



GREENVILLE COUNTY  
SHERIFF'S OFFICE

# 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 Judicial Services for entry onto the Warrant Log.

Warrants signed out for service that were not served are to be returned to Judicial Services and placed in the re-file box. 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 Judicial Services. Judicial Services will return all warrants to issuing magistrates.

All Court Orders are filed in Judicial Services, excluding orders pertaining to the pick-up and/or house-arrest of minor children.

Warrants sent to Judicial Services 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 incident.
6. Date of warrant.
7. Case number.
8. All information given about defendant.

9. Complainant's name.
10. Officer assigned for service.
11. Date assigned.

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

1. Date and time served.
2. Name of server.
3. Method of service.
4. Location of service.
5. Complete information on person served – DOB, SSN, current address, eye color, hair color, height, and weight.
6. Status of process.

**PROOF OF SERVICE** - Required on all criminal process. Proof of service is to include:

1. Legible signature of serving deputy's full name.
2. Deputy's unit number and star number.
3. Date of service.

**SERVICE OF IV-D FAMILY COURT BENCH WARRANTS** -

When any Family Court Bench Warrant with the letter IV-D stamped in red ink on the front is served, an *AFFIDAVIT OF SERVICE* must be completed and attached to the warrant. This Affidavit of Service is in addition to completing the Proof of Service on the face of the warrant.

**WARRANT SERVICE ATTEMPTS** - 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.

**WARRANT INFORMATION** - Service attempts are electronically recorded. Deputies are required to make service updates on the computer database. Information to be included is: each service attempt, change of address, employment information, and any other information that will facilitate the service of the arrest warrant. Procedures are the same for warrants checked-out of the Warrant Office for attempt to serve.

When a field unit conducts a warrant check and the check indicates an active warrant on file in Judicial Services, the warrant is to be physically located and held in hand before the individual is arrested.

*Only Judicial Services personnel and Front Desk deputies are authorized to search for or remove process from the Judicial Services-Warrant Section. Only Judicial Services personnel are authorized to re-file process.* The Warrant Records System is open for access twenty-four 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. 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.

**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 who states a violation of South Carolina law has occurred. Any deputy may serve a warrant anywhere in Greenville 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 them and told of the type and amount of bond required for their 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 "**Code 8,**" 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 their Unit Number and Star 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, they are 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, an NCIC hit confirmation, 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 they are arresting is the one who stands charged with the crime in the requesting state.

**CIVIL WARRANTS-** Arrest warrants that are issued by the Court of Commons Pleas. **Caution should be taken prior to serving these warrants due to special conditions that may apply and will be listed in the warrant.** The conditions may include instructions and/or conditions on the scope that the service can be made. If no special conditions are noted, the warrant will be processed as a normal bench warrant. Civil warrants will be identified in the warrant file by a "Letter of Attention" attached to the face of the warrant. Typically, if this warrant is placed on NCIC, there will be no extradition of the subject outside the state of South Carolina.

**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.

**RESPONSE TO  
RESISTANCE:**

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

**RESISTING ARREST** - The law authorizes a deputy to respond to resistance, when necessary, to make an arrest. It is a deputy's duty to overcome resistance and bring the arrestee under physical restraint. A deputy's response to resistance/aggression is not limited to self-protection, but extends to a response reasonably necessary to perform their duty to arrest. If a person resists arrest by words or threats and is visibly prepared to resist, a deputy may reasonably respond to a degree necessary to make the arrest. See General Order 205 Response to Resistance/Aggression.

**PREVENTING ESCAPE** - After an arrest is made, a deputy may reasonably respond to resistance/aggression to prevent escape. However, the deputy may not respond to a deadly degree unless a deadly force response is justified under current Sheriff's Office policy. See General Order 205 Response Continuum.

**EXCESSIVE RESPONSE** - A deputy may respond to resistance/aggression in a degree reasonably necessary for the purpose of arresting a person. If he excessively responds, he becomes the assailant and can be resisted in the same manner as one would resist any other assailant. A deadly response to resistance/aggression to make a misdemeanor arrest or to prevent escape after misdemeanor arrest is never justified because deputies have no right to employ deadly force merely to make a misdemeanor arrest. If a deputy excessively responds in arresting a person and the excessive response 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.

**FORCIBLE ENTRY:**

**Authority - A deputy has the right to enter private premises in the performance of their 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 forcibly enter a building after he has announced their authority and intent, has demanded entry, and the demand is refused. The deputy's authority to break and enter depends entirely upon their authority to arrest or seize goods. If they have legal authority to arrest or seize goods, they may respond reasonably to make 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 they have to break and enter a building or dwelling.

***IMPORTANT - 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 their arrest or detention.

**Crime Committed in Presence** - A deputy may arrest a person without a warrant for any crime committed in their presence. A crime is committed in the presence of a deputy when the deputy obtains facts through their senses (sight, touch, hearing, smell, and taste), which cause them 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 their presence. A deputy may not arrest a person without a warrant for a misdemeanor offense not committed in their 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 make an arrest of the misdemeanant.

If a misdemeanor arrest warrant is in the personal possession of a deputy, any other deputy receiving verbal confirmation of such possession may make 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 their 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 they 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.

**PLAIN VIEW** – If while making 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.

**FINGERPRINTING/  
PHOTOGRAPHS:**

All detainees who are arrested, with or without an arrest warrant, will be fingerprinted and photographed by the Greenville County Department of Public Safety.

**ARRESTS BY  
FOREIGN  
JURISDICTIONS:**

All criminal process to be served by a foreign jurisdiction is to be recorded by Judicial Services. 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, a **NCIC Wanted Persons Entry Worksheet** is to be completed and forwarded to **Teletype**. After entering the information, Teletype will forward the worksheet and a copy of NCIC entry to the Warrants Section of Judicial Services for filing. When the defendant is arrested, a **NCIC Wanted Person Cancellation Worksheet** is to be immediately sent to Teletype. The cancellation worksheet is filed with the entry worksheet.

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."

**EXTRADITIONS:**

A deputy in Judicial Services 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:**

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 they 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 Greenville 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 requiring 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, they are to be released. Without the original warrant, arraignment is impossible.

**Other States** – If the arrestee is located in Greenville 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, hit confirmation from the agency that initiated the 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.

All waivers of extradition are presented and processed through a judicial proceeding by a magistrate. If the arrestee waives extradition through the judicial process, 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 and a copy of the Fugitive from Justice Warrant, NCIC hit confirmation, Teletype and/or certified copy of the requesting state's warrant is to be left in the extradition supervisor's box in the Judicial Services office.

**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 their right to have their government informed of the event. If the detainee asks to exercise this right, the deputy is to immediately contact the appropriate foreign consulate or embassy and make a written record of the notification. The Extradition Deputy, in Judicial Services, 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 present when their consul is notified.

**COUNTRIES REQUIRING MANDATORY NOTIFICATION:**

Albania	Malta
Algeria	Mauritius
Antigua and Barbuda	Moldova
Armenia	Mongolia
Azerbaijan	Nigeria
Bahamas	Philippines
Barbados	Poland
Belarus	Romania
Belize	Russia
Brunei	St. Kitts and Nevis
Bulgaria	St. Lucia
China (including Macao & Hong Kong)	St. Vincent & the Grenadines
Costa Rica	Seychelles
Cyprus	Sierra Leone
Czech Republic	Singapore
Dominica	Slovakia
Fiji	Tajikistan
Gambia	Tanzania
Georgia	Tonga
Ghana	Trinidad and Tobago
Grenada	Tunisia
Guyana	Turkmenistan
Hungary	Tuvalu
Jamaica	Ukraine
Kazakhstan	United Kingdom
Kiribati	Uzbekistan
Kuwait	Zambia
Kyrgyzstan	Zimbabwe
Malaysia	

Deputies are to telephone the U.S. Department of State concerning any questions arising in connection with foreign nationals at **(202) 647-4415** After Hours: **(202) 647-1512**, Office of State, Washington D.C. 20502.

**OFFENSES INVOLVING  
FOREIGN DIPLOMATS  
AND CONSULAR  
OFFICIALS:**

The Extradition Deputy is generally responsible for contacting the appropriate foreign embassy. However, when he is not available, the arresting deputy is to perform this duty and inform the Extradition Deputy of actions taken. The Extradition Deputy coordinates all further proceedings with the foreign embassy.

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, their 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.

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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 that were 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, their 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 them.
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** – Ascertain that they possess the proper credentials. The deputy is to exercise discretion, based on the nature of the violation, and either release the official with a warning of the danger of their 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 themselves or the public. Based on a determination of the circumstances, the following options may apply:

1. Take the official to their local destination and release their vehicle to a member of their family or an employee.
2. Take the official to a telephone so they can call a relative or friend to come for them.
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.

### **ALTERNATIVE TO ARREST:**

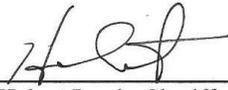
Under limited circumstances, deputies may provide transportation to individuals in lieu of arrest. For instance, a non-violent intoxicated person can be transported to their residence, thereby diverting the intoxicated individual from arrest, confinement, and trial in the criminal justice system.

### **PRE-TRIAL DIVERSION:**

Administered through the **Solicitor's Office**, Pre-Trial 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 Detention Center and turn them over to Detention Center personnel on a temporary commitment so a magistrate can set bail. Depending on the circumstances, a magistrate may release the offender on personal recognizance, or allow them 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.

  
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Hobart Lewis, Sheriff