

Greer Police Department General Order 720.1

Traffic Law Enforcement

This order consists of the following numbered sections:

- I. PRINCIPLES OF ENFORCEMENT ACTIONS
- II. SPECIAL PROCESSING SITUATIONS
- III. SERVICE OF TRAFFIC CITATIONS
- IV. UNIFORM ENFORCEMENT POLICY
- V. USE OF EMERGENCY EQUIPMENT
- VI. DOCUMENTATION OF ARRESTS AND CITATIONS
- VII. OFFICER/VIOLATOR RELATIONS
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- IX. NO DRIVING PRIVILEGES PROCEDURES
- X. SPEED MEASURING DEVICES
- XI. DUI COUNTERMEASURES
- XII. REQUEST FOR DRIVER RE-EXAMINATION

By Order of: *Matt Hamby*, Chief of Police

May 1, 2023

CALEA 61.1.2; 61.1.4; 61.1.5; 61.1.6; 61.1.7; 61.1.8; 61.1.9; 61.1.10; 61.1.11; 61.1.12

I. PRINCIPLES OF ENFORCEMENT ACTIONS

A. Officers will take appropriate action for each violation of traffic law witnessed or reported to them. All enforcement actions will be accomplished in a firm, fair, impartial and courteous manner using the lowest degree of enforcement necessary to attain lawful objectives.

B. Traffic Enforcement Alternatives

1. Public Contact/Warning (Code 11)

- a. A Public Contact/ Warning is a proper alternative used by officers in response to a minor traffic infraction committed in those areas where traffic collision potential is minimal. Public Contact/ Warnings are also appropriate for those violations which occur within tolerances generally allowed by the Greer Police Department. These tolerances would include speeds slightly in excess of the legal limit. Similarly, a Public Contact/ Warning is appropriate for equipment failure (such as license plates not illuminated) of which the driver was unaware. Public Contact/ Warnings will be issued every time a motorist is stopped and a citation is not issued. The Public Contact/ Warnings will be completed electronically through Report Beam and processed through Records in that manner. Any hand-written Code 11 will be forwarded to Records at the end of the officer's tour of duty. The issuing officer clear the stop as Code 11 and documented in CAD.
- b. To avoid confusion to the motorist, if the vehicle was stopped and a violation was discovered, indicate "Warning" on the top of the form. If there was no violation discovered, i.e. a DMV error and the vehicle was properly tagged, circle the words "Public Contact". When giving the Form to the motorist, explain if it is a Warning or a Public Contact.

2. Citations (notice to appear)

Those violators who commit a traffic offense which jeopardizes the safe and efficient flow of vehicular and pedestrian traffic, whether those violations are moving or safety and equipment violations, will normally be issued a citation and allowed to continue on their way without undue delay.

3. Physical Arrest

Officers will normally affect the arrest of any person when:

- a. The driver is in violation of those laws pertaining to driving while intoxicated or driving under the influence of alcohol or drugs, and:

(1 There is no sober, responsible adult to take custody of the subject, or;

- (2) The subject resides outside the State of South Carolina, or;
- (3) There is a combination of charges (such as driving under suspension, reckless driving, repeat offender, etc.) or serious injury to persons for which the officer feels an arrest, incarceration and bond is required due to the seriousness of the particular case.

- b. For any traffic offense which is a felony.
- c. For traffic offenses committed while in commission of other crimes which are companion cases (theft laws, transporting contraband, etc.).
- d. There may be other incidents in which a violator should be physically arrested. The decision to affect a physical arrest should be based upon sound legal principles as opposed to peripheral issues such as the violator's attitude.

C. Enforcement Practices

Based on the principle that the effective deterrent to traffic law violation is highly visible patrol in a distinctly marked police vehicle, and in the interest of maintaining a posture of prevention as opposed to apprehension, traffic law enforcement activities will be conducted accordingly. Officers will drive patrol vehicles in accordance with existing laws and in such a manner as to demonstrate exemplary driving behavior.

II. SPECIAL PROCESSING SITUATIONS

There are several special circumstances requiring that the police officer handle the matter of enforcement of traffic laws differently from the normal methods employed. Those have to do with privilege from arrest and other immunities provided by law.

- A. Diplomatic and consular officers should be accorded their privileges, rights, and immunities as directed by law. These officials should be treated with courtesy and respect as befitting their respected positions. Their position, however, does not give them license to violate local traffic law or regulations. The procedures as set out by the US Department of State will be followed in regards to the handling of incidents with diplomats and consular officers. Police officers are reminded that in many corners of the world the police are not respected in the same fashion as in the United States and in many instances are feared. Officers should conduct themselves in an exemplary manner and use this opportunity to demonstrate the professionalism of American law enforcement.
- B. Diplomatic immunity--a principle of international law--is defined as the freedom from local jurisdiction accorded to duly-accredited diplomatic officers, their families, official staff, and servants who are not nationals of or a permanent resident in the state. They are protected by unlimited immunity from arrest, detention, or prosecution with respect to any civil or criminal offense.
- C. Members of the United States Congress shall in all cases, except treason, felony and breach of the peace, be immune from arrest during their attendance at the session of their respective House, and going to and from the same.
- D. In South Carolina, the following are privileged from arrest:

1. The Constitution of the State of South Carolina provides that members of the General Assembly may not lawfully be arrested or required by summons, either civil or criminal, to appear in court during a session of the General Assembly and such period of immunity includes a period of ten days prior to the convening of the session and ten days after the adjournment thereof. The immunity granted herein does not apply to treason, felony or breach of peace.
2. Electors, while going to and returning from, or in attendance at elections.

E. Methods of Handling Incidents by Privileged Persons

1. When persons privileged from arrest are stopped for a moving violation, the officer on the scene, upon being advised by the driver of their status and ascertaining that they possess proper credentials, should exercise discretion based on the nature of the violation.
2. The shift supervisor should be made aware of these situations when they occur and should be consulted if necessary.
3. Moving traffic violations may be handled by issuance of a citation or the use of a Public Contact/Warning. The privileged person should not be required to post bond surrender a driver's license.
4. A DUI violation is a difficult situation. The primary consideration should be for the safety of the person and the public. The police officer does not have a number of options. The person should not be handcuffed, subjected to sobriety tests, or placed in the screened portion of the police vehicle. The officer may take the person home, if possible, or release him /her to a relative or friend. The officer may transport the person to police headquarters and arrange release to a responsible party; however, under no circumstances should force of any type be used against the privileged person. The officer should impress upon the person the officer's duty to care for his/her safety and the safety of others.

or

F. Juveniles

Juveniles who have committed a traffic violation will not be taken into custody but will be issued a traffic citation with the following exceptions:

1. All felony offenses.
2. Alcohol-related offenses.
3. Any other offense where the juvenile may pose a threat to life, property or public safety.

If the officer feels that detention is necessary, he will contact the Department of Juvenile Justice (DJJ) who must respond within one hour.

G. Traffic Violations by Physicians enroute to an Emergency

There may be an occasion when a violator is determined to be a physician enroute to a medical emergency. The officer should obtain the driver's license and intended destination of the physician. If a citation is deemed to be necessary, the officer may retain

the license, permit the physician to proceed, and issue the citation at a later time. If a warning is sufficient, the driver should be permitted to proceed without further delay. In the event the physician is physically or mentally unfit to operate a motor vehicle, normal enforcement procedures apply; however, the officer must take immediate steps to notify the physician's destination that his arrival will be delayed.

H. Military Personnel

Generally, no person belonging to the organized militia shall be arrested on any process while going to, remaining at, or returning from any place at which he may be required to be present for military duty. However, on occasion, it will be necessary to issue a traffic citation, affect an arrest, or investigate a traffic accident involving a member of the armed forces. Armed forces personnel, for these purposes, include regular members of the US Army, Navy, and Air Force, Marine Corps, Coast Guard and reservists of these services while on active duty.

1. Traffic Arrest

If a physical arrest of a member of the armed forces is made, the liaison officer of the nearest armed forces investigative headquarters is to be notified by the on-duty supervisor. Information on who to contact is available in the Communications Section.

2. Traffic Accident

If a member of the armed forces is killed or seriously injured to the point of hospitalization, the liaison officer of the nearest armed forces investigative services is to be notified by the on-duty supervisor. The information on who to contact is available in the Communications Section.

III. SERVICE OF TRAFFIC CITATIONS

A. At the time a motorist is charged with a violation, the officer shall provide the violator with information relative to the charge, to include:

1. Court appearance schedule.
2. Whether court appearance by the violator is mandatory.
3. Whether the violator may be allowed to enter a plea and/or pay a fine. The fine may be paid in person, by mail with cashiers or check, or on-line.
4. Any other information requested by the violator such as location where vehicle is towed, repairs to be made, etc.
5. The defendant must be told that if he fails to pay the fine or appear in court that he may be tried in absentia.

IV. UNIFORM ENFORCEMENT POLICY

A. Appropriate Uniformity

Enforcement action for traffic violations is important if motorists are to enjoy safe driving

in the City of Greer. Good judgment by the police officer, in consideration of the circumstances and conditions at the time of the violation, will ensure appropriate action and gain the public confidence in traffic enforcement.

- B. The ultimate aim of traffic enforcement is to achieve voluntary compliance with traffic laws and regulations. To achieve this goal, policies and procedures to be followed include:

1. DUI Violations

It is the policy of the Greer Police Department to actively enforce the law pertaining to driving under the influence of alcohol and/or drugs. Officers will generally arrest any driver found to be in violation of this law. Arrests will be determined by the driver's observed operations on the roadway or involvement in an accident, and field sobriety tests. Warnings for DUI violations are not appropriate. It is also inappropriate to simply give an intoxicated driver a ride home.

2. Speed law violations

The decision to warn or cite a violator will ultimately rely on the officer's judgment based on the conditions and circumstances at the time of the violation; however, hard, fast adherence to a set policy is not to be substituted for common sense or human understanding.

3. Hazardous violations

- a. Consideration shall be given to the violation type, area and time of occurrence and the law applicable to the infraction; e.g., stop sign violation.
- b. The decision to a violator or issue a Public Contact/Warning for a hazardous traffic moving violation will ultimately rely on the officer's judgment based on the conditions and circumstances at the time of the violation. Officers are permitted this same discretion for violations resulting in traffic accidents.

4. Equipment violations

- a. When a vehicle is found to be in violation of several equipment requirements, a citation should be issued for the one most serious violation or for unsafe vehicle, if appropriate.
- b. A citation may be issued when equipment is missing of which the owner is obviously aware.
- c. The decision to cite a violator or issue a Public Contact/Warning for an equipment violation will ultimately rely on an officer's judgment based on the conditions and circumstances at the time of the violation.

5. Public carrier/commercial vehicle violations

Violations involving public carriers or commercial vehicles will follow the same criteria described in IV.B.1,2,3 and 4 above.

6. Nonhazardous violations

First violations for nonhazardous violations should result in a warning; subsequent violations should result in the issuance of a citation. Nonhazardous violations are defined as violations of laws or ordinances affecting the use or protection of streets or highways, but not enacted primarily to regulate safe movement of vehicles or pedestrians; e.g., registration violations.

7. Multiple violations

- a. In all instances, multiple violations which can be separately classified as hazardous and nonhazardous will be handled independently. In hazardous moving violation situations, those violations that are not cumulative may be handled separately. For example, speed violations and changing-lanes violations are not related even though they may be occurring simultaneously. Some right-of-way violations and changing-lanes violations are not related even though they might be occurring simultaneously. On the other hand, some right-of-way and stop sign violations may result from the same set of circumstances and should not be written separately. Another example is reckless operation of a vehicle which contains elements of speed or improper passing. These should not be written as three separate violations.
- b. Generally, one citation will be issued in the case of related, multiple, nonhazardous violations stemming from the same operation.
- c. When the initial stop for a violation results in non related charges including, but not limited to, the discovery of illegal drugs or alcohol violations, i.e. open container, or the discovery of no driver's license, no insurance or driving under suspension, a citation of Public Contact/Warning for the initial violation that precipitated the traffic stop will be issued and noted in the incident

report.

8. Newly Enacted Laws

It is the policy of the Greer Police Department to issue Public Contact warnings for a period of 30 days after a new traffic law becomes effective in lieu of directives or legal requirements to the contrary.

9. Parking violations

- a. When enforcing parking violations, the officer should first attempt to correct the infraction. Reasonable attempts will be made to contact or locate the vehicle's owner or operator to have the vehicle moved prior to taking enforcement action.
- b. In designated "No Parking" zones (fire lanes, handicapped spaces, etc.), if an immediate hazard is caused by the violator, a parking citation may be issued. A concerted effort to contact the owner or operator of the vehicle should be attempted before a vehicle is towed.
- c. Vehicles parked illegally on private property will be handled through the appropriate legal requirements governing the reporting, citing and/or

formal

removal of said vehicles.

10. Pedestrians and bicycles

Pedestrians and bicycles are part of the overall traffic management system. Officers are to take appropriate enforcement action when and where either pedestrian or bicycle traffic law violations are observed. The enforcement action will be commensurate with the pedestrian and bicycle accident experience for that area and time.

The enforcement of traffic laws pertaining to pedestrians and bicycles necessitates broad discretion from individual officers. To provide guidance in this discretion, the following procedures are established, which should result in more uniform and consistent application of the laws:

a. Pedestrian enforcement

- (1) Prior to any substantial increase in the enforcement effort directed toward pedestrian traffic, sufficient publicity and community awareness campaigns will be conducted by the administration.
- (2) Officers shall concentrate their efforts on pedestrian violations in those areas where pedestrian accidents are more likely to occur.
- (3) With regard to pedestrian traffic laws, the "spirit" of the law shall supersede the "letter" of the law and shall be applied accordingly.

b. Bicycle enforcement

- (1) Bicycle enforcement shall be concentrated primarily in those areas where there is a substantial flow of vehicular traffic and where hazardous moving violations are observed involving persons operating bicycles. In such cases, the applicable laws shall be strictly enforced.
- (2) In those areas where traffic flow is minimal, visibility is unobstructed, and traffic accident experience is low, officers should exercise discretion in the application of those laws regarding the safe operation of bicycles.
- (3) Officers should be less tolerant of older offenders who should be aware of the hazards inherent in the unsafe operation of bicycles. Officers should be more lenient in the enforcement of the law and more instructive in their response to youthful offenders, who may not be fully aware of their responsibilities in the safe operation of bicycles.

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11. Off-road recreational vehicles

Off-road recreational vehicles (dirt bikes, mini-bikes, go-carts, etc.) are expected to become an increasing problem within the City as it annexes more undeveloped land. Their illegal use on the streets and highways are anticipated to generate citizen complaints of excessive noise, trespassing and property damage.

- a. Officers having contact with violators may permit the violator to remove an unlicensed vehicle provided that the violator is cooperative, does not attempt to flee and if any other violation for which enforcement action is taken is not of a serious nature. Any known second offense may be cause for the vehicle to be removed by the officer from public streets and highways.
- b. The age of an offender may influence the degree of enforcement action taken. An adult would be expected to have a better understanding of the law than a younger person. Prior traffic record can be considered for offenses as to degree of enforcement action taken.
- c. When investigating the use of recreational vehicles on private property, attempts will be made to contact the property owner to determine if permission has been granted to operators of recreational vehicles to operate on the owner's property. If the owner's permission is not granted, the operators will stop using the property until and unless permission is obtained and be advised to keep written permission with them along with the name and phone number of property owner so he/she may be contacted to verify permission. If misuse of private property occurs operating a recreational vehicle, such as reckless operation, DUI, hit run or criminal damaging, enforcement action may be taken by

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officers.

C. Enforcement practices

1. Based on the principle that the most effective deterrent to traffic law violations is visible patrol in a marked vehicle, and in the interest of maintaining a posture of prevention as opposed to apprehension, traffic law enforcement activities will be conducted accordingly. Officers will drive patrol vehicles in accordance with existing laws and in such a manner as to demonstrate exemplary driving behavior.
2. In those areas where fixed-post observation is necessary to maximize the effectiveness of a selective enforcement effort, officers will park in a conspicuous location and in such a manner that traffic flow is not impeded.
3. Area patrol will be conducted over a number of streets, roads, locations, or areas of roadway determined to have a high number of collisions, violations, or citizen complaints. This enforcement practice may be employed by patrol or traffic officers and is the primary method of traffic enforcement.
4. Line patrol is the enforcement of traffic laws upon a single roadway identified through data analysis that enforcement is warranted.
5. Directed patrol is patrol specifically directed to a particular problem, such as DUI or high collisions based on data analysis. Directed patrol is in furtherance of Community and/or Problem-Oriented Policing and is in an effort to combat a traffic problem by performing a comprehensive analysis of prior incidents and developing a custom response.
6. The use of unmarked patrol vehicles for routine traffic enforcement is restricted to enforcement activities carried out by the Traffic Section.

V. USE OF EMERGENCY EQUIPMENT

Officers will utilize emergency equipment when required by the nature of their dispatched assignment, or when situations confront them that indicate the need for the use of emergency equipment.

A. Emergency (blue) lights

- emergency
1. This equipment is used in conjunction with the siren to signal other users of the roadway that emergency conditions exist and the right-of-way should be relinquished to the patrol vehicle. It cannot be safely assumed by the officer that the lights and siren will be sufficient to assure the right-of-way, even though state law requires that emergency vehicles be yielded the right-of-way under conditions.

Even when both the emergency lights and siren are in simultaneous operation, officers are still obligated to drive with due regard for the safety of all persons using the street or highway.

- lights for
2. Emergency lights will be utilized in the following circumstances:
 - a. In accordance with provisions of General Order 510.1.
 - b. When stopping traffic violators.
 - c. When assisting motorists parked/stopped in hazardous locations.
 - d. When a patrol vehicle is parked/stopped on the roadway.
 3. If both the cruiser and the violator's vehicle are parked off the roadway and the officer and/or the violator can stand or walk between the traffic side of their vehicles and the roadway, an emergency signal which exhibits light to the rear of the cruiser may be extinguished to reduce the accident potential created by its distracting effect on approaching drivers and to minimize attracting curiosity seekers to the scene. In these cases an officer may use the flashing vehicle hazardous warning added safety.

B. Siren

1. The siren is to be used simultaneously with the emergency lights when in pursuit, responding to an emergency dispatch, or initiating an emergency response.
2. The siren may be used to signal violators to stop when other means of attracting the violator's attention have failed.

C. Spotlight/Takedown lights

1. These lights should be used as a protection to the officer, especially when hazardous conditions exist in dealing with motorists. For example, following a traffic stop, the spotlight may be used to illuminate the interior of the violator's car so all occupants are kept within view and at a distinct disadvantage when looking back toward the police vehicle and the officer. The officer should exercise care not to be silhouetted by the light.
2. The spotlight/takedown lights should not routinely be used to signal violators to stop due to the possibility of temporary blindness of the violator and other drivers from the glare created by the light.

D. Public Address System

1. The public address system is available when stopping a traffic violator to direct the desired actions of the violator from a safe distance, minimizing the hazard to the officer.
2. The public address system is also valuable in directing persons when unusual conditions exist such as when the roadway is temporarily obstructed, alerting pedestrians to hazardous conditions and relieving the emergency conditions.

VI. DOCUMENTATION OF ARRESTS AND CITATIONS

A. Preparation of Citation/Report

1. Traffic citations and booking reports form the basis for prosecution of traffic offenders.
2. Specific guidelines on their preparation, processing, and distribution are as follows:
 - a. Traffic Citations
 - (1) All citations are issued electronically through a managed user account system and will then be electronically printed except for those instances in which the officer is not equipped, i.e. Command Staff vehicle.
 - (2) All spaces requiring information will be completed.
 - (3) The court date will be assigned according to court guidelines. The appropriate copy is then given to the violator.
 - (4) Officers will make sufficient notes in the notes section of the e-ticket so as to be able to present complete and accurate testimony at a later date. Citations are uploaded through the Report Beam program and on to Records.
 - b. Booking reports will be required when a physical arrest of a traffic violator has occurred.
 - c. Incident reports are required when there is a physical arrest. Supplement forms will be utilized when additional information is gathered after the original is submitted and such information needs to be included. These reports will be reviewed by a supervisor and forwarded to the Records Section.

B. Accountability for Traffic Citations

1. Voiding citations

A traffic citation may be voided by the officer after approval by his/her supervisor under limited circumstances. Permissible circumstances include material error in completion of the citation of such a nature that would cause the citation to be invalid;

physical defect in the citation itself; jurisdictional error; false or incorrect information recorded on the citation; incompleteness of the citation due to urgent call to duty; material error of fact, such as officer's error in application of the law; duplicate citation; discovery of information that later rendered the citation inappropriate, such as discovering after issuing a handicapped parking violation notice that the violator is handicapped but without proper identification on the vehicle.

In the event that an officer voids a traffic citation for any of the above reasons, the officer will use the following procedures:

- a. In the field prior to Report Beam submission, the officer will choose void, print the ticket and submit to records. Records will void in V-connect and forward the voided ticket to the Court and DMV.
- b. If the ticket has been submitted through Report Beam, the officer will print the ticket, write void across, and submit to records. Records will void in Report Beam and V-connect, and submit to Court and DMV.
- c. Please note that after the citation has been filed with the court, only the court has the authority to dismiss or amend the case.

2. Compliance citations

Citations for compliance violations such as faulty equipment or proof of insurance cannot be dismissed prior to the court date. The violator must bring proof of the compliance on their scheduled court date and the ticket dismissed in court. The issuing officer is the only one who can verify compliance unless otherwise instructed by the Judge.

3. Accountability for hand-written citations

To establish accountability for traffic citations, the following procedures will be used to issue traffic citations to officers:

- a. Blank citations are stored in a locked cabinet in the Records Section.
- b. Citations are issued by the Records Clerk who will record in a computerized log, the date issued, unit number of the officer receiving the citations and the citation numbers issued.
- c. When an officer issues a citation, the details concerning the violation will be entered into the computerized records system by the on-duty Detention Officer.

4. Lost or stolen citations

In the event that a traffic citation is lost or stolen, the officer responsible for the citation will notify his/her supervisor in writing. After a review of the incident by the Patrol Division Commander, appropriate records will be generated to account for the missing citation(s).

5. The control process for citations will be audited periodically in accordance with General Order 920.1, IV, 1.

VII. OFFICER/VIOLATOR CONTACTS

- assist
- A. Traffic law enforcement is one of the routine tasks performed by a patrol officer, but for the violator it is frequently an emotional experience. The officer should be aware of and sensitive to these conditions and should strive to make each contact educational, leaving the violator with the impression that the officer has performed a necessary task in a professional and friendly manner.
 - B. Traffic stops have two objectives which the officer is trying to achieve. The first objective is to take appropriate enforcement action. The second objective is to favorably alter the driver's future driving behavior. This requires a thorough understanding of human relations demands flexibility on the part of the officer. The following procedures are recommended to minimize conflict which may develop between the officer and the violator and in achieving the two aforementioned objectives.
 - 1. Be alert at all times for the unexpected, but not be obviously apprehensive.
 - 2. Be certain that the observations of the violation were accurate without reservation.
 - 3. Present a professional image in dress, grooming, language, bearing and emotional stability.
 - 4. Be prepared for the contact by having the necessary forms readily available.
 - 5. Decide on the appropriate enforcement action based upon the violator's behavior, not attitude. In most cases it is advisable to have the form of enforcement action decided prior to the initial contact with the violator.
 - 6. Greet the violator with appropriate title and in a courteous manner.
 - 7. Immediately inform the violator of the traffic law he/she has violated and the intended enforcement action; the violator should not be kept in suspense. Do not ask, "do you know why I stopped you?"
 - 8. Ask for and accept the violator's driver's license and registration, if needed.
 - 9. Obtain another document of identification if the driver has no license in possession.
 - 10. Allow the driver to reasonably discuss the violation.
 - 11. Complete the forms required of the enforcement action taken or Public Contact Warning.
 - 12. Explain to the driver exactly what he/she is supposed to do in response to the action taken to include mandatory or non-mandatory court appearance.
 - 13. Make sure the violator knows when and where to appear if the enforcement requires a court appearance. Explain any alternatives, to include payment by mail or on-line should the violator choose. Do not predict the actions of the court. Refer any further questions about the appearance to the court.
 - C. Once the officer has stopped the violator and approached to a point where communication can begin, officer-violator relations are activated. The officer should:

14. Be alert for any emotional stress exhibited by the driver. If the stress is present, the instructions may have to be repeated or the violator may need to calm down before resuming driving.
15. Return the violator's driver's license and registration and provide a copy of the citation or Public Contact Warning.
16. Assist the driver in safely re-entering the flow of traffic.

VIII. TRAFFIC STOP PROCEDURES

Patrol officers make vehicle stops for a variety of reasons--to warn or cite traffic violators, to identify suspicious persons, to detain or arrest criminal suspects. Regardless of the reason for the stop, officers should be aware that every vehicle stop involves some degree of risk, whether it be from actions taken by occupants of the stopped vehicle or from actions of other traffic or other persons on or near the roadway. Officers should pre-plan vehicle stops on every occasion. Although officers may not be able to predict the actions taken by the operator of a vehicle to be stopped, each officer should be aware of the risks involved and plan his/her actions should the unexpected occur during a vehicle stop.

Reaching into vehicles during traffic stops for such reasons as turning off the vehicle, placing it in park, attempting to take something from the driver, etc can put an officer in great danger of being dragged or run over by the vehicle. Therefore, officers should not reach into a vehicle while the driver is still behind the wheel. Exceptions to this should only be in situations where the use of deadly control techniques would be justified or the driver is in need of immediate medical care. The following procedure(s) are suggested as a guide to officers making stops of vehicles.

A. Low-Risk Vehicle Stops

1. A low-risk traffic stop is defined as one where the vehicle being stopped is the subject of a traffic violation other than DUI.
2. Suggested procedure for officer initiating the stop:
 - a. Choose the stop location carefully, avoiding curves, hill crests and intersections. Consider stop locations where adequate cover is available should its use become necessary. Activate the BWC.
 - b. Provide the dispatcher with the location of the stop, the vehicle registration number including state, vehicle and occupant description. Wait for license tag check for stolen vehicle from the dispatcher before leaving the police vehicle.
 - c. Activate emergency lights and use the siren as needed to alert the driver that you want him to stop. At night, blink headlights low to high beam or use the spotlight back and forth or up and down to gain the driver's attention.
 - d. Position the police vehicle one car length behind the stopped vehicle and offset to the left about three feet onto the traffic lane. Turn the front wheels to the left, leave the engine running and the driver's door unlocked. Consider who may be in the immediate area of your cruiser when leaving it unlocked. Before alighting from the police vehicle, observe the

occupants of the stopped vehicle, looking for unusual movements.

- f. At night, use high beams, spotlight, and the takedown lights to conceal officer's movements from the violator and for visibility inside the stopped vehicle. Be careful to avoid blinding oncoming traffic.
- g. If the violator gets out of the car, direct him/her back inside and prepare to take evasive action should the violator continue to advance.
- h. Consider weapon readiness on every stop. Approach with gun-side away from the violator as much as possible.
- i. While approaching, watch occupant(s), check for altered license tags, check trunk to see that it is closed and observe interior for possible weapons or hidden passengers.
- j. Stand beside the vehicle as closely as possible and to the rear of the driver. Be watchful of any passengers, both front and rear.
- k. Keep the violator's hands in constant view. Have the violator reach outside, preferably with the left hand. The officer should take the violator's license or other identification with his non-gun hand.
- l. Continue to observe the occupants of the stopped vehicle while returning to the police vehicle and preparing the citation. Consider a position cover that may not be expected by the violator. While processing the do so in a manner that will permit you to see the vehicle and the
- m. When returning to the stopped vehicle to issue the citation or warning, observe again for possible changes, particularly within the vehicle.
- n. Allow the stopped vehicle to re-enter traffic first.
- o. Turn off emergency equipment before entering traffic.

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occupants.

3. Responsibility of dispatcher in low-risk stop situation

- a. The dispatcher shall record appropriate information regarding the stop and acknowledge the officer's call-in.
- b. Make periodic check-ups on officer's safety while stop is in progress.

B. Unknown-Risk Vehicle Stops

- 1. Unknown-risk stops include stops made for traffic violations, or circumstances when any of the following conditions exist.
 - a. Occupants are making suspicious movements within the vehicle.
 - b. The vehicle being stopped is such that a view into the vehicle is difficult or impossible (vans, smoked windows, trucks, etc.).
 - c. The stop is for driving under the influence of alcohol or drugs.

- d. The officer originating the stop specifically requests a back-up car.
- 2. Responsibilities of officer initiating the stop
 - a. Provide the dispatcher with the location of the stop, the vehicle registration number including state, vehicle and occupant description prior to initiating the stop. Wait for license tag check for stolen vehicle from the dispatcher before leaving the police vehicle. Give the dispatcher some indication of the situation. Request a back-up if appropriate. Wait for acknowledgment.
 - b. Unlock the front passenger door for the back-up officer.
 - c. Use procedure similar to low-risk stop in making stop reference to vehicle position, stop location, observation of vehicle and occupants, as outlined previously.
 - d. Maintain position and control of occupants using verbal commands.
 - e. Consider having the driver of the stopped vehicle alight from the vehicle and approach the police vehicle.
 - f. Maintain a protected position and keep the approaching driver's hand in sight.
- 3. Responsibilities of dispatcher in unknown-risk stop.
 - a. Immediately dispatch the closest available back-up officer.
 - b. Record appropriate information regarding the stop and acknowledge the officer's call-in.
 - c. Make periodic checkups on officer's safety while stop is in progress.
- 4. Responsibilities of back-up officer in unknown-risk stop.
 - a. Park behind primary car.
 - b. Take up a position on the passenger side of the primary car.
 - c. Assist in controlling the situation by providing surveillance of other occupants while the primary officer is dealing with the violator.
- C. High-Risk or Felony Vehicle Stops
 - 1. High-risk vehicle stops include stops made on vehicles known or believed to contain criminal suspects, where weapons are known or suspected to be present in the vehicle, or when information has indicated that an occupant of the vehicle is wanted on a warrant.
 - 2. Responsibilities of Officer Initiating the Stop
 - a. The officer shall choose the stop location carefully, considering, in addition

to the hazards note for low-risk stops, traffic patterns at the stop locations, the presence of pedestrians and populated buildings and opportunities for cover positions for back-up units.

- b. Provide the dispatcher with the location of the stop, the vehicle registration number including state, vehicle and occupant description. Wait for the back-up officer to get into the appropriate position prior to initiating the stop. Wait for license tag check for stolen vehicle from the dispatcher before leaving the police vehicle. Advise dispatch the reason for the high risk stop.
 - d. Position the police vehicle directly behind and 30 to 40 feet to the rear of the stopped vehicle. Angle the front end of the car toward the traffic lanes so that the engine block is between the officer and an assailant should the officer need to use the vehicle for cover.
 - e. Unlock the passenger door of the police vehicle for the back-up officer.
 - f. Establish control of the suspect(s) and vehicle by issuing verbal commands, using the public address system.
 - g. If the suspect vehicle stops before or where the officer does not want it to stop, remain in the vehicle behind the suspect vehicle while placing the vehicle in reverse with the foot on the brake until the back-up officer arrives.
 - h. Request and direct other back-up officers as necessary.
 - i. Do not approach the occupied suspect vehicle.
 - j. Give clear, concise demands to occupants of the stopped vehicle to direct their removal, one at a time, beginning with the driver, if possible.
 - k. Direct the search of the vehicle when all occupants have been removed and secured and after it is determined that there are no hidden suspects.
3. Responsibilities of Dispatcher in High-Risk Stop Situations.
- a. The dispatcher shall immediately dispatch a back-up unit as requested by the initiating officer.
 - b. Record appropriate information regarding the stop, acknowledge the officer call-in, and limit other radio traffic on the primary frequency.
 - c. Direct requested back-up units into position as necessary.
 - d. Make periodic checkups on officers' safety while stop is in progress. Use discretion as the number of officers on the scene should reduce the need for frequent checkups, and the officers may be concentrating on the stop rather than the radio. If a problem occurs, an officer will voice it.
4. Responsibilities of back-up Officers on High-Risk Stop
- a. The first back-up officer will park parallel to and about nine feet to the left,

up

if possible, of the primary unit. The passenger door of this unit should be unlocked for other back up officers. The first back-up officer will take a position at the driver's door of his vehicle.

- b. Additional back-up officers should function in the following capacities, in order of priority, and as needed.
 - (1) Search and arrest officer will obtain handcuffs from initiating officer and first back-up officer upon arrival, and take up a position at the passenger door of the first back-up unit. This officer will be responsible for searching and securing suspects as they are brought back to police vehicles on command of the initiating officer. This officer will also seek to gain intelligence concerning the number of officers in the vehicle, the number of weapons, and whether there is a hidden occupant. This officer will accompany the driver of the stopped vehicle back to the vehicle when the final search is to be made.
 - (2) The second back-up officer will take a position at the passenger door of the initiating/primary unit and provide cover from that position. This officer may temporarily provide traffic control until other units are available.
 - (3) If possible, another officer will assume a position different from the initiating and back-up officers so as to act as a forward observer. This officer, when selecting a position, will select a different angle from the officers so as to avoid crossfire.
 - (4) Traffic control officers will seal off the area of the high-risk stop from persons not authorized or functional in the process of the stop, preventing bystanders, motorists and other personnel from entering the zone of operations.

IX. NO DRIVING PRIVILEGES PROCEDURES

The patrol officer is frequently in the position of encountering drivers who are unable to produce a valid driver's license. This could be the result of various actions not only of the driver, but of the court and or the Department of Motor Vehicles.

The officer should check through the computer by name, driver's license number, if known, and date of birth for the current status of driving privileges. If the violator has a valid license, then the officer's actions should be dictated by the initial violation or contact.

- A. If the driver does not have a valid driver's license through DMV on-line records, the officer should determine if the violator was ever issued a license through the state or their state of residence. If it can be determined no license was ever issued, the officer should cite for no operator's license, unless circumstances warrant a physical arrest; e.g., no supporting identification, out-of-state resident, etc.
- B. If the violator was issued a license in this state or their state of residence and the violator's driving privileges have been revoked or suspended, the officer should cite for operating suspended or revoked for the first offense. If the violation is a second offense or any offense which cannot be heard in Municipal Court, the officer will make a physical arrest.

- C. In either case, the violator should not be allowed to drive from the location of the traffic stop, and some other arrangements should be made; e.g., another licensed driver in the vehicle, or someone who can pick up the vehicle. Unless the driver is physically arrested, the vehicle need not be towed if it is legally parked or on private property.
- D. If there is doubt about the correct status of a license suspension and the verification of the court's action cannot be gained within a short period of time, the officer should release the driver until verification is obtained. A citation can then be issued or a warrant obtained when confirmation of the license suspension is received. An officer may also follow the violator to another location to validate the claim of driving privileges, if the request is reasonable.

X. SPEED MEASURING DEVICES

A. Policy

- 1. The law enforcement community believes that traffic radar/lidar are effective tools for speed control, and its role in traffic safety and speed control is of importance. Modern speed measuring devices, however, are complex and have inherent limitations as well as being subject to external and internal interference.
- 2. The effective use of speed monitoring devices and their acceptance is dependent upon the operator's understanding of the specific limitations of radar/lidar devices, adequate training and the initial certification combined with periodic re-certification to demonstrate the operator's proficiency.

The Police Department will use radar/lidar in high and potentially high collision locations when speed is a factor; in areas where speed limit violations are prevalent and in response to citizens' complaints concerning speeding motorists.

- 4. All officers using radar/lidar devices must successfully complete a basic operator program and receive certification prior to utilization of such speed measuring devices.
- 5. The Patrol Division Commander, in order to assure proper care and upkeep of radar/lidar units, will establish procedures to:
 - a. Ensure that radar/lidar use is restricted to certified operators.
 - b. Ensure that adequate maintenance, calibration and operational record systems (suitable for introduction as evidence in court) are developed and maintained.
 - c. Ensure that all radar/lidar units are certified on a periodic basis.

B. Use of Speed Measuring Instruments

1. Radar/Lidar

The precise method for using a radar/lidar unit and the enforcement of those laws applying to speed will vary in accordance with the type of equipment used. Generally, the following procedures are applicable:

- a. The unit must be properly installed and connected to the appropriate power supply.
- b. The effective range of the particular unit must be thoroughly understood by the operator so visual observations can support the meter readings.
- c. The operator must choose an appropriate location that is conducive to the effective and safe operation of radar/lidar.

NOTE: Radar/lidar will not be operated while sitting behind billboards, buildings, trees, or similar obstructions, nor should it be used at the bottom of a hill unless there are citizen complaints or other specific problems.

- d. The radar/lidar units must be properly calibrated to ensure accuracy in checking speed. Most manufacturers recommend specific methods of checking calibration. These should be followed without exception.
- e. A calibration check will be made upon arrival at the selected location and subsequently before departure from the selected location.

2. Speedometer

A secondary method used to measure violator speed is to pace the violator utilizing a certified speedometer. Whenever a speedometer is used as a basis for issuing a citation for a speeding violation, the officer will use only police vehicles which have speedometers which have been certified by radar/lidar.

XI. DUI COUNTERMEASURES

- A. Drivers impaired by alcohol and/or drugs represent a serious threat to the lives and safety of persons using the streets of this City, and consequently a comprehensive, coordinated and on-going countermeasures program involving education, enforcement, adjudication, treatment, and public support is essential if a program is to have long-term success in combating the DUI problem.
- B. Enforcement is one of the key elements in the DUI countermeasures program. If the Police Department does not detect and apprehend impaired drivers, the rest of the system cannot function.
 1. Patrol officers must be alert for signs of alcohol and/or drug impairment in all contacts with motorists. After conducting an initial examination at the scene of the traffic contact (SCCJA approved field sobriety tests may be administered) and upon determining that probable cause for arrest is present, the officer will affect a physical arrest of the subject.
 2. Subjects arrested for DUI will be taken as quickly as possible to the nearest available facility for the administration of a breath test unless it is determined that the subject is in need of medical attention. Breath tests will be offered in accordance with the South Carolina Code of Laws and SLED guidelines and regulations regarding breath testing.
 3. Officers are reminded that breath tests are supplemental tools only, and a refusal to submit to a chemical test will not constitute cause to issue a citation for a lesser offense.

4. All officers receive initial training at the SCCJA regarding DUI detection and field sobriety tests.

C. Public Safety Checkpoints

As a means of both enforcement and public education, the Police Department will periodically utilize Public Safety Checkpoints.

1. Public Safety Checkpoints require sufficient manpower to minimize disruption to the traffic flow.
2. Public Safety Checkpoints require prior approval of the Patrol Division Commander, Operations Bureau Captain or Chief of Police. A Checkpoint Checklist will be completed for every Checkpoint and will be submitted to the Patrol Commander for review.
3. Checkpoints will be conducted under the supervision of an officer designated by the authorizing member of the Command Staff.
4. A pre-checkpoint briefing will be conducted by the supervisory officer. Such briefings will include:
 - a. Locations of checkpoints.
 - b. Review of Pursuit and Use of Control policies.
 - c. Arrest and transporting plans.
 - d. Inspection to ensure availability of:
 - (1) Checkpoint warning signs.
 - (2) Traffic cones.
 - (3) Flashlights and Reflective vests.
 - (4) Proper and complete uniforms.
 - (5) Fully equipped and properly functioning vehicles.
 - e. Review of applicable laws pertaining to DUI and Checkpoints.
5. The checkpoints will be uniformly conducted.
 - a. All vehicles entering the checkpoint will be stopped.
 - b. Officers conducting the checkpoint will be courteous and request to see the operator's driver's license.
 - c. The stop will be brief in nature unless the officer believes, based on articulable facts, that the driver may be intoxicated.
 - d. After observing the demeanor of the driver, looking for signs of alcohol use,

and conversing briefly with the driver, the vehicle will be allowed to proceed or pulled out of the line of traffic for further investigation depending on the circumstances.

6. Checkpoints will be conducted at locations conducive to safely stopping traffic.

D. DUI Arrest

chemical
of
intoxicated

The detection and arrest of intoxicated drivers differ from that of other traffic law violators. There are specific legal limits of intoxication. Specific statutes govern driving while under the influence of alcohol and/or drugs, implied consent for chemical tests, and the tests for blood/alcohol content themselves. These statutes outline the officer's scope authority and establish procedures for detection, arrest, and processing of an driver.

1. Detection is the first step in any DUI enforcement action. In this stage, probable cause to arrest is established. Detection includes the following steps:
 - a. Recognize and identify specific driving behaviors that signify the driver may be impaired by alcohol and/or drugs.
 - b. Recognize and identify specific behaviors occurring during vehicle stops that provide evidence or suspicion the driver may be intoxicated.
 - c. Note all observations which lead the officer to believe the driver may be intoxicated.
 - d. Use caution in pursuing intoxicated drivers and be alert for unpredictable reactions from the driver.
 - e. Avoid prolonged pursuit and apprehend as soon as possible in a safe place.
 - f. Advise the Communications Section of the location, vehicle description, and the reason for the stop. Summons assistance, if necessary.
 - g. Do not allow the driver to move the vehicle once the driver is judged to be intoxicated.
 - h. Approach the vehicle with caution and obtain the driver's operator's license.
 - i. Interview the driver and passengers.
 - j. Recognize, identify and note specific actions and characteristics commonly manifested by intoxicated drivers during face-to-face contact.
 - k. Request the driver exit the vehicle and move to a safe location to conduct field sobriety test. Do not conduct field sobriety tests or interviews in the space between the police vehicle and the suspect vehicle.
 - l. Select and administer appropriate field sobriety tests to assess impairment.
 - m. Formulate appropriate arrest decisions based on evidence accumulated.

2. If all elements of the DUI violation are evident, as established in the South Carolina Code of Laws, officers will affect a physical arrest.
 - a. Handcuff and search the subject. Inventory and tow the vehicle. Secure the property or release it to a responsible party.
 - b. Notify the subject of his rights and responsibilities; i.e., implied consent, Miranda warning.
 - c. Transport the subject to an approved site for processing, evidential testing and medical treatment, if necessary.
 - d. Conduct breath/chemical test(s) in accordance with state requirements. Generally a breath test is required; if drug use is suspected, a urine sample is needed. Generally, a test of the suspect's urine will be collected as outlined in General Order 930.1. If urine cannot be collected, a blood sample may be drawn by authorized medical personnel.
 - e. If the subject refuses to submit to the breath/chemical test, complete the refusal form and forward as required by law.
 - f. Tag the blood and/or urine samples, if taken, as evidence and place them in the Department's Property Room refrigerator to await transport to the laboratory for analysis.
 - g. Department forms must be completed as required, thoroughly documenting the investigation, testing results and evidence gathered during the investigation.
 - h. A copy of the subject's driving record should be obtained and brought to court when the case is heard.
 - i. Ensure that the subject is properly booked and incarcerated, if appropriate.
 - j. Forward citation and all reports and supporting documentation to supervisor for review and transmittal to the court.

XII. REQUEST FOR DRIVER RE-EXAMINATION

- A. Routine enforcement, collision reporting and investigation activities frequently lead to the discovery of drivers who have suspected incompetency, physical or mental disability, disease or other condition, which might prevent the person from exercising reasonable and ordinary care over a motor vehicle. Officers detecting such a person will complete the appropriate documentation and forward it to the driver's license section of the South Carolina Highway Patrol with a request that they re-examine the driving capabilities of the individual.