount to a definite and clear-cut violation of motor vehicle law, a warning ticket may be issued instead of a formal citation. The issuing officer will give the certification copy of the warning ticket to the vehicle operator and retain the white copy for follow-up if necessary. When the certification copy is returned, it will be forwarded to the officer issuing the warning ticket.

506.2 Speed Measuring Instrument Citations

- A. Each citation issued by speed measuring instrument (SMI) certified officers, utilizing an SMI to corroborate visual speed estimates, will include thorough documentation of the violation, including: [61.1.8 b]
 - 1. The first and last name of the SMI-certified operator.
 - 2. The department SMI unit number.
 - 3. SMI expiration date.
 - 4. Patrol vehicle number in the "Officer Comments" section.
- B. If the officer issuing the citation is not the same as the SMI-certified officer operating the SMI, the officer issuing the citation will also list the first and last name of the SMI-certified officer as a "witness."
- C. If circumstances necessitate the issuance of a speed-related citation utilizing an SMI by another means other than eCITATION, such as a handwritten North Carolina Uniform Citation, the charging officer must include the information outlined in 506.2(A) on the back of the "Original-Court Copy."
- D. If there is a need for an incident report to be completed as the result of a speed-related violation utilizing an SMI, the officer narrative section must thoroughly document the violation(s) as outlined in section 506.2(A) above.
- E. All citations will use the designation of "R" or "L" in the "speed" box section if a RADAR or LIDAR device was used to measure speed. [61.1.8 b]

506.3 Citation Distribution and Accountability

- A. The department will comply with accountability procedures established by the NCAOC and the Clerk of Court's office regarding using citations. Department employees are accountable for all citations they receive.
- B. Designated employees of the Administrative Services Division obtain citation books from the Clerk of Court on an as-needed basis. All citation books must be securely stored in the Records Unit until issued. [82.3.4 c]
- C. The Records Unit supervisor will issue new citation books to officers or district supervisors as needed. [82.3.4 a]
- D. The Records Unit supervisor is responsible for completing a citation book control log whenever books are issued and returned. The citation log will contain each

officer's name, personnel number, issue date, citation numbers, and the date the citation book is returned. [82.3.4 a,b]

- E. When a citation book is completed, officers' supervisors will review the citation book to verify that all citations are accounted for as being voided or used. [82.3.4 b]
- F. Supervisors will submit completed citation books to the Records Unit supervisor. The Records Unit supervisor will document the book's return in the citation book log and turn in all completed citation books to the Clerk of Court's office. [82.3.4 b]
- G. Citation books must be accounted for when an employee separates from the department. Separating employees must return all citation books issued to them to the Records Unit supervisor.
- H. Officers are responsible for the secure storage and safekeeping of citation books issued to them. [82.3.4 c]

506.4 Voiding Citations

- A. It is within an officer's discretion to void/adjust any citation before issuing it. Officers should exercise care in issuing citations to keep errors and voided citations to a minimum.
- B. Officers will not void handwritten citations unless all copies are in the officer's possession when the citation is voided.
 - 1. To void a citation, officers must clearly write the word "VOID," their signature, and their personnel number across the face of the citation, ensuring that all copies are legibly marked.
 - 2. The officer's supervisor must approve the void and write their signature and personnel number on the voided citation before the end of the shift.
 - 3. All copies of voided citations are to remain part of the citation book and be returned to the Records Unit when the book is full.
- C. Officers voiding electronic citations will follow eCitation program procedures established in the NCAOC and available in the eCitation user manual.

506.5 Lost or Stolen Citations

- A. Any lost or stolen citations and/or citation books must be accounted for by an internal incident report through the officer's chain of command. The report must state the circumstances under which the citation(s) were lost or stolen.
- B. Stolen citations and/or citation books will be entered into DCI, and an incident report will be completed.

By order of:

A handwritten signature in black ink, appearing to read 'ML' followed by a stylized flourish.

Michael Lamb
Interim Chief of Police