

South Carolina Department of Public Safety

Office of the Director

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POLICY	300.14
EFFECTIVE DATE	FEBRUARY 10, 1997
ISSUE DATE	APRIL 16, 2001
SUBJECT	TRAFFIC ENFORCEMENT
APPLICABLE STATUTES	§56-5-760; Title 56, Chapter 5, Article 33
APPLICABLE STANDARDS	<u>1.2.6, 1.2.7, 41.2.1, 44.2.1, 61.1.1, 61.1.2, 61.1.3, 61.1.4, 61.1.5, 61.1.7, 61.1.8, 61.1.10, 61.1.11, 61.4.1, 61.4.3, 81.2.5, 83.2.2</u>
DISTRUBTION	TO ALL EMPLOYEES

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I. PURPOSE

The purpose of this policy is to establish guidelines for conducting traffic enforcement while providing maximum safety to the officer and others involved and maintaining a level of professionalism and courtesy.

II. POLICY

In order to enhance the safety of Department of Public Safety (DPS) officers and the general public, officers shall maintain good public relations and service through uniform guidelines for contacting violators and taking proper enforcement action. [61.1.8]

III. GENERAL PROCEDURES

A. DPS officers shall ensure that:

1. They conduct themselves in a professional and courteous manner at all times while interacting with the public. This requirement must be balanced with the need for caution and detection of criminal activity. [61.1.7 (a)] [61.1.8]
2. Department vehicles are operated, stopped and parked in a manner which will provide the greatest degree of safety to the officer and the motoring public and which is consistent with applicable state law and department policy. [61.1.7 (a)]
3. Every precaution is taken when approaching the violator and the officers shall position themselves at the vehicle so as to observe all occupants of the vehicle and approaching traffic. [61.1.7 (a)]
4. Appropriate enforcement action is taken. [61.1.7 (a)]

B. DPS officers shall comply with the provisions of §56-5-760 and department policy when operating an authorized emergency vehicle. Officers will carefully weigh any contemplated use of the radio system and ascertain that the nature of their communication is either urgent in nature or pertains to official police business. Officers and Telecommunication Operators (TCOs) shall use the following codes for calls ranging from routine to emergency.

1. CODE-1 Normal Run
2. CODE-2 No Delay - Silent Run - No Lights or Siren
3. CODE-3 Urgent - Use Lights and Siren [41.2.1] [61.1.7 (a)]

C. Tele-communications operators and officers are required to follow the rules and regulations pertaining to the operation of the radio along with the Federal Communications Commission regulations to use complete radio identification numbers in communicating with other units. For instance, if a station or an officer is to call A-40, it is necessary to use all three digits and not abbreviate by using only the digit "40".

D. DPS enforcement and accident report data shall be compiled through the utilization of electronic data processing. Analyzed data shall be distributed to enforcement supervisors who will utilize these reports in planning enforcement efforts and assigning officers in their area. Planning may be based on the evaluation of traffic volume, numbers of accidents, and frequency of traffic violations. [61.1.1 (a-f)]

IV. DRIVING UNDER THE INFLUENCE ENFORCEMENT COUNTERMEASURES [61.1.10]

A. DPS is dedicated to the cause of reducing alcohol and drug-related offenses and accidents on South Carolina highways. In doing so, officers shall:

1. Maintain a high level of alertness to detect alcohol and drug impaired drivers while performing their normal duties.
2. Follow appropriate training and guidelines in apprehending, stopping and processing alcohol and drug impaired drivers.

B. Supervisors shall:

1. Monitor alcohol and drug-related arrests, collisions, fatal crashes and complaints to determine the location, day of week, and time of day of these incidents and target these areas when necessary. Data may be obtained using selective enforcement data, pin-map system, officer reports, information from other police agencies, and any other reliable source.
2. Ensure various enforcement programs are utilized to combat driving under the influence violations within their area. These may include but are not limited to:
 - a. supervised saturation patrols in known areas of high DUI cases and collisions;
 - b. supervised line patrols on certain highways or streets;
 - c. checkpoints in known areas of high DUI cases and collisions;
 - d. observation of movement near nightclubs and bars;

- e. public announcements of stepped-up enforcement;
- f. public relations programs to encourage public reporting; and
- g. swift prosecution of DUI cases.

V. STOPPING THE VIOLATOR [61.1.7 (a)]

- A. The officer shall use discretion when selecting a place where the violator can be stopped promptly and safely. Officers should avoid stopping vehicles on hills, curves and other hazardous locations. Both vehicles should be positioned off the traveled portion of the road as far as possible. DPS officers shall position their vehicles in one of three ways during unknown risk traffic stops, depending on the circumstances: left offset, in line, or right offset.
- B. Emergency equipment (i.e., blue lights and sirens) shall be operated in accordance with §56-5-760 when initiating a traffic stop. Absent extenuating circumstances, blue lights shall remain on during the traffic stop in order to ensure safety and visibility at the scene. [41.2.1]
- C. Every reasonable effort should be made by the officer to identify himself as a law enforcement officer without jeopardizing his/her safety or the safety of others. Absent extenuating circumstances, officers shall be in full uniform before initiating a traffic stop. If, while attempting to stop a violator, the officer perceives that the violator is unable to identify him/her as an officer, the following procedures should be employed:
 - 1. wear the campaign hat;
 - 2. activate the dome light during hours of darkness;
 - 3. use the vehicle's public address system; and/or
 - 4. pull alongside the violator.
- D. The Communications Center shall be notified of all traffic stops initiated by DPS officers. Officers who have patrol cars equipped with mobile data terminals (MDT's) may notify Communications either by MDT or by radio. Prior to exiting the vehicle, the officer shall provide the location of the stop, license plate number, make, model and color of the vehicle(s), and number of occupants and description, if known. The officer shall contact Communications within 10 minutes after the stop to advise if the stop will take an extended period of time. If Communications has not been notified within 10 minutes, the TCO shall radio the officer. The officer shall also notify Communications when the traffic stop is complete. Communications shall maintain a log of all traffic stops. [81.2.5 (e)]
- E. Officers operating DPS vehicles equipped with video cameras shall activate the audio-video equipment as soon as the emergency equipment has been activated. The audio-video equipment shall not be stopped, paused or otherwise interfered with at any time during the stop and shall remain on record mode until the traffic stop is complete. If an individual is transported by the officer as a result of the stop, the audio -video equipment shall remain on record mode until arrival at the jail or other appropriate destination. [41.2.1] [83.2.2]

VI. APPROACHING THE VIOLATOR [61.1.7 (b)]

- A. In every case, officers shall use caution in approaching the violator and/or the violator's vehicle and shall be alert to any suspicious movements within the vehicle.
- B. While conducting traffic stops, DPS officers shall conduct themselves in a professional and courteous manner. The officer shall identify him/herself and inform the driver of the reason for the stop. At no time should the officer argue with the violator. [61.1.8]
- C. Officers shall fully explain the rights and requirements of violators. The officer shall explain the violation(s) and all actions required of the violator including: [61.1.8]
 - 1. optional or mandatory court appearance and court date; [61.1.4 (a) (b)]
 - 2. how and where to pay fines; and [61.1.4 (c)]
 - 3. any other information pertinent to the specific violation or situation. [61.1.4 (d)]
- D. If during the course of the stop, an officer develops probable cause that the violator or vehicle possesses contraband or evidence of a crime, any search shall be conducted in accordance with DPS policy and procedure and applicable laws.
- E. During dark hours, the officer may use the spotlight/take-down lights if necessary to see inside the vehicle after the violator has stopped while using caution not to project the light toward on-coming traffic.

VII. HIGH RISK STOPS [61.1.7 (c)]

- A. If the officer has reason to believe a wanted person is being stopped or the violator has committed a serious offense, the officer should request backup.
- B. Officers shall use their body armor in accordance with DPS policy when attempting a high risk stop.
- C. When officers are dealing with a known or suspected felon, officers shall remain in a protected position and may use the vehicle's public address system to instruct the occupant(s) to exit the vehicle.
- D. All occupants shall be ordered from the vehicle one at a time with hands above the head, palms showing.
- E. All searches and any subsequent arrests shall be conducted in accordance with DPS policy and procedure.

VIII. STOPPING COMMERCIAL VEHICLES [61.1.5 (g)] [61.1.7 (a)]

- A. All procedures and guidelines provided within this policy apply to commercial motor vehicles. However, special or additional precautions may be necessary when stopping commercial vehicles in order to enhance the safety of the officer and motoring public.
- B. The officer shall position the enforcement vehicle in such a manner that the driver can see its emergency lights while attempting to make the stop.
- C. The driver should be allowed sufficient time and distance to make a safe stop. The officer should avoid stopping a commercial vehicle on steep upgrades or downgrades.
- D. Generally, commercial vehicle stops are best conducted with the patrol vehicle positioned at the front of the truck. However, an officer should position the patrol vehicle at the safest position depending upon the circumstances of the stop.

- E. When feasible, the officer shall request the driver to climb down out of the commercial vehicle and come to the officer in order to conduct the traffic stop.

IX. CITING THE VIOLATOR

A. Uniform Enforcement

Department of Public Safety officers shall uniformly enforce South Carolina traffic laws and have a thorough knowledge of the traffic laws and the elements of the law that comprise the violations. [61.1.3 (e)] Enforcement efforts of traffic laws shall be in accordance with the South Carolina Code of Laws and shall include, but not be limited to, the following violations: [61.1.5 (a-l)]

1. driving under the influence of alcohol/drugs or suspension; [61.1.5 (a) (b)]
2. speed and equipment violations; [61.1.5 (c) (f)]
3. violations resulting in traffic accidents; [61.1.5 (k)]
4. commercial motor vehicle violations; [61.1.5 (g)]
5. multiple violations; [61.1.5 (i)]
6. off-road vehicle violations; [61.1.5 (e)]
7. pedestrian and bicycle violations; [61.1.5 (l)]
8. newly enacted laws and/or regulations; and [61.1.5 (i)]
9. other hazardous and non-hazardous violations. [61.1.5 (d) (h)]

B. Warning Tickets

Warning tickets may be issued to violators who, in the officer's opinion, are not in violation to the degree that a summons ticket would be in order under the existing circumstances. Officers shall exercise their discretion and good judgment in using this enforcement tool. A summons for arrest shall be issued in all cases of driving under the influence, reckless driving, hit and run, reckless homicide and driving under suspension. Warnings shall not be issued for these offenses or any other offenses where a warning is prohibited by the department or division(s). [1.2.6] [1.2.7] [61.1.2 (a)] [61.1.3 (b)] [61.1.5 (a) (b)] [61.1.11]

C. Uniform Traffic Tickets [61.1.2 (a) (b)]

1. DPS officers will use the uniform traffic ticket as prescribed in §56-7-10. DPS officers are empowered by law to accept a cash bond, when not statutorily prohibited, from any person apprehended and charged with a violation of traffic law in lieu of incarceration. The person charged shall be issued an official summons on which the violator will be receipted for any sum of cash bond deposited with the arresting officer. The person charged may be permitted to leave until further appearance before the proper court if required by the summons. Once a summons has been served, the officer has jurisdiction to dispose of the case. [1.2.6] [44.2.1 (b)] [61.1.3 (b)]
 - a. When a bond is accepted at the time the summons is issued, the exact amount received shall be shown on all five copies of the summons ticket in the space marked "Bail Deposited".

- b. When accepting a bail bond card, the name of the bail bond company shall be entered in the "Bail Deposited" block of the summons and no amount of money shall be entered there. The appropriate amount of bond will be written on the top right, front side of the violator's copy only.
 - c. When a courtesy summons is given and no bond is accepted, the word "none" shall be written in the "Bail Deposited" block.
 - d. If the violator is arrested and transported to a detention facility and no bond is accepted, the word "jail" shall be written in the "Bail Deposited" block.
 2. The nature of bonds accepted should be cash, properly endorsed traveler's checks, or bail bonds. Personal checks are not accepted. No officer shall accept personal property of any description as a bond or pawn.
 3. When a cash bond is accepted, the officer shall turn the full amount of bond received over to the trial officer within 72 hours of receipt, excluding weekends and holidays. The trial officer's copies of the Uniform Traffic Ticket shall be received by the magistrate or municipal judge within 72 hours from the time of the alleged traffic violation.
 4. When a summons is issued to an out-of-state driver whose home state is a member of the Non-resident Violator's Compact, the driver may be permitted to continue without posting bond. Exceptions to this are offenses that would result in the suspension or revocation of the driver's license under the laws of this state. Failure by the driver to comply with the summons will result in the suspension of the violator's driver's license by the home state. [61.1.3 (a)]
 5. When an out-of-state motorist is not a resident of a compact member state, the officer shall explain the procedure of accepting cash bond and court proceedings and may request bond be deposited. [61.1.3 (a)]
 6. The officer should ascertain the trial date that would be convenient to an out-of-state motorist and if possible, the officer shall set the date of trial accordingly. [61.1.3 (a)]
 7. Legibility and correctness is vital when writing a summons ticket. Officers shall exercise care to properly document all information correctly on summons tickets to avoid voiding tickets due to carelessness. Writing over errors or using liquid paper is not permitted. In the event an error or correction is necessary, a single line shall be drawn through the error and the correct information written above the error on all copies of the summons. Exceptions to this include information in the nature of offense block, violation section number, bail deposited block, BA level, or any part of the disposition section.
- D. Size and Weight Summons Tickets [61.1.2 (b)]

State Transport Police Officers will issue the Uniform Size and Weight Summons Tickets prescribed by the Department. Tickets must be issued for violations contained in Title 56, Chapter 5, Article 33, of the S.C. Code of Laws, entitled "Size, Weight and Load." At the time that a uniform size and weight ticket is issued, the officer must inform the individual receiving the ticket that he has the option, at that time, to elect to pay his fine directly to the department or to receive a hearing in magistrate's court. Fines assessed by ticket for size and weight violations must be paid to the State

Transport Police within 28 days to avoid the addition of assessments to the original fine. [61.1.4 (b) (c)] [61.1.5 (g)]

X. OPERATIONAL PROCEDURES FOR ABANDONED VEHICLES

An abandoned vehicle is any vehicle that is left unattended on a highway for more than 48 hours, or a vehicle that has remained on private or other public property for a period of more than seven days without the consent of the owner or person in control of the property. DPS officers shall comply with existing laws, rules and regulations concerning identifying, tagging, contacting owners, towing and reporting abandoned vehicles.

A. The following procedures will be observed when dealing with an abandoned vehicle on the highway:

1. Notify the Communications Center to run a stolen vehicle and registration check to establish if the vehicle is stolen and determine ownership.
2. Place a tag on the vehicle in a conspicuous place, in accordance with §56-5-5850.
3. Conduct another stolen check after 48 hours.
4. When practical, attempt to contact the owner prior to having the vehicle towed. If the owner cannot be contacted, dispatch for towing.
5. Prior to releasing the vehicle to the towing service, inventory the contents of the vehicle when possible using an approved DPS form.
6. Advise the Communications Center of the date, time, location, make, model and tag number of the towed vehicle.
7. Once towed, the owner should be notified immediately of the location of the vehicle.
8. If the vehicle is stolen, verify the stolen report with the originating agency, advise them of the recovery, and complete an incident report. The originating agency is responsible for notifying the owner.

B. The following procedures will be observed when dealing with an abandoned vehicle situated in unlawful or dangerous areas:

1. If a vehicle is abandoned or unattended on a bridge, causeway, underpass, in the roadway, on a railroad track, within an intersection, or blocking an entranceway or exit, the officer should stop, activate the emergency lights, and contact the Communications Center for stolen and registration reports.
2. A reasonable attempt to contact the owner should be made. However, if contact cannot be made, the vehicle should be towed in accordance with DPS policy.

XI. HIGHWAY ASSISTANCE

A. Department of Public Safety officers will provide general assistance and information to the motoring public upon request. [61.4.1 (a)]

B. Officers will stop to assist disabled motorists, not necessarily to repair the automobile, but to help the motorist to contact someone for mechanical assistance or towing. The owner/operator may request a towing service of choice. If not, one shall

be summoned from the rotation list through the communications center, according to department policy. [61.4.1 (b)]

- C. Officers shall ensure the protection of stranded persons on the highway by directing them away from traffic. Officers should be prepared to provide first aid, extinguish small fires and call for medical and/or fire assistance, if necessary. [61.4.1 (c) (d)]
- D. At the request of any stranded or disabled motorist, the officer will ensure that the motorist does not remain in a hazardous location or environment, even if it means transporting the motorist to a suitable public location. [61.4.1 (c) (d)]

