

South Carolina Department of Public Safety

Office of the Director

10311 Wilson Blvd. Blythewood, SC Post Office Box 1993 Blythewood SC 29016



POLICY	300.21
EFFECTIVE DATE	MAY 12, 1998
ISSUE DATE	APRIL 3, 2000
SUBJECT	USE OF INDIVIDUAL DISCRETION
APPLICABLE STATUTES	
APPLICABLE STANDARDS	1.2.6, 1.2.7
DISTRUBTION	ALL EMPLOYEES

THE LANGUAGE USED IN THIS DOCUMENT DOES NOT CREATE AN EMPLOYMENT CONTRACT BETWEEN THE EMPLOYEE AND THE AGENCY. THIS DOCUMENT DOES NOT CREATE ANY CONTRACTUAL RIGHTS OR ENTITLEMENTS. THE AGENCY RESERVES THE RIGHT TO REVISE THE CONTENT OF THIS DOCUMENT, IN WHOLE OR IN PART. NO PROMISES OR ASSURANCES, WHETHER WRITTEN OR ORAL, WHICH ARE CONTRARY TO OR INCONSISTENT WITH THE TERMS OF THIS PARAGRAPH CREATE ANY CONTRACT OF EMPLOYMENT.

I. PURPOSE

The purpose of this policy is to establish guidelines for DPS officers related to the limits of authority and the use of discretionary judgment.

II. POLICY

All DPS officers shall be permitted to use professional and impartial discretionary judgment in enforcement situations involving, but not limited to, investigative and arrest procedures. [1.2.7]

III. OFFICER RESPONSIBILITY

All DPS officers are permitted to use impartial and professional discretionary judgment in the execution of official duties and responsibilities that are directly related to the enforcement of the laws of the state of South Carolina. Discretionary judgment may be used in situations that include, but are not limited to, investigative and arrest procedures. Officer experience and training, acting in concert with statutory requirements, written departmental enforcement policies/regulations, legal precedent, and supervision shall be taken into consideration when exercising such discretion. In addition, contemporary public opinion may be considered when employing such discretion. The use of discretionary judgment is greatly limited in felony situations and shall not be employed in any circumstance in which a mandated custodial arrest situation exists, whether defined as such by either state law or departmental policy. [1.2.7]

Nothing in this directive is to be construed as intending or extending permission to disregard and/or circumvent any state or federal law. In addition, nothing in this directive shall be construed as intending or extending permission to disregard and/or circumvent any regulation, policy, established procedure and/or lawful direct order of a superior officer/supervisor of the South Carolina Department of Public Safety. Each officer shall be held accountable for his/her actions in each situation/circumstance where individual discretionary judgment has been employed by said officer. [1.2.7]

IV. ALTERNATIVES TO ARREST

All DPS officers may use alternatives to custodial arrest of violators including, but not limited to, the issuance of a court summons/Uniform Traffic Ticket, written warning tickets and, in some situations, verbal warnings. The use of alternatives to arrest shall be greatly limited in felony situations and shall not be employed in any circumstance in which a mandated custodial arrest situation exists, whether defined as such by either state law or departmental policy. Juvenile offenders shall be processed in accordance with the Juvenile Operations policy. [1.2.6]

