



ANDERSON COUNTY
SHERIFF'S OFFICE

GO - 229

GENERAL ORDERS

CRIMINAL PROCESS/ARREST

PURPOSE:

This policy establishes guidelines to fulfill **South Carolina Code of Laws §23-15-50**: *The Sheriff or his Deputy shall arrest all persons against whom process for that purpose shall issue from any competent court authority commanding such person to be taken into custody. The Sheriffs of the State are expressly declared by statute to be conservators of the peace in their counties. As such, they are authorized to make arrests. Such arrests may be made with or without process, depending upon the circumstances.*

CRIMINAL PROCESS:

Criminal process is served by sworn deputies. Warrants picked-up from magistrates are delivered as soon as possible to Warrants/Civil Process Unit for entry onto the Warrant Log.

Warrants signed out for service are to be returned at the end of the working shift to Warrants/Civil Process Unit. No warrant is to remain with a deputy or in a vehicle past the deputy's working shift.

No warrant is to be left with or sent back to a magistrate until final disposition is made of it in Warrants/Civil Process Unit. Warrants/Civil Process Unit will return all warrants to issuing magistrates.

Court Orders are placed on file by a member of Warrants/Civil Process Unit.

Warrants sent to Warrants/Civil Process Unit are reviewed to confirm they contain all necessary information, such as:

1. Judge's/magistrate's signature
2. Affiant's signature
3. Defendant's identity and description
4. Case number, if applicable
5. Completed affidavit

The following information is to be included in criminal process records when process is recorded:

1. Date and time received
2. Charge
3. Source of document
4. Warrant number
5. Date of warrant
6. Case number
7. All information given about defendant
8. Complainant's name
9. Officer assigned for service
10. Date assigned

The following information is to be included in criminal process records when process is served:

1. Date and time served
2. Name of server
3. Method of service
4. Location of service
5. Complete information on person served
6. Status of process

A record is maintained of all attempts to serve criminal process. Attempt records include:

1. Address where service was attempted
2. Date and time of each attempt
3. Name of deputy attempting service
4. Status of the process

When a field unit conducts a warrant check and the check indicates an active warrant on file in Warrants/Civil Process Unit, the warrant is to be physically located and held in hand before the individual is arrested. **Only Warrants/Civil Process Unit personnel and Front Desk deputies are authorized to search for or remove process from the Warrants/Civil Process Unit-Warrant Section. Only Warrants/Civil Process Unit personnel are authorized to re-file process.** The Warrant Records System is open for access twenty-four (24) hours a day.

WARRANT SERVICE:

ARREST WARRANT SERVICE PRIORITIES – It is Sheriff's Office policy to adhere to the following priorities for serving outstanding arrest warrants:

1. Generally, people who willfully fail to appear in court do not remain in the area for long. Therefore, failure-to-appear warrants are to be served or attempted as soon as received.
2. Felony warrants take precedence over misdemeanor warrants.
3. Arrests of habitual offenders take precedence over arrests of first-time offenders, particularly when multiple warrants are on hand.
4. Arrest warrants having complete names, addresses, descriptions and locations take precedence over incomplete warrants.
5. Initial contact on fraudulent check warrants is by letter. This does not prohibit other service of a check warrant, if dictated by circumstances.

CRIMINAL PROCESS TYPES:

ARREST WARRANT – Criminal warrants include warrants issued by magistrates as result of sworn testimony given by affidavit of a law enforcement officer or a citizen who states a violation of South Carolina law has occurred. Any deputy may serve a warrant anywhere in Anderson County. Anyone arrested pursuant to a criminal warrant is taken before a magistrate as soon as possible for arraignment (to be informed of the charge made against him/her and told of the type and amount of bond required for his/her release). After arraignment, the defendant undergoes the booking

process, during which records are started/updated, fingerprints taken, and a photograph is made. Following booking, the defendant is then released under bond or incarcerated. If a warrant is marked "as such" the deputy that signed the warrant is to be notified. If possible, criminal warrants are to be entered into NCIC within 72-hours.

All information about the defendant required on the warrant is to be complete, including first, middle, and last name (no initials, unless part of official name), current address and phone number, along with hair and eye color. The deputy's signature on the return is to be legible and accompanied by his/her Unit Number. The case report number is to be written on the front of the warrant. Every attempted service is to be logged into the computerized Warrant Records System. Every directory check and utility check for address information is to be duly noted. After all means to serve a warrant have been exhausted, the warrant is to be placed either in the desk file or returned to the issuing magistrate until more information is available.

BENCH WARRANTS – Bench warrants are issued by direct order of a judge who may be presiding in:

1. General Sessions Court
2. Common Pleas Court
3. Family Court
4. Magistrate's Court
5. Drug Court
6. Probate Court

Bench warrants are generally issued because a defendant failed to appear in court or failed to comply with a judge's order or sentence. When a defendant is arrested pursuant to a bench warrant, he is incarcerated unless the warrant orders the defendant to be taken before the issuing court. No bond is allowed, and the defendant is held in custody until taken to issuing court. A copy of the warrant is given to the Detention Center in lieu of a commitment order.

MILITARY WRIT – A military court issues military writs. A military writ is the equivalent of a bench warrant and issued following a service person's failure to appear for a military court hearing as ordered. A writ authorizes apprehension and detention of the defendant until military authorities can retrieve the defendant. A person arrested pursuant to a military writ is processed through booking procedures, but is not arraigned before a magistrate. The subject is placed in Detention Center to await pick-up by military authorities.

AWOL NOTICE – An AWOL Notice informs law enforcement agencies about a service person's desertion from military duty and requests the subject's apprehension. To detain the subject, the notice must be supported by confirmation via NCIC or Teletype. When AWOL status is confirmed, the subject is arrested and placed in the Detention Center to await pick-up by military police.

FEDERAL FUGITIVE – Persons wanted by federal agencies are entered on NCIC. Federal fugitives are processed in the same manner as Military Writs or AWOL Notices and placed in Detention on a Teletype.

FUGITIVE WARRANT – Any court of this State authorized to issue warrants can issue fugitive warrants. A fugitive warrant is issued for the arrest of any person found in this state who is accused by another state of committing a capital offense or an offense requiring imprisonment for one year or more. The warrant is issued after probable cause is established before a magistrate or other competent authority. Probable cause usually consists of a certified copy of the requesting state's warrant or a Teletype message from the requesting state describing existing charges made against the fugitive. A deputy in this state has no authority to serve a warrant issued by a magistrate of another state. Although a deputy may arrest a fugitive without a warrant based on existing probable cause, the recommended procedure is for the deputy to obtain a fugitive warrant from a magistrate in this state prior to making an arrest. Before making the arrest, the deputy must be certain the party he is arresting is the one who stands charged with the crime in the requesting state.

ARREST WITHOUT WARRANT FOR OFFENSES COMMITTED IN VIEW – **South Carolina Code of Laws §17-13-30:** The Sheriff and deputy sheriffs of this State may arrest without warrant any and all persons who, within their view, violate any of the criminal laws of this State if such arrest be made at the time of such violation of law or immediately thereafter.

**ARREST
SPECIFICS:**

SERVICE OF CRIMINAL PROCESS ON SUNDAY – **South Carolina Code of Laws §17-13-90:** Criminal process may be served on Sunday.

SERVICE OF CIVIL PROCESS ON SUNDAY – **South Carolina Code of Laws §15-9-17:** Civil process, including civil warrants such as Family Court bench warrants, can be served on Sunday unless the individual to be served/arrested is going to or from or attending a regularly scheduled or specially scheduled church or other religious service on Sunday.

RIGHT TO BE INFORMED OF REASON FOR ARREST – **South Carolina Code of Laws §17-13-50:** Every person arrested by virtue of process or under any other circumstances by an officer in this State has a right to know from the officer who arrests or detains him; the true reason the arrest was made. An officer who (a) refuses to answer a question regarding the reason for such arrest; (b) answers such questions untruthfully; (c) gives to the person arrested a false reason for such arrest; or (d) neglects to show to the person arrested or to any person acting in his behalf the law which calls for such arrest, shall be punished for a felony.

POSSE COMITATUS – **South Carolina Code of Laws §23-15-70:** Any Sheriff or Deputy Sheriff may call out bystanders or a posse comitatus of his county to assist him whenever he is resisted or has reasonable ground to suspect and believe such assistance will be necessary in the service/execution of process in any criminal case. He may also call out such posse comitatus to assist in enforcing the laws and in arresting violators or suspected violators thereof. Any person failing to respond and render

assistance when summoned by a deputy sheriff to do so shall be guilty of a misdemeanor.

**EXEMPTION
FROM CIVIL ACT
OR PROSECUTION:**

**CIVIL ACTION OR CRIMINAL PROSECUTION AGAINST
MILITARY PERSONNEL – South Carolina Code of Laws 25-1-2170:**

No action or proceeding shall be prosecuted or maintained against a member of a military court or officer or person acting under its authority or reviewing its proceedings on account of the approval of imposition or execution of any sentence, warrant, writ or mandate of any military court, nor shall any officer or enlisted man be liable to a civil action or criminal prosecution for any act done while in the discharge of his military duty when such act is in the line of duty.

USE OF FORCE:

The duty and authority of a deputy to make an arrest carries with it the right to employ a reasonable degree of force in order to take an offender into custody. **An excessive or unnecessary use of force is unjustified** and may subject a deputy to criminal and/or civil liability.

RESISTING ARREST – The law authorizes a deputy to use force, when necessary, to affect an arrest. It is his duty to overcome resistance and bring the arrestee under physical restraint. A deputy's use of force is not limited to self-protection, but extends to force reasonably necessary to perform his/her duty to arrest. If a person resists arrest by words or threats and is visibly prepared to resist, a deputy may use that force which is reasonably necessary to affect an arrest. *See General Order 205 (Use of Force).*

PREVENTING ESCAPE – After an arrest is affected, a deputy may use whatever force is reasonably necessary to prevent escape. However, the deputy may not use deadly force unless its use is justified under current deadly force policy. *See General Order 205 (Use of Force).*

EXCESSIVE FORCE – A deputy may use no more force than is reasonably necessary for the purpose of arresting a person. If he uses excessive force, he becomes the assailant and can be resisted in the same manner as one would resist any other assailant. The use of deadly force to affect a misdemeanor arrest or to prevent escape after misdemeanor arrest is never justified, because deputies have no right to use deadly force merely to affect a misdemeanor arrest. If a deputy uses excessive force in arresting a person who offers no resistance and the excessive force puts the arrestee in great and reasonable fear of death or great bodily harm, the arrestee is justified in resisting even to the point of taking the deputy's life.

**USE OF FORCE
AGAINST PROPERTY:**

AUTHORITY – A deputy has the right to enter private premises in the performance of his duty to:

1. Make arrests
2. Serve process
3. Protect life and property

He may enter a business establishment or other place where the public is invited. He may enter any building in an emergency, such as fire, reported shooting, person in danger, or where a person is suspected to be ill. He may always knock on a door and ask questions.

South Carolina Code of Laws §23-15-60: It shall be lawful for the Sheriff or his deputy to break and enter any house, after request and refusal, to arrest the person or to seize the goods of anyone in such house, provided such Sheriff or his deputy have process requiring him to arrest such person or seize such goods.

PROCEDURE – A deputy seeking to make a lawful arrest or seizure of goods may use force to enter a building after he has announced his authority and intent, has demanded entry, and the demand is refused. The deputy's authority to break and enter depends entirely upon his authority to arrest or seize goods. If he has legal authority to arrest or seize goods, he may use reasonable force to affect an arrest or to seize property. A deputy has the same authority to break and enter a motor vehicle to make an arrest or to seize property, as he has to break and enter a building or dwelling.

NOTE: *Any unnecessary damage to property is unjustified.*

WARRANTLESS ARRESTS:

Sheriff's deputies may arrest a person without a warrant when they have reason to believe a crime has been or is being committed by the person to be arrested. A person arrested with or without a warrant has the right to know the reason for his arrest or detention.

Crime Committed in Presence – A deputy may arrest a person without a warrant for any crime committed in his presence. A crime is committed in the presence of a deputy when the deputy obtains facts through his senses (sight, touch, hearing, smell, and taste), which cause him to believe a crime is being committed.

Felony Arrests/Probable Cause – A deputy may arrest a person in his presence without a warrant for a felony, whether the crime is committed in his presence or not. All crimes classified as felonies are listed in **Section §16-1-10 of the South Carolina Code of Laws**. Arrest without a warrant for a felony not committed in the officer's presence is valid, if it is based on probable cause. Probable cause is more than suspicion but less than actual knowledge.

Misdemeanor Arrests – A deputy may arrest a person without a warrant for a misdemeanor when it is committed in his presence. A deputy may not arrest a person without a warrant for a misdemeanor offense not committed in his presence, except for limited exceptions as provided by law, such as the Domestic Violence Act.

If two or more deputies individually observe a person commit part of a misdemeanor and keep each other informed by radio communication, then each deputy possesses knowledge of the whole event and either one may affect an arrest of the misdemeanor.

If a misdemeanor arrest warrant is in the personal possession of a deputy, any other deputy receiving verbal confirmation of such possession may affect the warrantless arrest of the misdemeanant named in the warrant.

ENTERING A RESIDENCE WITHOUT AN ARREST WARRANT – A deputy can break into a house without an arrest warrant to arrest:

1. A person who has committed a felony and exigent circumstances exist. **This does not apply to routine felony warrants.**
2. A person who has committed a misdemeanor in the presence of the deputy. The deputy should not break into a house while trying to arrest a misdemeanant unless he is in pursuit of the offender immediately after the crime is committed.

SEARCH INCIDENT TO ARREST – For a search to be incident to arrest, the search of the arrestee and his surroundings must be at the time of arrest.

Following a lawful arrest, a deputy can search the person arrested and the area within the arrestee's immediate control without a search warrant. The immediate control of an arrestee is that area from which he could easily reach to get a weapon, and/or to destroy or hide evidence. Nothing outside the reach of the arrested person is subject to search. **The deputy is allowed to search:**

1. For weapons
2. For items the arrestee might use as a means for escape
3. To prevent the arrestee from destroying evidence

Deputies may search a vehicle incident to a recent occupant's arrest only if the arrestee is within reaching distance of the passenger compartment at the time of the search or it is reasonable to believe the vehicle contains evidence of the offense of arrest. When these justifications are absent, a search of an arrestee's vehicle will be unreasonable unless police obtain a warrant or show that another exception to the warrant requirement applies.

PLAIN VIEW – If while affecting a legal arrest a deputy sees in plain view the following, these items may be seized even if they are not within the arrestee's reach:

1. Contraband
2. Fruits of the crime
3. Instruments used to commit the crime
4. Evidence of the crime
5. Weapons or any other object related to the crime

Any seized items found in plain view indicating evidence of another offense may be used as evidence to support other charges on new offenses.

**ARRESTS BY
FOREIGN
JURISDICTIONS:**

All criminal process to be served by a foreign jurisdiction is to be recorded by Warrants/Civil Process Unit. Under compelling need, the on-duty supervisor may waive this requirement.

If it is believed the person named in a warrant has left the State and the offense is a felony or serious misdemeanor for which extradition is authorized, the warrant is to be entered into NCIC within 72-hours. If extradition is authorized, an **NCIC Wanted Person Worksheet** is to be completed and forwarded to Teletype. The worksheet and a copy of the NCIC entry are forwarded to the Warrants Section for filing.

Original warrants are only sent to South Carolina law enforcement agencies.

Copies of warrants should not be sent to agencies outside of South Carolina. However, if it is necessary to send a copy of a warrant out of state, the copy is to be stamped **“COPY DO NOT SERVE”**.

WARRANT CANCELLATION:

When a defendant is arrested, an **NCIC Wanted Person Cancellation Worksheet** is completed and the information is to be immediately sent to Teletype. The cancellation worksheet is filed with the entry worksheet.

If another agency makes an arrest based on our warrant, that agency sends an NCIC locate on the wanted person and the Sheriff's Office clears the person from NCIC.

If a warrant is recalled, the Sheriff's Office is notified and the want is cancelled in NCIC.

EXTRADITIONS:

A deputy in the Warrants/Civil Process Unit is designated as the Extradition Deputy for the Sheriff's Office. The Extradition Deputy is given all arrest warrants for persons living in or incarcerated in another state. The Extradition Deputy is responsible for sending certified copies of warrants to the respective law enforcement agency in whose jurisdiction a wanted person is located. Additionally, the Extradition Deputy is responsible for arranging return of a wanted person following arrest.

EXTRADITION RECORDS – All incoming correspondence, teletypes, or phone calls are directed to the Extradition Deputy, who maintains records of all active extradition proceedings. The Extradition Deputy is to be informed of any correspondence made to any agency of another state by any deputy in connection with a fugitive wanted by the Sheriff's Office.

ARRESTS FOR OTHER JURISDICTIONS:

The original warrant is forwarded to this Office for service. Following receipt of a warrant from another county, it is to be taken to an Anderson County magistrate to be **countersigned**. Bench warrants issued by Circuit Court and Family Court judges are the only warrants that do not have to be countersigned.

If a person is arrested on another county's bench warrant of any kind, that person is to be held without bond until he/she can be retrieved by the other county's law enforcement agency. That agency is to be notified as soon as possible of the arrest.

If a person is arrested on another county's warrant which allows for posting of bond, the arrestee is to be allowed to post bond in Anderson County. If bond cannot be posted, then the other county is to be notified of the arrest and the need to take the person into custody as soon as possible.

If circumstances exist that require the arrest of a person for another county without having the county's original warrant in hand, the arrest may be made on receipt of a Teletype setting forth pertinent information about the person wanted and the existence of the arrest warrant. The requesting agency must agree to pick up the arrestee immediately following the arrest. If the arrestee cannot be picked up before the time period on the temporary commitment expires, he/she is to be released. Without the original warrant, arraignment is impossible.

Other States – If the arrestee is located in Anderson County, deputies are to follow the procedures previously outlined for service of a fugitive warrant. Probable cause to arrest a fugitive can be based on an NCIC Teletype, supported by confirmation from the requesting state. The NCIC Teletype is sufficient for detaining the individual. However, confirmation from the agency that affected NCIC entry is to be obtained before formal arrest and incarceration.

With arrest of an out-of-state fugitive, the **Extradition Deputy** is to be notified. The Extradition Deputy coordinates fugitive extradition proceedings.

If a person is arrested as a fugitive from justice and there are no local charges, the arresting deputy, in the absence of the Extradition Deputy, is to ask the arrestee if he/she will waive the extradition process. If the person is willing to do so, waiver forms are available in Warrants/Civil Process Unit.

The signing of the waiver affidavit is to be done in the presence of a magistrate. If the fugitive has local charges pending, those charges are to be disposed of before the waiving of extradition is considered.

If the arrestee waives extradition, the original affidavit is to be placed in an envelope and left at Detention for the originating agency officers when they retrieve the fugitive. A copy of the waiver affidavit is forwarded to the Extradition Deputy.

FOREIGN NATIONALS:

The **United States Department of State** requires the assistance of state and local law enforcement in carrying out treaty obligations of the United States concerning the detention or arrest of foreign nationals in this country. These obligations are embodied in both bilateral agreements with specified countries and in the multilateral Vienna Convention on Consular Relations, to which the United States is a party. These treaty obligations are legally binding on the Sheriff's Office. Its cooperation is essential to ensure Americans arrested or detained abroad obtain the treatment to which they are entitled. The Department of State expects these requirements to be strictly adhered to in order to ensure the United States does not violate any of its obligations under these treaties.

Foreign National Arrests/Detentions – Whenever a deputy arrests, imprisons or otherwise detains a foreign national, the deputy must promptly inform the detainee of his/her right to have his/her government informed of the event. If the detainee asks to exercise this right, Detention Center staff is to immediately contact the appropriate foreign consulate or embassy and make a written record of the notification. The Detention Center maintains a telephone list for all foreign consulates and embassies.

Consular officers have the right to:

1. Visit their nationals who are in prison, custody or detention.
2. Converse and correspond with nationals.
3. Arrange for their national's legal representation.

A foreign consular officer is not to take action on behalf of a national, if the detainee verbally refuses the assistance.

Mandatory Notification – Certain countries require mandatory notification when their nationals are confined or detained. For these particular countries, the foreign national has no choice regarding notification and the arresting/detaining deputy is to notify the consulate or the embassy without delay. The foreign national is to be informed when his/her consul is notified. **Countries requiring mandatory notification are:**

Algeria	Mauritius
Antigua and Barbuda	Moldova
Armenia	Mongolia
Azerbaijan	Nigeria
Bahamas	Philippines
Barbados	Poland (non-permanent residents)
Belarus	Romania
Belize	Russia
Brunei	Saint Kitts and Nevis
Bulgaria	
China ¹	Saint Lucia
Costa Rica	Saint Vincent and the Grenadines
Cyprus	Seychelles
Czech Republic	Sierra Leone
Dominica	Singapore
Fiji	Slovakia
Gambia	
Georgia	Tajikistan
Ghana	Tanzania
Grenada	Tonga
Guyana	Trinidad and Tobago
Hong Kong ²	Tunisia
Hungary	Turkmenistan
Jamaica	Tuvalu
Kazakhstan	Ukraine
Kiribati	United Kingdom ³
Kuwait	USSR ⁴

Kyrgyzstan	Uzbekistan
Malaysia	Zambia
Malta	Zimbabwe

1 – Notification is not mandatory for persons who carry *Republic of China* passports issued by Taiwan.

2 – U.S. officials are required to immediately notify Chinese officials of the arrest or detention of the bearers of Hong Kong passports.

3 – British dependencies also covered by this agreement are Anguilla, British Virgin Islands, Bermuda, Montserrat, and the Turks and Caicos Islands. Their residents carry British passports.

4 – Mandatory notification should be given to consular officials for all nationals traveling on old U.S.S.R passports.

The Anderson County Detention Center is generally responsible for contacting the appropriate foreign embassy. However, when they are not available, the arresting deputy is to perform this duty and inform the Extradition Officer of actions taken. The Extradition Officer coordinates all further proceedings with the foreign embassy.

NOTE: *Deputies are to contact the U. S. Department of State concerning any questions arising in connection with foreign nationals at (202) 647-4415, Office of State, Washington D. C. 20502. See the U.S. Department of State's Consular Notification and Access manual for further detail. This manual is available at the Detention Center.*

OFFENSES INVOLVING FOREIGN DIPLOMATS AND CONSULAR OFFICIALS:

Diplomatic and consular officials are to be afforded their respective privileges, rights and immunities as directed by international and federal law. These officials are to be treated with courtesy and respect befitting their distinguished positions. At the same time, it is their duty to respect local laws and regulations.

Diplomatic Immunity – Defined as the freedom from local jurisdiction granted to accredited diplomatic officials, their families, and servants. Unless an arrest is for the commission of a grave crime, diplomatic officials are not to be arrested or detained. If family members of diplomatic officials, their servants, and employees of a diplomatic mission are not nationals of or permanently reside in the receiving state, they are entitled to the same immunities under current U. S. Law (§22 U.S.C. 254. Immunity extends to the embassy and the private residence of a diplomatic agent, his property, papers, and correspondence.

Diplomatic Agents – Ambassadors and Ministers are the highest-ranking diplomatic representatives of a foreign government. Other diplomatic titles include: Minister Counselor, Counselor, First Secretary, Second Secretary,

Third Secretary and Attaché. These officials are located primarily in Washington, D. C., but may travel throughout the United States. Diplomatic agents, their families, official staff, and servants who are not nationals of or permanently reside in the receiving state, are protected by unlimited immunity from arrest, detention, or prosecution for any civil or criminal offenses. Additionally, certain officials serving as representatives to or employed by the United Nations also enjoy this degree of immunity.

Members of administrative and technical staff of diplomatic missions also enjoy the same degree of criminal immunity and personal inviolability, as do diplomatic agents.

Consular Officials – Titles include Consuls-General, Deputy Consuls-General, Consuls and Vice Counsels. They are also official representatives of their foreign governments. Consular officials are to be treated with respect and steps taken to prevent any attack on their person, freedom, or dignity. The same is true for staff employees of Consulates. They are entitled to limited immunities as described in the following:

1. **Immunities** - Under prevailing international law and agreement, a foreign career Consular Official is not liable to arrest or detention pending trial. An exception to this immunity is in the case of a felony offense endangering public safety where pursuant to a decision by a competent judicial authority in the Federal court system is limited to acts performed in the exercise of consular functions and is subject to court determination. Consular personnel of some countries are by treaty entitled to a higher degree of immunity, e.g.: Republics of the former USSR and the People's Republic of China.
2. **Identification** - Career Consular Officials can be identified with credentials issued by the State Department and with other locally issued official identification papers. State Department credentials bear its seal, the name of the official, his title, and the signature of State Department officials.
3. **Honorary Consuls** - These individuals are not immune from arrest or detention; they are not entitled immunity from civil and criminal jurisdiction of the receiving state, except as to official acts performed in the exercise of their consular functions. They are often nationals or permanent residents of the receiving state who are appointed and received as honorary consular officials to perform functions generally performed by career Consular Officials. Such officials do not receive identification cards from the State Department. They may exhibit reduced-size copies of a diplomatic note indicating recognition by the United States government. The consular archives and documents of a consular post headed by an honorary Consul are inviolable at all times and wherever they may be, provided they are kept separate from other papers and documents of a private or commercial nature concerning other activities of an honorary Consul and persons working with him.

4. **Families of Consular Officials** - Family members of Consular Officials do not enjoy the same privileges and immunities as do Consular Officials; however, they are to be treated with courtesy and respect.
5. **Consular Archives, Documents, Records and Correspondence** - Consular archives and documents are inviolable at all times and wherever they may be. Official correspondence of consular posts, meaning all correspondence relating to the consular post and its function, is likewise inviolable.

HANDLING INCIDENTS INVOLVING FOREIGN DIPLOMATS AND CONSULAR OFFICERS – Deputies should be certain that the diplomat or consular officer in question possesses the proper credentials.

The deputy should exercise discretion, based on the nature of the violation, and either release the official with a warning of the danger of his/her actions or proceed with the issuance of a courtesy summons citation. A courtesy summons traffic citation does not constitute arrest or detention.

Driving While Under the Influence - The primary consideration is to ensure the official is not a danger to himself or the public. Based on a determination of the circumstances, the following options may apply:

1. Take the official to his local destination and release his vehicle to a member of his family or an employee.
2. Take the official to a telephone so he can call a relative or friend to come for him.
3. Take other non-enforcement action to bring the situation to a safe conclusion.

NOTE: *The official's vehicle cannot be impounded or searched. Do not administer a sobriety test of any kind.*

Other Situations - Supervisors are to contact the Criminal Investigations Division for assistance in any situation involving an official, including situations where the official is a victim of a crime.

Special Instructions - Except when necessary for deputy or public safety, an official is not to be handcuffed or otherwise restrained. Any incident involving an official is a sensitive situation. The primary consideration is caring for the safety of the deputy, the official and the public.

If the agency becomes aware of the death of a foreign national within its jurisdiction, it will ensure that the nearest consulate of that nation's country is notified of the death. This procedure will permit the foreign government to make an official record of the death for its own legal purposes. Such notice will help ensure that passports and other legal documentation issued by that country are canceled and not reissued to fraudulent claimants. In addition, it may help ensure that the foreign national's family and legal heirs, if any, in the foreign country are aware of the death and the death is known for estate purposes in the foreign national's country.

**ALTERNATIVE
TO ARREST:**

Under limited circumstances, deputies may provide transportation to individuals in lieu of arrest. For instance, a non-violent intoxicated person can be transported to his/her residence, thereby diverting the intoxicated individual from arrest, confinement, and trial in the criminal justice system.

**PRE-TRIAL
DIVERSION:**

Administered through the Solicitor's Office, Pre-Trial Intervention is a program within the justice system of diverting individuals from trial, confinement, or supervised probation. This program requires restitution, and recommendations from the victim and investigating deputy. Deputies are encouraged to use this program whenever possible.

PRE-TRIAL RELEASE:

Deputy Sheriffs cannot accept bail for any criminal offense. Whenever making a custodial arrest, the deputy is to take the offender to the Anderson County Detention Center. After a Bond Hearing, a magistrate may release the offender on personal recognizance, or allow him/her to post a cash or property bond and then release the offender from custody. When the offender is not able to post bond, the magistrate writes an Order for Commitment and the deputy places the offender in the Detention Center. A decision on granting bond, the amount and form, is the responsibility of the magistrate.

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