



ANDERSON COUNTY
SHERIFF'S OFFICE

GO - 223

GENERAL ORDERS

TRAFFIC ENFORCEMENT

PURPOSE:

Traffic law enforcement involves:

1. Activities or operations relating to observing, detecting, and preventing traffic violations
2. Taking action to effectively deal with traffic violations and collisions
3. Arrests and citations
4. Issuing verbal and written warnings to drivers and pedestrians, in place of citations or arrests, to help prevent them from committing minor and inadvertent violations
5. All uniformed members of the Sheriff's Office

Traffic enforcement can be:

- Reactive to observed violations at collision scenes
- In response to community concerns
- Proactive to prevent traffic violations

NOTE: *Overzealous enforcement without considering whether a violator is familiar with the legal requirements or without regard for circumstances surrounding a violation causes disrespect for the law and poor relations between the Sheriff's Office and the community.*

VISIBLE TRAFFIC PATROL:

Area Patrol – Enforcement within a deputy's assigned area of responsibility.

Targeted Patrol – Involves supervisors directing enforcement efforts to an area or a line patrol, at a specific time for a specific violation.

Stationary Observance – Covert or overt stationary observance may be used to observe traffic flow. When completing reports or participating in activities keeping them out-of-service, deputies are encouraged to park their marked patrol vehicles in conspicuous locations. Presence of a patrol vehicle is a deterrent. Using an unmarked vehicle or covert location may be the most advantageous way to handle a particular problem. Unmarked vehicles used for covert traffic surveillance are to be equipped with emergency blue lights and sirens.

ENFORCEMENT ACTION:

Per State law, traffic enforcement action may consist of a **written warning, citation, or physical arrest.**

WARNING – A written warning will be issued to a violator:

1. For minor moving violations
2. For equipment violations

3. For unique violations
4. For a violation of which the driver was unaware

CITATION (South Carolina Uniform Traffic Ticket) – A citation is issued to a violator who commits a hazardous moving violation or who is operating an unsafe and improperly equipped vehicle.

PHYSICAL ARREST – A deputy is to physically arrest traffic violators for the following:

1. Driving under the influence
2. When a felony is committed involving a vehicle
3. When a vehicle operator attempts to elude a traffic stop
4. When the operator cannot produce sufficient identification to verify his identity and he is going to be charged with a violation
5. When the operator is licensed by a non-reciprocal state
6. When a deputy has reason to believe the violator will not comply with a courtesy summons, if issued

Legislators – Are not immune from arrest or citation. They may be issued citations while enroute to legislative sessions, but are not to be physically arrested unless their condition would endanger the public (i.e., DUI). When physical arrest of a legislator is necessary, a supervisor is to be contacted.

Foreign Diplomats/Consular Officials – Traffic citations may be issued to diplomatic officials regardless of their rank or status. A diplomat's vehicle cannot be impounded or searched. Those with diplomatic immunity cannot be physically arrested. If the diplomat presents a continuing danger to the public (i.e., DUI), he or she can be detained until they can be safely taken care of by a consulate official. A supervisor is to be contacted. A full report including the diplomat's identity and circumstances of detainment is to be forwarded to the U. S. State Department. *Refer to General Order 229 (Criminal Process/Arrest) for additional information regarding foreign diplomats and consulate officials.*

Military Personnel – Stationed outside of Anderson County, are to be treated as non-residents. If physical arrest is necessary, contact the Provost Marshall at the arrestee's assigned military base/installation after placing arrestee in detention.

TRAFFIC WARNING TICKETS:

A warning ticket:

1. Aids in motor vehicle law compliance without diverting a violator to the court system
2. Within policy guidelines, serves as an additional traffic enforcement tool used by a deputy at his/her discretion

Deputies are permitted to issue warning tickets to motorists for:

- Borderline moving violations
- Equipment violations

- License violations
- Registration violations

Pre-numbered warning tickets contain the offender's identity and the issuing deputy's signature. A copy is given to the violator.

NOTE: *A written warning is not entered into an offender's driving record.*

Warning Ticket Distribution – The Records Unit is responsible for distributing warning ticket books. Each warning ticket consists of two (2) pages:

- The blue original is given to the violator.
- The white copy is returned to the Records Unit for statistical purposes.

TRAFFIC CITATIONS:

South Carolina Uniform Traffic Ticket – Ticket books are sequentially numbered and issued to the Sheriff's Office by the South Carolina Department of Public Safety.

Ticket Book – Issued and logged-out to individual deputies by the Records Department. Unassigned books are kept under lock and key.

Ticket Book Audits – The Records Department performs annual audits on all tickets with audit results forwarded to the South Carolina Department of Public Safety.

**TICKET COPY
DISTRIBUTION:**

Uniform Traffic Tickets are distributed in the following manner:

1. **Blue - Violator's Copy.** Given to offender.
2. **Green - Trial Officer's Copy.** Turned in to a supervisor who in turn forwards it to the CATCH Team. The CATCH Team is responsible for transferring green copies to magistrates. A transmittal sheet documents transfer. If a citation is written for a charge adjudicated in General Sessions Court, all copies are turned in to a supervisor who, in turn, forwards the copies to the CATCH Team. The CATCH Team keeps the white copy and sends the others (yellow, pink and green copies) to the magistrate. The magistrate holds these copies for at least ten (10) days to allow time for a preliminary hearing. After the preliminary hearing, the magistrate sends the copies to the Clerk of Court for entry on the trial docket. Following trial, the Clerk of Court sends citation copies to Highway Records with the trial disposition.
3. **White (Enforcement Records Copy), Yellow (DMV Driver Records Copy), and Pink (Audit Copy)** are all turned-in to the Records department who, in turn, forwards them to Columbia.

Ticket Log Books contain master ticket log sheets. Supervisors log white/yellow/pink ticket copies into ticket logbooks. The Records Unit receives copies on a daily basis from all divisions and records essential information before distributing:

1. **White copies** written for non-traffic criminal offenses are maintained in the Traffic Office.
2. **Pink/yellow copies** are sent to Columbia to record dispositions on state driver's license records. Separate transmittal sheets are used to document transfer: one for traffic offenses and one for non-traffic offenses. Transmittal occurs within ten (10) days after disposition.

**NON-TRAFFIC
CITATION:**

Any criminal charge within magistrate's court jurisdiction may be placed on the Uniform Traffic Ticket instead of a warrant.

**LOST OR STOLEN
TICKETS:**

Incidents of lost or stolen state tickets are documented by deputies in written reports to their supervisor describing the circumstances of loss. After reviewing incidents of loss, supervisors require deputies to file sworn affidavits listing lost or stolen ticket numbers. These affidavits are forwarded to the Records Unit for transmittal to Columbia.

**VOIDED AND AMENDED
TICKETS:**

State tickets may be voided for the following reasons:

1. Tickets completed improperly or damaged. (It is a requirement to write a new ticket.)
2. Blank tickets turned in that will not be reissued to another deputy.
3. Tickets adjudicated in General Sessions that have been ended.

Tickets ended in General Sessions – The CATCH Team:

1. Retrieves ended tickets from the Clerk of Court.
2. Marks void on the back of each ticket with an explanation. Each ticket is signed by the issuing deputy and a Traffic Unit supervisor.
3. Void slips are completed, attached to white copies, and filed in the Records Unit.
4. The Records Unit transmits the DMV Driver's Records copy (yellow) and the audit copy (pink) to Columbia.
5. All other voided tickets are handled the same as a lost or stolen ticket.

**DISMISSED
TICKETS:**

Only a trial judge or the Solicitor's Office can dismiss a ticket. A judge or solicitor is to sign the disposition block of the dismissed ticket.

**RESIGNATION OR
TERMINATION:**

When a deputy resigns or is terminated, the Traffic Unit Supervisor is responsible for following-up on pending cases.

**TRAFFIC ARREST
WARRANTS:**

Arrest warrants, instead of tickets, apply in the following situations:

1. Traffic charges against an individual who is not in custody
2. Traffic charges against an individual previously arrested and released

3. All non-traffic General Session Court cases that require arrest warrants

Unless it is necessary to obtain an arrest warrant, the Uniform Traffic Ticket is used for traffic offenses adjudicated in General Sessions Court.

SPEED MEASURING DEVICES:

All radar units used by the Sheriff's Office are to meet equipment specifications and performance standards prescribed by the National Highway Traffic Safety Administration (NHTSA). Operational procedures are to be in conformance with those recommended by NHTSA and the SC Criminal Justice Academy. Deputies are to be radar trained and certified if operating a unit in the field.

The CATCH Team Supervisor is responsible for:

1. Ensuring all radar equipment is properly maintained
2. Maintaining maintenance records
3. Maintaining calibration records
4. Ensuring each radar operator is certified
5. Ensuring that radar case logs are maintained

Individually Owned Radar Equipment – A deputy's supervisor must approve the use of radar equipment that has not been issued by the agency. Equipment is to be calibrated in accordance with State law.

IMPAIRED DRIVER COUNTERMEASURES PROGRAM:

Because a person operating a motor vehicle while under the influence is a hazard, all deputies are to operate proactively to remove impaired drivers from the highway. This agency's impaired driver enforcement program is designed to reduce the number of collisions involving alcohol or drugs.

To achieve a reduction in impaired driver related collisions:

1. Traffic supervisors assign personnel to patrol areas on days and during times of high DUI activity.
2. Traffic supervisors assign traffic checkpoints in areas on days and during times of high DUI activity.
3. Traffic deputies receive specialized training in DUI detection and apprehension.
4. Education and public awareness activities are conducted as part of the DUI counter measure program.

PUBLIC SAFETY CHECKPOINTS:

Public Safety Checkpoints include:

- Drivers' license and equipment checkpoints
- Sobriety checkpoints

Public Safety Checkpoints are conducted to reduce:

1. Property damage from vehicle collisions

2. Injuries and fatalities caused by unqualified drivers
3. Impaired drivers
4. Collisions involving faulty/defective vehicle equipment

Guidelines for conducting a Public Safety Checkpoint:

1. A location survey is to be conducted to determine signage or other equipment needed to properly conduct the checkpoint.
2. All checkpoints are to be approved by a supervisor.
3. Vehicles are to be checked in a sequential manner and not merely at random.
4. When a deputy detects a violation, he/she is to have the violator pull off of the roadway for further investigation.
5. All motorists are to be checked in a timely manner without causing any undue delay or burden.
6. A supervisor is to ensure the checkpoint is adequately staffed.
7. A checkpoint is to be documented with a written report, which is forwarded to the Traffic Unit for filing. The report is to include the location, date and time of the checkpoint, deputies involved, violations detected or cases made, and any other information deemed necessary to record.

Checkpoints are also used for educational purposes: educating the public about minor offenses - such as minor equipment violations, and to explain how to affect corrections.

**INTERACTION
WITH VIOLATORS:**

The purpose of enforcement action is to alter a violator's future driving habits. To accomplish this goal in a professional manner, deputies involved in traffic enforcement are to:

1. Always be conscious of their image, dress, grooming, language, and bearing
2. Be certain of observations before initiating a traffic stop
3. Be prepared with the necessary forms and supplies
4. Use courteous and professional greetings when beginning conversation with a violator
5. Initiate NCIC and local warrant inquiries using the violator's identification and vehicle registration information
6. Explain to a violator the nature of the offense and why the activity is prohibited

**AUDIO/VIDEO
RECORDING:**

In-car video and audio systems are to be used by the Highway Interdiction Unit (CATCH Team) for all traffic stops. Interdiction Officers are to maintain control of all tapes in a lockable cabinet accessible only by the Interdiction Officers and the CATCH Team supervisor.

The CATCH Team supervisor will monitor the status of cases recorded on the tapes and make a determination of when to prepare the tapes for reuse.

**TRAFFIC STOP
OBJECTIVES:****Two (2) major objectives of a traffic stop:**

1. To take proper and appropriate enforcement action
2. Favorably alter a violator's future driving behavior

Objective attainment depends on a deputy's ability to evaluate:

1. A violator's state-of-mind
2. A violator's physical condition
3. Facts concerning the violation

A thorough understanding of human relations and flexibility on the part of a deputy should minimize conflict between a deputy and violator.

VEHICLE APPROACH:**When stopping a traffic violator, deputies are to:**

1. Call in the location, vehicle tag, vehicle description, and occupant descriptions. Ask for a wanted check on the license tag before exiting your vehicle. Pull completely off the roadway, if at all possible, but always keep the driver's door of the violator's vehicle in sight.
2. If at all possible, call in the tag number of the suspect vehicle before activating emergency lights and siren.
3. Always approach a stopped vehicle with caution, watching for both traffic approaching your side and occupants of the stopped vehicle. Be on the alert for any sudden movements by the driver or occupants.
4. If vehicle occupants appear suspicious, take up a defensive position at the patrol vehicle's door and, using the public address system, order the driver to exit.

NOTE: *At any time a deputy is aware of a weapon in a violator vehicle, he or she may initiate a felony car stop. If the driver or occupant is a known wanted felon, a felony car stop is mandatory.*

**UNIFORM TRAFFIC
LAW ENFORCEMENT
GUIDELINES:**

DRIVING UNDER THE INFLUENCE (DUI) – After probable cause is established, the deputy administers a roadside sobriety test and any other test to determine if the subject is under the influence of alcohol or drugs. If a decision to arrest is made, all DUI violators, with the exception of foreign diplomats/consular officials are to be physically arrested and transported for arraignment and booking.

DUI AND REASONABLE SUSPICION – A deputy is required to have reasonable suspicion to believe a driver is under the influence before signaling the vehicle to pull over. After the vehicle stops, the driver is examined for the odor of alcohol, slurred speech, and other indicators of the influence of alcohol or other drugs before field sobriety tests are administered. If probable cause exists to believe the offense of DUI has occurred, the driver is placed under arrest and transported for a breath test.

Only a certified operator may administer a breath test and it must be videotaped.

If a DUI suspect refuses a breath test, a refusal form is completed and forwarded to the CATCH Team Supervisor. All procedures involving the testing phase or refusal are governed by State statute.

If a responsible party is unable to take responsibility for a DUI offender's vehicle, the arresting deputy is to request a wrecker service to tow the vehicle in for safekeeping. A **Vehicle Impoundment and Inventory Record** form is completed to document the tow.

SPEEDING – Speed violations are to involve speeds clearly convictable in court. Officers should use discretion to stop violators exceeding the posted speed limit.

If a speed limit is not posted, South Carolina prima facie law comes into affect. Citations should be issued to violators according to the existing actual or potential hazard(s), keeping in mind that current conditions may warrant an individual to drive less than the posted speed limit.

OTHER HAZARDOUS VIOLATIONS – Officers should consider the degree of the hazard, place and location's previous collision history when stopping drivers involved in hazardous violations.

Charges may depend on location, current conditions, and time of day. For example: downtown, school zone, residential area or pedestrian crossing, congested area, construction zone, early morning hours, no other traffic on the roadway.

DRIVING UNDER SUSPENSION – Whenever a driver's license status is confirmed suspended, the deputy making the stop is to physically arrest the driver. A courtesy summons is to be issued if the suspension is based on cancellation of insurance.

If there is an occupant in the vehicle legally licensed to drive and the driver/owner gives his approval, the vehicle may be driven away by that person. If ownership of the vehicle cannot be determined or there is no other person to legitimately operate it, the arresting deputy is to request a wrecker to tow the vehicle.

If the driver of a vehicle is suspected of driving under suspension, but the driving record cannot be verified at the time, the deputy is to continue to seek confirmation. If the report confirms suspension, the deputy is to obtain a warrant for the violation.

EQUIPMENT VIOLATIONS – Consider continued safe vehicle operation and general equipment condition, as well as the type of equipment defect. Most equipment violations are handled by issuing a written warning ticket.

PUBLIC CARRIER/COMMERCIAL VEHICLE OPERATORS – Are handled in the same manner as private passenger vehicles, with the

exception of enforcing laws applying only to public carrier/commercial licensed drivers.

OTHER NON-HAZARDOUS VIOLATIONS – Consider a written warning unless repetitive or flagrant.

MULTIPLE VIOLATIONS – If deemed necessary, violator may be cited for all, but it is recommended to cite the most serious violation and warn on others.

NEWLY ENACTED LAWS AND/OR REGULATIONS – Under South Carolina State Law, there is no standard grace period for enforcing newly enacted laws or regulations. Officers may use discretion, according to the circumstances, to issue written warnings, citations, or arrest.

**TRAFFIC CHARGE
INFORMATION:**

A violator is to be provided with the minimum following information relative to a charge:

1. Court appearance date and whether appearance is mandatory
2. Whether the motorist may enter a plea and/or pay the fine
3. Any other important information before violator is released

**IDENTIFICATION
PROCESS:**

If an offender is taken into custody when a citation is issued, it is the issuing deputy's responsibility to ensure an offender is fingerprinted and photographed.

**NON-ROUTINE
TRAFFIC OFFENDERS:**

NON-RESIDENTS – Deputies are urged to consider written warnings for non-residents who are simply passing through the county and commit minor, non-hazardous violations.

If a citation is to be issued for non-resident or military personnel with a valid driver's license, a courtesy summons should be issued. If the driver does not have a valid driver's license and if the violation is serious enough, the officer should consider incarceration.

JUVENILE TRAFFIC LAW VIOLATORS – Juveniles are issued the same citation as an adult, as long as it can be handled in Magistrate's Court. Violations involving circuit court cases are referred to Family Court. Deputies are not restricted from referring any violation to Family Court, if they feel the situation could be handled better there.

**DRIVER
RE-EXAMINATION:**

Routine traffic enforcement, collision reporting, and investigative activities frequently lead to the discovery of drivers suspected of incompetence. Incompetence is usually a result of physical or mental disability, disease or other condition interfering with mental judgment and physical coordination.

When such drivers are identified, the deputy involved is to obtain identification and driver's license information, and complete a Request for Driver Re-Examination form. This form is sent to Columbia and the

Department of Motor Vehicles will follow-up with the licensed driver for re-examination.

**PEDESTRIAN / BICYCLE
SAFETY
ENFORCEMENT:**

The primary investigating agency for pedestrian or bicycle collisions on public roadways is the **South Carolina Highway Patrol (SCHP)**. SCHP gathers collision data identifying causative factors. The CATCH Team Supervisor obtains data from SCHP. With this information, deputies take preventive action whenever/wherever appropriate. The CATCH Team incorporates this data into traffic safety programs presented in county schools.

**OFF-ROAD
VEHICLES:**

Deputies enforce applicable State statutes governing the use of non-licensed vehicles on public roadways. This includes dirt bikes, mini-bikes, and all-terrain vehicles.

Approved by:
John S. Skipper, Jr., Sheriff