PURPOSE:

State law dictates authority vested in the Sheriff and Sheriff's Deputies. State law further dictates the guidelines to be used in exercising that authority.

AUTHORITY:

Sheriff - South Carolina laws defines the Sheriff as the Chief Law Enforcement Officer of the County who is:

- An elected official who answers directly to the people.
- Responsible for the enforcement of state laws, service of civil process, and service of other orders emanating from the courts.
- The Chief Executive Officer of the Sheriff's Office and performs as a policymaker.

The Sheriff:

- Attends to and preserves order in all circuit courts of the county.
- Ensures that all policies are properly executed within this office.
- Has direct responsibility and liability for his deputies.
- Holds sole authority through state statutes to hire and terminate.

Sheriff's Deputies – South Carolina Code of Laws §23-13-10 through §23-13-70 describe the duties and responsibilities of Sheriff's Deputies. S.C. Code of Laws §16-23-20(1) designates the authority of deputy sheriffs to carry firearms. These statutes provide the basis for specific responsibilities and law enforcement duties:

- Deputies derive their power and authority from the Office of Sheriff itself.
- Deputies are not simply employees, but are extensions of the Sheriff himself.
- Deputies are accountable to the Sheriff, through the chain of command, for the proper use of the authority delegated by state law and Sheriff's Office Policy.
- Deputies who fail to properly use the authority delegated by state law and Sheriff's Office Policy are subject to disciplinary action or criminal prosecution.

OATH OF OFFICE:

South Carolina Constitution Article 3, section 26, and statute §23-13-20, describe the Oath of Office. The oath is the sworn allegiance to uphold the, basic laws of the nation, the U.S. Constitution, the S.C. Constitution, and to enforce all applicable State laws. Deputies are commissioned by the Sheriff and must be commissioned with each new term of office. The Sheriff and each of his deputies take the Oath of Office, administered by a Circuit Court Judge, the Clerk of Court, or a Notary Public prior to assuming official duties.

DISCRETION:

Deputies at all times take appropriate action to:

- Protect life and property.
- Preserve the peace.
- Prevent crime.
- Detect and arrest law violators.

Deputies enforce all laws and ordinances within Greenville County. They ensure fairness and impartiality in enforcement. They take enforcement action when required, but are allowed to use their discretion to not arrest when discretion would best serve a specific situation and the public at large.

Deputies determine grounds for arrest. They do not determine prosecution. Court solicitors determine prosecution.

Discretion to not arrest can be used when:

1. **The arrest could cause a greater risk of harm to the public than the offense committed or the offender remaining free.**

   Examples: (a) To arrest in a crowd situation could create a riot.

   (b) It is a busy shift and to arrest on a minor offense could delay response to a more serious offense.

   NOTE - If there is no arrest at the time an offense is committed, an arrest warrant can be obtained at a later date.

2. **The arrest could cause harm to an offender who poses no threat to the public.**

   Examples: (a) An intoxicated person who is docile or non-violent and needs assistance home or transportation to a rehabilitation facility.

(b) A juvenile offender whose minor wrong doing could be handled through an informal conference with parents.

A decision not to arrest when there are grounds for arrest is considered good practice only in the circumstances given. If there is doubt that circumstances exist and a supervisor is not available, arrest.

Deputies always have the latitude to obtain an arrest warrant at a later time when choosing to use discretion.

ALTERNATIVES TO CUSTODIAL ARREST:

South Carolina Code of Laws 56-7-10 Use of a Uniform Traffic Ticket, instead of an arrest warrant, is permissible for charges committed in a deputy's presence and triable in Magistrate's Court. Deputies are to use state tickets in accordance with state law whenever possible and as an alternative to custodial arrest.

Procedure for use of state ticket as an alternative to arrest:

- **Review §**56-7-10, which describes offenses subject to use of state ticket.
- Where the offense is minor and no further illegal activity is expected, **schedule an appointment** to meet the offender at the Magistrate's Office to serve him/her with the charge.
- When investigating incidents of disorderly conduct, it is determined the offender is suffering from a mental disturbance, **transport** him/her to a mental health facility rather than to detention.

LIMITS OF AUTHORITY:

Deputies are bound in their authority by State law, and by the duties and responsibilities placed upon them by the Sheriff. Deputies are empowered and obligated to take appropriate action whenever state law so stipulates.

Outside of Greenville County, deputies possess no other authority than private citizens, except when transporting detainees.

When transporting detainees out of county, **deputies are allowed to exercise their authority to prevent escape.**

CRIMES AGAINST DEPUTY SHERIFFS – Occasionally deputy sheriffs are victims of crimes. In this instance, there are situations where the victimized deputy completing an incident report or conducting the investigation could create a conflict of interest. These situations should result in another on-duty deputy completing the incident report and/or conducting the investigation. If there is a conflict of interest concern as how to proceed, an on-duty patrol supervisor is to be consulted to make the decision. Such incidents may include, but is not limited to: thefts, property damage, and burglaries.

STATEWIDE JURISDICTION FOR SCHOOL RESOURCE OFFICERS:

South Carolina Code of Laws §5-7-12 defines a School Resource Officer as a person who is a sworn enforcement officer pursuant to the requirements of any jurisdiction of this State who:

1. Completed the basic course of instruction for School Resource Officers as provided or recognized by the National Association of School Resource Officers or the South Carolina Criminal Justice Academy.
2. Is assigned to one or more school districts within the State to have as a primary duty the responsibility to act as a law enforcement officer, advisor, and teacher for that school district.

For criminal incidents outside of Greenville County, the following procedures for School Resource Officers (SRO) will apply:

1. Incidents that do not warrant an immediate arrest, but in the opinion of the SRO needs intervention beyond basic disciplinary action by school officials or the informal handling of the incident, the SRO is to report the incident to the agency having respective jurisdiction. The SRO will provide appropriate documentation to the responding agency to be used in the investigation of the incident. In incidents where a crime scene is present, the SRO is to secure and protect the scene as recognized by standard law enforcement procedures while determining the seriousness of the incident until local authorities arrive and assume control of the incident.

2. In an emergency situation where the SRO must effect an immediate arrest, the SRO is to notify the local law enforcement agency having jurisdiction to respond and handle the criminal prosecution with the SRO's assistance. The SRO is to act as a complainant/witness for the local authorities.

In cases where the SRO has seized evidence/contraband, he or she will upon surrendering the evidence, obtain the evidence officer's signature on a property sheet to maintain the proper chain-of-custody.

In all incidents turned over to other agencies, the SRO is to submit a written report to the SRO supervisor. The report is to be titled *SRO Incident Assist* and is to be exceptionally cleared indicating the incident was turned over to the appropriate agency having jurisdiction. If a conflict should arise involving the local authorities, the SRO supervisor is to be notified for assistance.

Hobart Lewis, Sheriff