



# Charleston County Sheriff's Office Policy and Procedures Manual

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**Sheriff Carl Ritchie**

**13-02**

## Uniform Traffic Enforcement Activities

- ☐ NEW
- ☒ REVISED
- ☒ REVIEWED

ACA Standards Reference:

CALEA Standards Reference: 1.2.6, 42.1.5, 61.1.2, 61.1.4, 61.1.5, 61.1.6, 61.1.11, 61.1.12

NCCHC Standards Reference:

SCLEA Standards Reference: 27.1

SC Minimum Standards:

*This policy dated 1/29/2025 replaces prior policies cited above and supersedes all previously issued directives.*

I. Purpose:

To establish guidelines for uniform traffic enforcement activities performed by sworn personnel of the Charleston County Sheriff's Office.

II. Policy:

The responsibility for enforcement of traffic laws, regulations, and ordinances rests with all uniformed deputy sheriffs employed with the Charleston County Sheriff's Office. All deputy sheriffs, while on duty and in uniform, shall take appropriate enforcement action for all violations of traffic law, regulations and/or ordinances observed. Deputy sheriffs shall also be aware of unusual circumstances that may require special attention and processing. (Ref: CALEA 61.1.2 items *a, b, & c*)

III. Definitions:

A. For purposes of this procedure, the word "deputy" applies to all agency employees with a certification classification of Class I, Class II, Class III, or Reserve Deputy, as defined by the South Carolina Criminal Justice Academy.

The following terms are used interchangeably; however, they carry guidance to specific employees based on usage of the term:

1. Deputy, deputies, deputy sheriff, detention deputy, sworn employee, uniformed sworn employee, sworn administrative employee, and
2. civilian, non-sworn employee.

B. *Employee*: When used without further clarification, the term employee is inclusive of all agency members (sworn and non-sworn).

IV. Procedure:

A. Traffic enforcement action will take one or more of the following three forms: physical arrest, Uniform Traffic Ticket issuance, and written warnings.

1. For violations the deputy sheriff determines to be worthy of judicial disposition, the Uniform Traffic Ticket should be issued to cite the violator. (Ref: CALEA 61.1.2 item *b*)
2. A physical arrest of the violator will be made in cases of *Driving Under the Influence (DUI)*, *Felony DUI*, *Reckless Homicide*, *Habitual Offender*, outstanding bench warrants for failing to appear or failure to comply with court disposition, or when positive identification of the violator

- cannot be established. (Ref: CALEA 61.1.2 item a)
3. Written warnings may be appropriate in cases involving minor traffic violations. Discretion on the part of the issuing deputy sheriff to issue a written warning verses a Uniform Traffic Ticket should take into consideration the degree to which the violator willfully disregarded the law, as well as the danger posed to the violator and/or other citizens. Under §56-5-6560 of the South Carolina Code of Laws, 1976, as amended, mandates that any time a motor vehicle is stopped by a state or local law enforcement officer without a citation being issued or an arrest being made, the law enforcement officer who initiated the stop must capture the age (DOB), gender, and race or ethnicity of the driver of the vehicle. In order to be in compliance with the requirement, all deputy sheriffs will document this information on a *Written Warning/Field Interview Form (CCSO form-125)* for every traffic contact that a Uniform Traffic Ticket was not issued and/or a physical arrest was not made of the driver. *Written Warning/Field Interview Forms* will be turned into the supervisor daily at the end of the deputy sheriff's tour of duty to be forwarded to the Crime Analysis Unit who will transfer the data to the South Carolina Department of Public Safety each month. (Ref: CALEA 1.2.6, 61.1.2 item c, and SCLEA 27.1)
- B. Following are procedures to be used in handling unique situations, which, by legislative mandate, require law enforcement responses of a more particular nature than those outlined above.
1. Non-resident violators:
    - a. When a misdemeanor traffic violation is committed by an individual who is not a resident of this county and the deputy sheriff observing the violation believes it warrants judicial deposition, the deputy will cite the violator using the Uniform Traffic Ticket. Subsequent to issuing the citation the violator will be allowed to continue to travel freely provided the individual is in possession of a valid driver's license or proper identification is made. (Ref: CALEA 61.1.3 item a)
  2. Juveniles:
    - a. When a deputy sheriff determines it necessary to cite a juvenile for a traffic violation, a Uniform Traffic Ticket will be issued and the juvenile violator allowed to pass freely if a current, valid driver's license can be verified. Note that if the juvenile's parent/guardian requests the juvenile be handled by Family Court, it is the deputy sheriff's responsibility to forward the case to the Family Court and thus bypass the Magistrate Court

- system for disposition of the case.
- b. Juveniles who commit the following offenses will, however, be taken into custody by the investigating deputy sheriff: *DUI, Felony DUI, Vehicular Homicide, and Use of a Motor Vehicle Without Owner's Consent*. This does not preclude the release of the juvenile to a parent or legal guardian subsequent to processing when feasible. (Ref: CALEA 61.1.3 item b)
3. United States Congressmen/State Legislators:
    - a. Members of the United States Congress will, in all cases except for treason, felonies, and Breach of Peace, be immune from arrest during their attendance at the session of their respective houses and in going to and returning from the same and for speech or debate in either house. This does not preclude the issuance of a traffic citation. Deputy sheriffs should, however, exercise discretion in such cases.
    - b. Article III, Section 14 of the Constitution of South Carolina provides that "both Houses of the State Legislature shall be protected in their persons and estates during their attendance on, going to, and returning from the General Assembly, and ten days previous to the sitting and ten days after. But these privileges shall not protect any member who shall be charged with treason, felony or breach of peace." The South Carolina Attorney General has ruled (Opinion 79-138) that the historical phrase "breach of the peace," unquestionably included all criminal offenses, thereby extending no immunity or privilege whatever to a legislator for any criminal act, to include traffic violations. These individuals are not precluded from being cited for traffic violations. Deputy sheriffs should, however, exercise discretion in such cases. (Ref: CALEA 61.1.3 item c)
  4. Foreign Diplomats, Counselors, Officials:
    - a. Diplomatic immunity, a principle of international law, is broadly defined as the exemption from ordinary processes of law afforded diplomatic representatives of foreign governments, their families, official staff, and servants while serving abroad. Persons with diplomatic immunity are protected by unlimited immunity from arrest, detention, and prosecution for any civil or criminal offense under current federal law (i.e., 22 USC 252). As such, diplomatic personnel should be treated with respect and courtesy befitting their distinguished positions. At the same time, it is the duty of all persons enjoying such privileges

and immunities to respect local laws and regulations.

- b. Ambassadors and ministers are the highest ranking diplomatic representatives of foreign governments. Other diplomatic titles are minister counselor, counselor, first secretary, second secretary, third secretary, and attaché. Diplomatic officers, their families, official staff, and servants are protected by unlimited immunity from arrest, detention, and prosecution with respect to any civil or criminal offense. However, such immunity does not preclude these individuals from being cited for traffic violations. Nonetheless, deputy sheriffs should exercise discretion in issuing diplomatic personnel Uniform Traffic Tickets. Diplomatic personnel are not required to have a U.S. or international driver's license.
- c. Career Consular Officials can be identified by credentials issued by the State Department. These State Department credentials bear its seal, the name of the officer, title, and the signatures of State Department officials. Honorary Consular Officials do not receive identification cards from the State Department. However, they may exhibit reduced size copies of the Diplomatic Note evidencing recognition by the United States Government. These individuals are not immune from arrest or detention. Family members of a Consular Official cannot claim immunity. (Ref: CALEA 61.1.3 item d)

5. Military Personnel:

- a. Military personnel include regular members of the Army, Navy, Air Force, Marine Corps, Coast Guard, National Guard and Reserve components serving on active duty. These individuals are required to have a valid license from their state of residence and are subject to physical arrest and the issuance of Uniform Traffic Tickets under the same guidelines as any other citizen with the exception of when "war" has been declared or immediate military action against a foreign, hostile government has taken place. In such cases, no physical arrest, except in cases of treason or felonies, will be made on any military personnel going to, remaining at or in the process of reporting to a duty station.
- b. In investigating traffic accidents involving military personnel who are either injured to the extent they require hospitalization or killed, the investigating deputy sheriff shall notify the appropriate military branch

service office. In any case involving United States military/government equipment that is seized, towed or confiscated, the appropriate government agency will be notified as soon as possible. (Ref: CALEA 61.1.3 item e)

C. Issuance of the Uniform Traffic Ticket:

In all cases in which a Uniform Traffic Ticket is issued, the issuing deputy sheriff shall inform the violator of the following: (see also Policy #9-04 Uniform Traffic Tickets)

1. date, time, and location of trial;
2. optional or mandatory nature of court appearance by the violator;
3. notice of whether the violator is allowed to enter a plea and/or pay the fine by mail or in person, prior to the court date;
4. nature of the violation; and
5. the fine amount. (Ref: CALEA 61.1.4 items a, b, c & d)

D. Uniform Enforcement Policy for Traffic Violators:

1. *Driving Under the Influence (DUI):*

It is the policy of the Charleston County Sheriff's Office to actively enforce the laws pertaining to driving under the influence of alcohol and/or drugs. Deputy sheriffs shall arrest drivers found to be in violation of these laws. Arrests will be made based on observation of the driver, operation of a motor vehicle, or involvement in an accident and the results of field sobriety tasks administered on the scene.

(Ref: CALEA 61.1.5 item a)

2. *Driving Under Suspension (DUS):*

DUS laws not only provide a means of removing unsafe drivers from the streets, but also act as a deterrent to entice drivers to voluntarily comply with traffic laws. It is important for deputy sheriffs to determine not only the status of the suspension, but also the number of previous suspensions imposed on the driver. If the driver has a fourth offense or greater within a five-year period, seizure of the vehicle is mandatory. A deputy sheriff's discretion is the deciding factor in custody arrests for individuals who may be driving under suspension. For example, an individual who has paid their property taxes late and

has a paid receipt in their possession may be charged and released on their own recognizance; whereas, an individual charged with a previous reckless homicide might be placed under custodial arrest for the safety of the motoring public. (Ref: CALEA 61.1.5 item b)

3. Habitual Traffic Offenders:

- a. Habitual Traffic Offender is defined as a habitual offender whose record as maintained in the office of the South Carolina Department of Highways and Public Transportation shows that offender has accumulated the convictions for separate and distinct offenses described in subsection (a), (b) and (c) of section §56-1-1020 of the South Carolina Code of Laws, 1976 as amended.
- b. The South Carolina Department of Highways and Public Transportation designates individuals as habitual offenders based on their driving record.
- c. In all cases where an individual is identified as a habitual offender, notice will be made to the prosecuting authority via the Prosecutive Summary Form, citing the reason for qualification. (Ref: CALEA 42.1.5 item a, b, & c)

4. Violation of South Carolina Absolute Speed Law:

Legally, there is no defense for exceeding the posted speed limit, however slight. Practically, however, there exists reasons, such as an improperly calibrated speedometer, tires of improper size or other factors that may give the subject cause to believe that their speed was lower than that observed by the deputy sheriff. Deputy sheriffs should exercise discretion in issuing Uniform Traffic Tickets to non-accident, speeding violators. Consideration should be given to weather conditions, traffic volume, pedestrian traffic, and the general location of the violation. Deputy sheriffs should remember that there is a direct correlation between excessive speeding and the overall severity of traffic collisions. Additionally, school zone speeding violations should be stringently enforced, since such violations constitute a general disregard for the safety of students and school crossing guards. (Ref: CALEA 61.1.5 item c)

5. Hazardous Violations:

Hazardous traffic violations are defined as violations of any law or ordinance affecting the use or protection of streets and highways

enacted primarily to regulate the safe movement of vehicles and pedestrians. Unsafe behaviors and unsafe conditions, as created by the violator, are the two considerations in such violations and deputy sheriffs may issue Uniform Traffic Tickets at their discretion for such violations.

6. Off-Road Recreational Vehicles:

- a. Sworn Personnel are expected to have a working knowledge of what constitutes an off-road vehicle and they should be familiar with off-road vehicle traffic violations.
- b. Major emphasis on enforcement of violations involving off-road vehicles will be directed towards the reduction of traffic accidents and citizen complaints; however, emphasis will also be placed on the removal of unlicensed and non-registered off-road vehicles from the streets and highways.
- c. When investigating the use of recreational vehicles on private property, employees must attempt to contact the property owner to learn if they have granted permission to the recreational vehicle operator to use their property. If the owner does not give permission, the operators must stop using the property. Violations such as Reckless Operation and Driving under the Influence violations can be prosecuted on private property.
- d. When towing recreational vehicles, employees must follow the directives in the towing policy ([see Policy 13-10 Towing of Vehicles](#)).
- e. Employees must handle juvenile traffic offenders the same as they handle any other traffic offender. Employees should consider the seriousness of the violation when deciding whether to contact the parents or guardian of a juvenile.
- f. Operators of recreational vehicles are responsible for any excessive noise that the vehicle produces and are subject to citation for any noise violations as the law provides.
- g. Employees must investigate crashes involving off-road recreational vehicles on private property or public roadways the same as they would any other vehicle.



7. Violations off the Public Streets and Highways:

The issuance of citations for violations of South Carolina law while off the public streets and highways is normally controlled by the definition of a particular statute. However, there are a number of violations which may be prosecuted under all circumstances and locations:

- a. Reckless Driving;
- b. DUI;
- c. Felony DUI;
- d. DUAC; and
- e. Reckless Homicide.

8. Equipment Violations:

It shall be the policy of the Charleston County Sheriff's Office to enforce all equipment laws and ordinances within this agency's jurisdiction. Deputy sheriffs may exercise discretion as to whether or not a Uniform Traffic Ticket will be issued in each individual case.

(Ref: CALEA 61.1.5 item d)

9. Public Carrier/Commercial Vehicle Violations:

Commercial carriers will be treated the same as any other member of the motoring public with regard to issuance of traffic citations. Uniform enforcement policies and procedures outlined in this directive are applicable to all commercial carriers. (Ref: CALEA 61.1.5 item e)

10. Non-Hazardous Violations:

Minor traffic violations that pose no immediate threat to the public may be resolved by issuing a written warning, whereas subsequent violations may warrant the issuance of a Uniform Traffic Ticket. A motorist's previous driving record may be a consideration in determining the most appropriate course of action.

11. Multiple Violations:

In the event a motorist is found to be in violation of more than one statute and/or ordinance, the deputy sheriff shall consider each

violation separately and on its own merits. Charging a violator with lesser included offenses on the same traffic stop will not be an accepted practice of the Charleston County Sheriff's Office.

(Ref: CALEA 61.1.5 item *f*)

12. Newly Enacted Laws and/or Ordinances:

a. Generally, the policy for issuing Uniform Traffic Tickets for violations of newly enacted laws becomes effective immediately when the law takes effect, providing the following has been accomplished:

1. news media has given appropriate coverage to the effect of the law prior to its implementation;
2. a new traffic signal has appropriate warnings at the approach of an intersection where no traffic signal existed previously; and
3. the law has had a mandatory grace period, warning period, or some provision provided within the statute prior to implementation.

b. These enforcement policies should only supplement the deputy sheriff's judgment, experience, and common sense, since it is impossible to foresee every conceivable situation involving new laws.

(Ref: CALEA 61.1.5 item *g*)

13. Violations Resulting in Traffic Collisions:

It is important to remember that one of the responsibilities of the deputy sheriff investigating an accident scene is to determine whether the accident could have been prevented, and if so, what contributing factor(s) caused the accident. Deputy sheriffs should not assume that a violation of the law has taken place because a collision occurred. A violation of law may be just one contributing factor that brought about circumstances resulting in a collision. If evidence from the scene indicates that a violation contributed to the accident, deputy sheriffs have the discretion and authority to charge the violator by issuing a Uniform Traffic Ticket and reflecting such on the TR-310 form.

(Ref: CALEA 61.1.5 item *h*)

14. Pedestrian and Bicycle Violations:

The Uniform Traffic Ticket was designed to accommodate violations by

pedestrians and bicyclists. Deputy sheriffs should be aware that pedestrian and bicyclists contribute to motor vehicle collisions regularly. By warning or citing these individuals, it may save a life and/or facilitate safer travel conditions. Many pedestrians and bicyclists are juveniles. This provides an excellent opportunity for deputy sheriffs to make positive contact with the youth in the community by delivering a safety message and issuing a written warning. (Ref: CALEA 61.1.5 item i)

15. Parking Enforcement:

Deputy sheriffs will be aware of the various types of parking violations covered by §56-5-2530 of the South Carolina Code of Laws, 1976, as amended, relating to parking enforcement and be prepared to take appropriate action when such violations are reported or detected. Deputy sheriffs should recognize the need to enforce such laws with particular focus on those violations which may impede the flow of traffic or where the safety of persons or property may be compromised (i.e., obstruction of sidewalks, school crossings, handicapped parking violations, fire lanes, safety zones and parking in front of fire stations or fire hydrants). Deputy sheriffs are afforded a great deal of discretion in issuing citations to illegally parked violators and the focus of the enforcement action should be voluntary compliance by the violator.

(Ref: CALEA 61.1.12)

E. Traffic Law Enforcement Practices:

1. In the interest of maintaining a posture of prevention as opposed to apprehension, the Sheriff's Office shall operate on the principle that one of the most effective deterrents to traffic law violations is to visibly patrol in marked vehicles. Patrol deputy sheriffs shall enforce traffic law violations as a part of their regularly assigned duties.

2. Deputy sheriffs assigned to the Traffic Enforcement Unit (hereafter Traffic Services) shall diligently enforce all traffic violations. Visible traffic patrol will be line, area and/or selective traffic enforcement programming as directed by the Traffic Services supervisor.

(Ref: CALEA 61.1.6 item a)

3. In those areas where fixed post or stationary observation is necessary to maximize the effectiveness of traffic enforcement efforts, deputy sheriffs shall park in such a manner as to not impede the normal flow of traffic. In areas in which it has been determined a traffic hazard exists, due to repeated traffic law violations, it may be more effective for the deputy sheriff to position the patrol unit in such a way that it is

concealed from violators. (Ref: CALEA 61.1.6 item b)

4. The use of unmarked vehicles for the purpose of traffic enforcement shall routinely be utilized by Traffic Services personnel to serve a number of specific functions:
  - a. in school zones where repeated selective traffic enforcement efforts have failed to reduce the speed;
  - b. in residential neighborhoods where repeated complaints of traffic violations were unsuccessfully curtailed by other means;
  - c. where halo effects from marked patrol cars have been unsuccessful in removing unsafe actions from public streets and highways; and,
  - d. to apprehend individuals involved with organized racing on public streets and highways in Charleston County.

(Ref: CALEA 61.1.6 item c)

**F. Request for Re-examination of Driver:**

Routine enforcement, accident reporting and investigation activities frequently lead to the discovery of drivers who are suspected of incompetency through physical or mental disabilities, disease or other conditions which might prevent the person from exercising reasonable and ordinary care over a motor vehicle. Deputy sheriffs detecting such a person will complete the appropriate form to request re-examination of the driver by the South Carolina Department of Public Safety. These forms are provided by the Department of Public Safety and are available on the agency intranet.

1. The information requested on the form is self-explanatory; however, certain portions must be specifically addressed:
  - a. The action which caused the driver to be suspect and a candidate for re-examination must be described in detail.
  - b. Specifics of the incident must be written in such a manner that reasonable grounds for re-examination can be conclusively established by the reviewer of the request.
  - c. Deputy sheriffs should be mindful that age of the driver is never the sole basis for a proper request for re-examination. For motorists of advanced age, the deputy sheriff should specifically state the apparent cause for poor driving, i.e., visual problems,

lack of knowledge of traffic laws, medical problems, etc.

2. The form must be signed by the requesting deputy sheriff and their supervisor. The request, accompanied by copies of all related documentation, will be forwarded to the South Carolina Department of Public Safety and a copy retained on file with this agency for future inspection and review.  
(Ref: CALEA 61.1.11)