

Law Enforcement Authority

100.1 PURPOSE AND SCOPE

State

The purpose of this policy is to affirm the authority of the members of the Atlantic Beach Police Department to perform their functions based on established legal authority.

100.2 POLICY

State

It is the policy of the Atlantic Beach Police Department to limit its members to only exercise the authority granted to them by law.

While this department recognizes the power of law enforcement officers to make arrests and take other enforcement action, officers are encouraged to use sound discretion in the enforcement of the law. This department does not tolerate abuse of law enforcement authority.

100.3 LAW ENFORCEMENT OFFICER POWERS

State

Certified members of this department are authorized to exercise law enforcement officer powers pursuant to applicable state law.

100.3.1 ARREST AUTHORITY WITHIN THE JURISDICTION OF THE ATLANTIC BEACH POLICE DEPARTMENT

State

Arrests may be made in the following circumstances within the jurisdiction of the Atlantic Beach Police Department:

- (a) In compliance with an arrest warrant.
- (b) Without a warrant when:
 1. The officer observes an individual committing a crime (S.C. Code §17-13-30; S.C. Code § 23-13-280).
 2. The officer has probable cause to believe that the individual has committed or is committing a felony (S.C. Code §17-13-10).
 3. The officer has probable cause to believe that the individual has freshly committed a misdemeanor (S.C. Code §17-13-30; S.C. Code § 23-13-60).

100.3.2 ARREST AUTHORITY OUTSIDE THE JURISDICTION OF THE ATLANTIC BEACH POLICE DEPARTMENT

State

An officer is authorized to arrest a person, or take other appropriate enforcement action, outside the jurisdiction of the Atlantic Beach Police Department when the officer is:

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- (a) In pursuit of an offender for violation of a municipal ordinance or state statute committed within the town or city limits and arrests the person (S.C. Code § 17-13-40):
 - 1. Within the county in which the town or city is located.
 - 2. Within three miles of the town or city limits.
- (b) Acting pursuant to contract to provide police protection beyond the jurisdictional limits of the Department (S.C. Code § 5-7-110).
- (c) Designated as a school resource officer and makes an arrest regarding crimes connected to a school activity or a school-sponsored event (S.C. Code § 5-7-12).
- (d) Responding to a request for assistance or a distress call in an adjacent jurisdiction (S.C. Code § 17-13-45).
- (e) Acting pursuant to a written mutual aid agreement (S.C. Code § 23-20-40).
- (f) Appointed with statewide jurisdiction under the South Carolina Emergency Management Law Enforcement Act (S.C. Code § 25-9-550).
- (g) Sent to another municipality upon request of the governing body of that municipality, as part of an emergency situation (S.C. Code § 5-7-120).
- (h) Transporting an individual to a mental health center or crisis stabilization program that has a written memorandum of understanding with the Atlantic Beach Police Department (S.C. Code § 44-13-05).
- (i) Acting pursuant to an executive order during a natural disaster or emergency affecting public safety (S.C. Code § 23-20-60).

100.3.3 GRANTING AUTHORITY TO OTHERS

State

Officers may request a federal law enforcement officer, including statutorily listed federal agents, for temporary assistance enforcing state law when the Atlantic Beach Police Department officer is acting within his/her subject matter jurisdiction and territorial jurisdiction. The federal officer will have the same powers as the requesting officer with the exception that the federal officer may not initiate or conduct an independent investigation into a violation of South Carolina law (S.C. Code § 23-1-212).

100.4 QUOTAS

State

Officers shall not be required to satisfy quotas for the number of citations issued during any given time period. The number of citations issued by any officer shall not be used as a criterion for evaluating officer performance; however, the number of contacts that an officer has with the public is an appropriate evaluation consideration (S.C. Code § 23-1-245).

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100.5 INTERSTATE LAW ENFORCEMENT OFFICER POWERS

State **MODIFIED**

The authority of officers may be extended into other states when the officer:

- (a) Enters Georgia in fresh pursuit of a person believed to have committed an offense punishable by death or imprisonment for at least one year, which is also a criminal offense in Georgia (O.C.G.A. § 35-1-15).
- (b) Enters North Carolina in fresh pursuit of a person believed to have committed an offense which is also a criminal offense in North Carolina (N.C.G.S. § 15A-403).

If an officer makes an arrest in Georgia or North Carolina, the arrested individual shall immediately be taken to a judicial official in the corresponding state (O.C.G.A. § 35-1-15; N.C.G.S. § 15A-403).

100.6 CONSTITUTIONAL REQUIREMENTS

Federal

All members shall observe and comply with every person's clearly established rights under the United States and South Carolina Constitutions.