

South Carolina Department of Public Safety



Office of the Director

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	<u>1.2.6, 1.2.7</u>
APPLICABLE STANDARD OPERATING PROCEDURES (SOP)	N/A
FORMS	Uniform Traffic Ticket, Public Contact/Warning
DISTRIBUTION	ALL EMPLOYEES

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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

- 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]

