



# Apex Police Department General Order



<b>Title</b> Traffic Enforcement		<b>Order Number</b> 1002-20
<b>Effective Date:</b> August 25, 2020	<b>Amends:</b> 1002-17	
<b>CALEA Standard:</b> 1.1.4, 61.1.2, 61.1.3, 61.1.4, 61.1.5, 61.1.6, 61.1.7, 61.1.8, 61.1.11, 61.1.12	<b>Rescinds:</b>	
<b>Reference:</b> GO 705 - Consular Notification and Access GO 1005 – Checking Stations GO 1309 – Juvenile Operations	<b>Pages:</b> 19	
<b>Forms:</b> F1002 – Driver Reexamination Recommendation F1002a – Request for Review of Parking Ticket F1002b – Parking Ticket Failure to Answer Letter F1002c - Overnight Parking Permit Application For Town Owned/Leased Lots SBI-122 - Traffic Stop Report		

## Traffic Enforcement

### Purpose

The purpose of this directive is to establish guidelines for the enforcement of traffic violations.

### Policy

It is the policy of the Apex Police Department to enforce traffic laws and regulations in a fair and equitable manner, with due regard and protection of each individual’s constitutional due process rights, in an effort to increase voluntary compliance with motor vehicle laws, deter crash-causing violations, and promote the safe and efficient flow of traffic.

### Procedures

#### General

1. Traffic enforcement involves all police activities related to the observation, detection, and apprehension of traffic law violators. It includes both the issuance of citations as well as issuing verbal or written warnings.

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2. All sworn employees will be observant for traffic violations and will take the appropriate enforcement action when violations are observed.
3. Traffic enforcement activities may be either proactive or reactive as the result of an observed violation, citizen complaint, traffic crash analysis, or selective enforcement measures.
4. Enforcement interactions will be conducted in a courteous, civil, and impartial manner.

### **Taking Traffic Enforcement Action**

1. The primary objective of traffic enforcement is to reduce traffic crashes and injuries, as well as facilitate the safe and expeditious flow of vehicular and pedestrian traffic through the public's voluntary compliance with traffic regulations and laws. The Apex Police Department seeks to achieve this objective through a combination of awareness, education, engineering, and enforcement.
2. Enforcement actions to address traffic law violations include:
  - *Custodial Arrest* – Police officers may effect a custodial arrest of any person committing criminal offenses, such as driving under the influence, flee to elude, careless and reckless driving, or other offenses where taking the offender into custody is warranted in order to best serve the safety of the community (61.1.2 (a))
  - *Citation* – A citation may be issued to a violator who jeopardizes the safe and efficient flow of vehicular or pedestrian traffic, including hazardous moving violations or operating unsafe and improperly equipped vehicles. Officers will issue citations for the appropriate state statute or local ordinance violation (61.1.2 (b))
  - *Warning* – A written or verbal warning may be issued to a violator whenever there is a traffic infraction committed and when such warning will achieve the objective of voluntary compliance (61.1.2 (c))

### **Processing Non-Routine Violators**

#### *Out-of-State/Non-Resident Violators (61.1.3 (a))*

1. Violators who reside out of state should be processed in the same manner as a North Carolina resident, but may be arrested under certain conditions as defined in North Carolina General Statutes (NCGS). Officers should exercise discretion and ordinarily abstain from physical arrest of non-residents of North Carolina, unless they have committed offenses that would result in suspension or revocation of their driving privilege under North Carolina law.
2. Out-of-state violators can be arrested if they:
  - Reside in a state that is not a member of the Nonresident Violator Compact and have committed a misdemeanor; however, they cannot be arrested for committing an infraction

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- Reside in a state that participates in the Nonresident Violator Compact and the violation would result in the revocation or suspension of their driving privilege under North Carolina law or the nonresident violator refuses to sign the reciprocal agreement for a misdemeanor offense
  - Are the subject of an active Order for Arrest or Warrant for Arrest
  - Have any previous Failure to Appear notifications from the North Carolina Division of Motor Vehicles (NCDMV)
3. Violators who are non-residents of the Town of Apex, but who reside in North Carolina will be processed as a resident and in accordance with NCDMV and Administrative Office of the Courts (AOC) procedures.

### *Juveniles (61.1.3 (b))*

1. A juvenile less than 16 years of age who is to be charged with a traffic felony, misdemeanor, or infraction, will be charged by the officer using the North Carolina Department of Juvenile Justice petition process.
  - The officer will present the facts of the violation to the Juvenile Intake Counselor for purposes of obtaining a juvenile petition on the juvenile for the traffic violation.
  - Generally, juveniles who have committed a traffic violation will not be taken into custody. The parents, custodian, or legal guardian will be notified and the juvenile will be released into his/her custody.
2. A juvenile who is the age of 16 or 17 and commits a motor vehicle offense, will be charged and processed in criminal court under existing criminal procedures.
3. A juvenile less than 18 years of age who is to be charged with a non-traffic offense, will be charged by the officer using the North Carolina Department of Juvenile Justice petition process.
  - The officer will present the facts of the violation to the Juvenile Intake Counselor for purposes of obtaining a juvenile petition on the juvenile for the traffic violation.
4. In all cases, with the exception of traffic offenses exempted within NCGS 15A-505(a) where a juvenile is taken into custody, the officer is responsible for notifying the juvenile's parents in accordance with NCGS 15A-505 (a), General Order 1309 – *Juvenile Operations*. If the officer deems that further custody is required pending a hearing, he/she must contact the Juvenile Court Intake officer for authorization. All juvenile custody situations will be handled in accordance with NCGS 7B and applicable department written directives.

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### *Legislators (61.1.3 (c))*

1. Members of the United States Congress and North Carolina General Assembly are, in all cases except for treason, felony, and breach of the peace, immune from arrest during their attendance at the session of their respective house, and in going to and returning from such.
2. There are no North Carolina laws that exempt any state or local official, either appointed or elected, from federal, state, or local laws. The issuance of a traffic citation, warning (verbal or written), or a physical arrest in those cases where physical arrest is authorized, is allowed and no special consideration is given to violators in this category.

### *Consular Officials/Foreign Diplomats (61.1.3 (d)) (1.1.4)*

1. Under international law and agreement, a consular official/foreign diplomat is not subject to arrest or detention pending trial, except in the case of a grave crime (felony offense that would endanger the public safety), and then only pursuant to a decision by an appropriate judicial authority.
2. Immunity from criminal prosecution is limited to acts performed in the exercise of consular functions and is subject to court determination. Family members of Consular officers do not enjoy the same privileges and immunities with respect to the civil and criminal jurisdiction as do consular officials/foreign diplomats.
3. Consular officials/foreign diplomats can be identified by credentials by the US State Department and by other locally issued official identification papers. The US State Department credentials bear its seal, the name of the officer, his/her title, and the signature(s) of US State Department official(s).
4. The mere issuance of a traffic citation or warning (written or verbal) does not constitute arrest or detention in the sense referred to above. Violators in this category will be processed as a resident and in accordance with NCDMV and AOC procedures.
5. Arrests of foreign nationals, including consular officials and foreign diplomats, will be in accordance with General Order 705 - *Consular Notification and Access*.

### *Military Personnel (61.1.3 (e))*

1. Military personnel, for the purposes of this directive, include regular members of the US Army, Navy, Air Force, Marines, Coast Guard, and reservists on active duty.
2. Military personnel whose permanent residence or duty station is located outside of North Carolina will be treated as non-residents of North Carolina. All others will be processed as a resident and in accordance with NCDMV and AOC procedures.

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### **Uniform Traffic Enforcement**

1. Uniform enforcement of motor vehicle laws is intended to deter motorists from committing violations and to encourage voluntary compliance with traffic laws. Officers will use good judgment when considering what type of enforcement action to take. Officers should consider all circumstances and conditions existing at the time of the violation before deciding on the appropriate course of action. Officers will adhere to the below guidelines for various types of violations.

#### *Driving While Impaired (61.1.5 (a))*

1. Officers will aggressively enforce impaired driving laws in accordance with General Order 1003 - *DWI Enforcement and Countermeasures Program*.

#### *Driver's License Violations (61.1.5 (b))*

1. Officers will take appropriate enforcement action toward individuals found to be operating a motor vehicle without a driver's license or while their driver's license is revoked, suspended, or expired.
2. Officers will observe the following guidelines when dealing with unlicensed drivers or with drivers whose license has been suspended or revoked:
  - An officer should check the license status according to DMV through the Communications Center or his/her MDT, using the driver's name, race, gender, date of birth, or license number, if available
  - If DMV records do not list any driver's information and the driver does not have a valid license, the officer should charge the driver with having no license and will issue the driver a citation; unless elements exist for physical arrest, such as no identification or the case of a resident from a non-reciprocal state
  - If the driver's license has expired, the officer should charge the driver on a citation with possessing an expired driver's license
  - If the officer determines that the driver has a revoked or suspended driver's license, the officer may cite or arrest, depending on the particular circumstances
  - If the violator presents a North Carolina Driver's License or Limited Driving Privilege (LDP) that is suspended, revoked, or otherwise not valid, the officer will confiscate the license/LDP and will complete NCDMV Form DL-53A – Law Enforcement Acknowledgement and/or Receipt for Surrender of North Carolina License/Registration Plate by following the instructions contained on the form (Reference: NCGS 20-29)

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- **NOTE:** Pursuant to state guidelines, officers will NOT confiscate an out of state or non-North Carolina license
- In any case where the driver's privilege to operate a motor vehicle is no longer valid, he/she will not be allowed to drive away from the vehicle stop location
  - The officer should offer alternative arrangements to the driver, such as having another person drive or having someone pick up the vehicle
  - If the driver is arrested and the vehicle can be legally parked, it should not be towed
- In situations where the validity of existence of a driver's license cannot be determined, the officer may choose to issue a citation or release the driver and charge later if a violation is identified

### *Hazardous Violations (61.1.5 (c))*

1. Officers should be cognizant of violations committed by motorists, pedestrians, and bicyclists that would be considered "hazardous." Hazardous violations include, but are not limited to:
  - Careless and Reckless Driving
  - Driving While Impaired (DWI)
  - Speeding
  - Disregard of a Traffic Control Device (i.e. traffic signal, stop sign, etc.)
  - Lane Movement Violation (i.e. passing in a no passing zone, etc.)
  - Failure to Reduce Speed and Move Over for a Parked Emergency/Service Vehicle
  - Texting While Driving
  - Other moving violations
2. Officers should take appropriate action to address the hazard and enforce the appropriate section of law.
3. The officer will consider factors such as severity of the hazard, road design, time of day, and location.

### *Off-Road Vehicles*

1. Off-road vehicles are subject to the same legal standards as other motor vehicles when operated on streets and highways.
2. Officers will take appropriate enforcement action for moving, non-moving, and regulatory violations when the vehicle is operated on a public highway or Public Vehicular Area (PVA), or the vehicle is operated on a Town-owned greenway, park, or trail.

### *Equipment Violations (61.1.5 (d))*

1. Officers should be cognizant of violations committed by motorists and bicyclists that relate to required and properly functioning equipment.

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2. Officers should take appropriate action to address the situation and enforce the appropriate section of law.
3. Additionally, officers should consider and investigate if an equipment violation is the proximate cause of a traffic crash and then take appropriate action.

### *Public Carrier/Commercial Vehicle Violations (61.1.5 (e))*

1. Officers should be cognizant of violations that relate to public carriers and commercial vehicles.
2. Officers should take appropriate action to address the situation and enforce the appropriate section of law.
3. The North Carolina State Highway Patrol Commercial Vehicle Division may be consulted or requested to respond to assist in the investigation, enforcement, or traffic crash investigation when public carrier or commercial vehicles are involved.

### *Non-Hazardous Violations (61.1.5 (d))*

1. Officers should be cognizant of violations committed by motorists, pedestrians, and bicyclists that would be considered “non-hazardous.” Non-hazardous violations include, but are not limited to:
  - Regulatory violations (i.e. license, registration, obstructed tag, etc.)
  - Some equipment violations (i.e. emissions)
  - Other non-moving violations that could be considered non-hazardous
2. Officers should take appropriate action to address the violation and enforce the appropriate section of law.

### *Multiple Violations (61.1.5 (f))*

1. Officers may use discretion in multiple violations and may cite as many as is appropriate, taking into account the number and seriousness of the violations.
2. Officers may issue citations for one serious violation, a combination of serious and minor violations, or all violations committed.

### *Newly-Enacted Laws and Regulations (61.1.5 (g))*

1. Typically, grace periods are established as part of the legislation during which warnings are appropriate. After the grace period, if established, officers will use their discretion dependent upon the nature of the violation and the time frame between the enactment of the legislation and the violation.

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### *Violations Resulting in Traffic Crashes (61.1.5 (h))*

1. When investigating a traffic crash, officers will be cognizant of any violation of law or regulation (i.e. U.S. Motor Carrier Safety regulations, NCGS, Town of Apex Ordinances, etc.) that may have been a factor in the crash.
2. If the officer witnesses the crash, the officer should cite violators as appropriate.
3. If the officer does not witness the motor vehicle crash, he/she should attempt to develop enough probable cause to cite a violator as appropriate.
4. Licensing, registration, insurance, and inspection violations should be enforced as appropriate.
5. Officers are encouraged to take enforcement action and may be asked to justify reasons for not doing so in crashes where there is substantial damage, damage to Town of Apex property, or injury.
6. In cases where death has resulted or injuries are sustained likely to result in death, officers will consult with the District Attorney's Office prior to filing any charges.

### *Pedestrian and Bicycle Violations (61.1.5 (i))*

1. Bicycle operators are subject to many of the same laws that apply to motor vehicles. Officers will consider the nature and severity of the violation when deciding whether or not to cite an individual for a pedestrian or bicycle violation.
  - **NOTE:** Often a violation will occur when citizens lack understanding of the law. In such instances, providing the violator with information on the law may be the appropriate course of action.
2. Officers will be conscious of pedestrian safety during patrol and will enforce pedestrian safety violations (i.e. failure to yield to a pedestrian in a crosswalk, etc.). Pedestrians should be encouraged to walk safely, using sidewalks if available, crossing at crosswalks or intersections, and facing traffic in the absence of sidewalks.

## **Types of Traffic Patrol**

### *Visible Traffic Patrol (61.1.6 (a))*

1. Normal traffic enforcement involves visible patrol by officers during the performance of normal duties. Based on the premise that patrol in a marked vehicle is the most effective deterrent to traffic law violators, officers will be alert to the occurrence of violations while engaged in patrol duties. The types of visible patrol to be used are as follows:



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- Area Patrol – Moving or stationary observation in the officer’s area of assigned responsibility
- Line Patrol – Moving or stationary observation on a specified route between two points, usually on one city street or a section of highway
- Directed Patrol – Area, line, or stationary patrol at the direction of a supervisor for specified times and violations, in response to data-supported analysis indicating a need for specific enforcement within the identified patrol area

### *Stationary Observations (61.1.6(b))*

1. Stationary observation should be used at specified locations with traffic crash history, traffic problems, or complaints as a way of detecting and deterring violators.
2. This observation may be made from a covert or overt location dependent upon the nature of the problem and the type of location to be observed.
  - Covert Stationary Patrol – Stationary observation in which the observer is not generally visible, using ordinary powers of observation, from the roadway being observed.
  - Overt Stationary Patrol – Stationary observation in which the observer is in full view to serve as a deterrent to motorists. This technique is encouraged when completing reports or conducting other activities that necessitates the officer being out of service for brief periods of time.

### *Unmarked Vehicles (61.1.6 (c))*

1. At the discretion of the Chief of Police, unmarked vehicles may be used to accomplish a traffic enforcement purpose. Unmarked vehicles, when approved, may be used by any sworn officer in the performance of his/her duties.
2. When making traffic stops or taking any other police action, the officer will take all reasonable measures to display official police identification and make known to drivers that he/she is a police officer.
3. All unmarked vehicles used for traffic enforcement will be equipped with emergency equipment including, at a minimum, blue lights and siren.

### *Checking Stations (61.1.6 (d))*

1. Checking stations are preplanned, systematic stopping of vehicles to check motorists for compliance with motor vehicle laws. The procedure governing checking stations is addressed in General Order 1005 – *Checking Stations*.



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- While approaching the violator's vehicle, observe anything that does not appear normal and any movements inside the vehicle
- This information has been redacted pursuant to N.C. General Statute 132 - Public Records.  
[Redacted]
- To the extent reasonable, explain the citation/warning and court process, if any
- Assist the stopped vehicle to re-enter traffic before terminating the traffic stop
- Notify the Communications Center of the proper code and return to service
- Always be alert for changing circumstances and violator aggression
  - If at any time an officer's perception of risk factors escalates, the officer should take appropriate action

### *Delivery of Violator's Citation Copy*

1. At the time a violator is charged with a violation, the officer will give him/her a copy of the citation.
2. The delivering officer should make every reasonable effort to explain the charge, court date and time, court appearance or waiver as applicable, court costs, and fine to the violator. If the officer is uncertain if the court appearance is mandatory or can be waived, he/she should instruct the motorist to contact the Clerk of Court's office to determine if the appearance is mandatory or if the motorist may enter a plea and pay the fine and costs by mail. (61.1.4 (a) (b) (c))
3. The officer should make every effort to provide any other information to ensure that the motorist has understood the instructions and has no questions. (61.1.4 (d))

### *Known-Risk Traffic Stops (61.1.7 (c))*

1. All traffic stops have the potential to become hazardous and dangerous. Under certain circumstances, officers will have the opportunity to evaluate traffic stop risk factors prior to attempting the stop. Attempting to stop a stolen vehicle, a vehicle with armed occupants, or a vehicle occupied by a felony suspect are examples of known-risk traffic stops. Officers should consider the following when executing a known-risk traffic stop:

- This information has been redacted pursuant to N.C. General Statute 132 - Public Records.  
[Redacted]

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- This information has been redacted pursuant to N.C. General Statute 132 - Public Records.  
[Redacted]
- [Redacted]
- [Redacted]
- [Redacted]

2. This information has been redacted pursuant to N.C. General Statute 132 - Public Records.  
[Redacted]

3. This information has been redacted pursuant to N.C. General Statute 132 - Public Records.  
[Redacted]

4. Once primary and backup officers are in position, suspects should be controlled through the use of easily understood verbal commands.

5. The primary officer should be determined and he/she should give the verbal commands to the suspect(s). However, under certain circumstances, a backup officer may be required to give verbal commands. Only one officer at a time should give verbal commands.

- Give verbal commands to the vehicle occupants.
  - This information has been redacted pursuant to N.C. General Statute 132 - Public Records.  
[Redacted]

- Give verbal commands to the vehicle driver. Officers should:
  - This information has been redacted pursuant to N.C. General Statute 132 - Public Records.  
[Redacted]
  - [Redacted]
  - [Redacted]
  - [Redacted]
  - [Redacted]

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- This information has been redacted pursuant to N.C. General Statute 132 - Public Records.

### 6. Continue clearing the vehicle of occupants in this manner:

- This information has been redacted pursuant to N.C. General Statute 132 - Public Records.

### 7. This information has been redacted pursuant to N.C. General Statute 132 - Public Records.

### 8. When the suspect vehicle is clear, the primary officer should advise backup officers of any suspect's arrest status and search them.

### 9. Above procedures should be modified for known-risk traffic stops on vans and other large vehicles.

This information has been redacted pursuant to N.C. General Statute 132 - Public Records.

### Speed Measuring Instruments (SMI)

1. Officers will only use speed-measuring instruments that are outlined on *Appendix A - North Carolina Approved Speed Measuring Instrument List* and approved by the department for use. **(NOTE: *Appendix A - North Carolina Approved Speed Measuring Instrument List* can be found at the North Carolina Department of Justice website under the Speed Measurement Instrument Section at <http://ncdoj.gov/About-DOJ/Law-Enforcement-Training-and-Standards/Criminal-Justice-Education-and-Training-Standards/Forms-and-Publications.aspx>.(61.1.8 (a)))**
  - Equipment specifications, operational procedures, and proper care and upkeep for the specific SMIs are contained in the manufacturer's operation manual. (61.1.8 (a)(b)(c))
  - SMI manuals are accessible to SMI operators via PowerDMS.
2. SMI operators must be certified through a formal SMI course as prescribed by the North Carolina Criminal Justice Education and Training Standards Commission (Reference: NCGS 8-50-2) for each type of unit operated, and will operate such equipment in accordance with the procedures established by the commission. (61.1.8 (e) (b))
  - Officers will not operate SMIs until properly certified, unless as part of a formal training program or under the guidance of a certified operator while in the Field Training Program.
3. Calibration and testing of SMIs will be conducted in accordance with the procedures established by the North Carolina Criminal Justice Education and Training Standards Commission. (61.1.8 (d))
4. Accuracy testing will be performed at each of the following times: (61.1.8 (b))
  - At the beginning of the operator's tour of duty
  - After each enforcement action resulting from the use of RADAR
  - At the end of the operator's tour of duty
5. The Support Services Supervisor will serve as the SMI Coordinator. The SMI Coordinator will be responsible for overseeing the care and upkeep of SMIs, the maintenance and calibration records of such units, and the programmed maintenance of the equipment. (61.1.8 (c))
6. The officer is responsible for ensuring his/her certification is valid and will seek recertification prior to its expiration. (61.1.8 (e))

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### **Driver Re-examination Recommendation (61.1.11)**

1. Through routine enforcement and traffic crash investigation, officers may identify drivers who are believed to be physically or mentally incapable of exercising reasonable and ordinary care in the operation of motor vehicles.
2. An officer who suspects that a driver is incompetent, unqualified or unsafe to operate a motor vehicle will take the following steps:
  - Advise the driver of the behavior that leads the officer to believe that he/she is unfit to operate a motor vehicle
  - Attempt to determine from the driver the cause of the behavior
  - If appropriate, make suggestions to improve driving behavior or suggest alternative transportation for the driver
  - **NOTE:** Officers will not allow a driver to continue driving when he/she believes that the driver cannot operate a vehicle safely
3. If an officer believes a driver is incompetent, unqualified, or unsafe to operate a motor vehicle, the officer will complete form F1002 – *Driver Reexamination Recommendation*.
  - The officer will forward form F1002 – *Driver Reexamination Recommendation* to the Records Section for filing purposes and submission to the NCDMV Medical Evaluation and Review Branch.
  - Record Section personnel will maintain such records in accordance with the North Carolina Municipal Records Retention and Disposition Schedule and mail a copy of the completed form to the NCDMV Medical Evaluation and Review Branch at 3112 Mail Service Center in Raleigh or fax it to (919) 733-9569. (**NOTE:** If the driver was involved in a motor vehicle crash, a copy of the DMV-349 will be attached.)
    - **NOTE:** The form states the reasons why the driver review is being requested. (SOURCE: NCGS 20-29.1)

### **Parking Violations (61.1.12)**

1. Officers are to be aware of and patrol for routine violations of NCGS and the parking ordinances of the Town of Apex on streets, highways, roadways, and Public Vehicular Areas (PVAs).
2. When complaints are received, officers will respond to the area and determine if there are any violations.
3. Officers will first seek resolution of the violation (i.e. the vehicle can be moved by the owner/operator to eliminate the violation). Officers retain the discretion to issue a verbal or written warning, Apex Police Department Parking Ticket, or North Carolina Uniform Traffic Citation for a parking violation.

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4. Violations of Town of Apex parking ordinances may be cited on the Apex Police Department Parking Ticket. Violations of NCGS related to parking may be cited on a North Carolina Uniform Traffic Citation.
5. If a vehicle is in the roadway and creating an immediate danger or hazard, officers will have the vehicle removed and make reasonable efforts to notify the owner. An immediate danger or hazard is defined as a vehicle obstructing a travel lane or sidewalk and interfering with the safe flow of pedestrian or vehicular traffic.
6. If a complaint is received about a vehicle parked on private property against the wishes of the property owner, the officer may make a reasonable effort to notify the owner of the vehicle to remove it; however, the officer is not authorized to tow the vehicle from private property.
  - **EXCEPTION:** A vehicle parked in violation of a law or ordinance in a PVA may be removed if necessary and with the approval of a supervisor.
7. Parking tickets are contained in book format with each ticket individually numbered. Each book contains 25 tickets.
  - All parking ticket books will be secured in the Records Section. (**NOTE:** Access to Records is limited to those assigned to Records and command officers.) (Reference General Order 402 - Records Maintenance)
  - Officers who need a parking ticket book will report to the Records Section and complete the sign-out log. The on-duty Records Clerk will issue the parking ticket book and ensure the sign-out form is properly completed. (Reference General Order 402 - Records Maintenance)

### *Parking Ticket Fine Collection*

1. All monetary fines for parking tickets are collected, processed, and maintained by the Town of Apex Finance Department.

### *Failure to Pay/Prosecution of Parking Tickets*

1. Violators will have five days from the date of issuance to pay the fine.
2. Record Section personnel, Administrative Division Commander, Community Police and Crime Prevention Officer(s) responsibilities:
  - On the 15<sup>th</sup> of every month, Record Section personnel will check the department's RMS Parking Ticket Module for outstanding parking tickets
    - If the 15<sup>th</sup> of the month falls on a weekend or holiday, Records Section personnel will check the RMS Parking Ticket Module the following Town of Apex business day



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- Parking tickets that are beyond the specified time limit, Records Section personnel will generate a report of outstanding parking tickets and forward the report to the Administrative Division Commander for further processing
- The Administrative Division Commander will mail the vehicle owner a certified letter indicating fine payment must be received by the Town of Apex Finance Department in 10 days or a Criminal Summons may be issued for the vehicle owner for failing to pay the fine
  - Form F1002b – *Request for Review of Parking Ticket* will be used for this purpose
- On the 15<sup>th</sup> of the following month, Records Section personnel will again generate a report of outstanding parking tickets and if payment has not yet been received, will notify a Community Policing and Crime Prevention Officer who will take out a Criminal Summons on the vehicle owner for failure to pay the fine
  - If the 15<sup>th</sup> of the month falls on a weekend or holiday, Records Section personnel will check the RMS Parking Ticket Module the following Town of Apex business day

## *Review and Appeal Process*

1. A review process to contest a parking ticket is not a legal requirement; however, the design of our criminal justice system is to allow a person charged with a violation of law the opportunity to contest the charge. Therefore, an internal review process is appropriate.
2. **The review process is under the general supervision of the Professional Standards Unit and includes but is not limited to the following:**
  - The owner/operator of the vehicle who wishes to contest a previously issued Apex Police Department parking ticket should notify the police department by completing form F1002a – *Request for Review of Parking Ticket*
    - **The request can be submitted in person, by mail, or by electronic submission and will be forwarded to the Professional Standards Supervisor upon receipt**
  - **The Professional Standards Unit will:**
    - Interview the owner/operator by phone or in person
    - Interview the officer issuing the ticket, if necessary
    - Visit the location of the violation, if necessary
    - Review any documentation or evidence provided
    - Make a determination and notify the parties involved (including the Town of Apex Finance Department)
    - **In the Professional Standards Unit Monthly Report, report to the Chief of Police on parking violations, reviews, etc.**

## *Parking Permits and Applications*

1. Any vehicle that remains parked in a Town of Apex owned or leased parking lot after the hours posted (generally from 2300 to 0600 hours) must have a valid parking permit issued by the Apex Police Department.

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2. A permit may be requested by submitting form F1002c – *Overnight Parking Permit Application for Town Owned/Leased Lots* to the Apex Police Department, Administrative Division Commander or his/her designee.
3. The Administrative Division Commander or his/her designee will:
  - Review all applications
  - Notify the applicant of the outcome of his/her application
  - If applicable, issue the applicant a permit
    - The name, phone number, license plate number, and vehicle description of all permit holders will be maintained so it is accessible to emergency personnel in the event the permit holder must be contacted regarding his/her vehicle

## Disabled Vehicles

1. If a wrecker is needed, a rotation wrecker should be used. If the owner would like to request his/her own wrecker service, an arrival time of the wrecker must be within 30 minutes or a rotation wrecker will be used.
2. In special conditions such as bad weather, high traffic volume, or low visibility, the waiting period may be waived if it is apparent that the vehicle owner/operator is not readily available; however, attempts should be made to contact the owner within 15 minutes.

## Traffic Stop Reports

1. Pursuant to NCGS 114-10.01, officers will complete SBI Form 122 - *Traffic Stop Report* or the department's RMS electronic Traffic Stop Form for all traffic stops.
2. Officers will forward all SBI Form 122 - *Traffic Stop Report* to the on-duty supervisor or enter traffic stop data into the RMS Traffic Stop Report Module prior to the end of his/her tour of duty.
  - The on-duty supervisor receiving SBI Form 122 – *Traffic Stop Report* will review for completeness and accuracy.
    - Supervisors will then forward the completed SBI Form 122 – *Traffic Stop Report* to the Records Section personnel for processing.
  - Records Section personnel will:
    - Enter, or cause to be entered, traffic stop data from SBI Form 122 – *Traffic Stop Report* into the RMS
    - Indicate on the form the date, time, and name of the person entering the data into the RMS and file the form as appropriate
  - Monthly, Records Section personnel will transmit traffic stop report data to the State Bureau of Investigation Traffic Stop Database.

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### **Official Motor Vehicle Record**

1. If an officer needs an official motor vehicle record, he/she will complete NCDMV Form DL-49 – *Request for Official Motor Vehicle Record* and submit it to the on-duty supervisor.
2. The on-duty supervisor will review the form and, if approved, forward it to the Records Section.
3. Records Section personnel will mail, or submit by other appropriate means, the form to the NCDMV.

Text in “Green” denotes a significant change in policy

**BY ORDER OF:**



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John W. Letteney  
Chief of Police