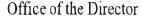
South Carolina Department of Public Safety



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



POLICY	300.21
EFFECTIVE DATE	MARCH 22, 2016
SUBJECT	USE OF INDIVIDUAL DISCRETION
REPLACE POLICY DATED	APRIL 3, 2000
APPLICABLE LEGAL AUTHORITIES	S.C. Code § 56-5-6560
APPLICABLE STANDARDS	1.2.6, 1.2.7
APPLICABLE STANDARD OPERATING PROCEDURES (SOP)	N/A
FORMS	Uniform Traffic Ticket, Public Contact/Warning
DISTRIBUTION	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

To establish guidelines for South Carolina Department of Public Safety (SCDPS or department) officers regarding the limits of authority and the use of discretionary judgment.

II. POLICY

All SCDPS officers shall be permitted to use professional and impartial discretionary judgment in the execution of official duties and responsibilities directly related to enforcement of South Carolina laws. Discretionary judgment may be used in situations that include, but are not limited to, investigative and arrest procedures. [1.2.7]

III. DEFINITIONS

N/A

IV. OFFICER RESPONSIBILITY

- A. Officer experience, training, statutory and regulatory requirements, written departmental enforcement policies, legal precedent, and supervision shall be taken into consideration when exercising 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 department policy. [1.2.7]
- B. Nothing in this directive is to be construed as permission to disregard and/or circumvent state or federal law, SCDPS policy or established procedure, or any lawful direct order of a superior officer/supervisor within SCDPS. Each officer shall be held accountable for his/her actions in each situation/circumstance where he/she has exercised individual discretionary judgment. [1.2.7]
- C. In accordance with S.C. Code § 56-5-6560, any time a motor vehicle is stopped by an officer without a citation being issued or an arrest being made, the officer shall complete a Public

Contact/Warning form that includes information regarding the age, gender, and race or ethnicity of the driver of the vehicle.

V. ALTERNATIVES TO ARREST

2 miles

- A. All SCDPS officers may use alternatives to custodial arrest of violators including, but not limited to, the issuance of a court summons/Uniform Traffic Ticket, a written Warning, or a documented Public Contact.
- B. Juvenile offenders shall be processed in accordance with *SCDPS Policy 300.19* (Juvenile Operations). [1.2.6]

