

CITY OF ANDERSON POLICE DEPARTMENT

Anderson, South Carolina

DIRECTIVE TYPE General Order	EFFECTIVE DATE March 20, 2006	NUMBER 107
SUBJECT ALTERNATIVES to ARREST		
REVISED		
REFERENCE General Order 108, Section 183 and SCLEA 1.1.7	AMENDS/SUPERSEDES All Others	
DISTRIBUTION All Personnel	RE-EVALUATION DATE Annual	NO. PAGES 2

**107 PROCEDURES WHICH DIRECT WHEN SWORN PERSONNEL
MAY EXERCISE ALTERNATIVES TO ARREST,
PREARRAIGNMENT CONFINEMENT, and/or PRETRIAL
RELEASE**

The purpose of this General Order is to establish written guidelines which will identify alternatives officers may elect to use other than that of an actual arrest. (SCLEA 1.1.7)

- A. ALTERNATIVES TO ARREST AND/OR PRE-ARRAIGNMENT CONFINEMENT**
1. The power of arrest granted to police officers is one of the alternatives available to them under circumstances that require some form of police action. Additional alternatives that are effective and still allow an officer an alternative to arrest and/or pre-arraignment confinement are issuing a State Uniform Summons in lieu of arrest for certain enumerated criminal offenses and traffic violations.
 - a. Section 56-7-10 of the Code of Laws of South Carolina authorizes the use of the Uniform Traffic Summons by all law enforcement officers for all traffic offenses and certain enumerated criminal charges.

2. In lieu of formal action, an officer may exercise discretion and choose informal action to solve the problem, such as referral, informal resolution and warning.
 - a. **Referral-** The officer may offer referrals to other agencies and organizations when in his/her judgment it is the most reasonable alternative for the offender and the violation.
 - b. **Informal Resolution-** An officer, at his discretion, may offer informal resolutions to situations and conflicts when in the officer's judgment they can be adequately resolved by brief on-scene counseling; informing the proper agency or organization; advising parents of juvenile activity, etc.
 - c. **Warnings-** A written warning may be issued by an officer when, in his/her discretionary judgment, it is the most reasonable alternative for the offender and the violation. A written warning is not necessary when conducting a Terry Frisk of a potentially armed subject.
3. **Release without charges-** If an individual is arrested on probable cause and further investigation by the arresting officer determines probable cause no longer exists, the individual must be taken before the appropriate authority, immediately released and a supervisor notified. If possible, a release from liability form should be signed by the individual. Under no circumstances, however, will the subject's release be contingent upon signing the form. Additionally, the arresting officer will prepare a detailed incident report outlining the events surrounding the arrest and subsequent release. (See "Release without charges" form in section 183)

By order of:



Martin D. Brown, Chief of Police

3-6-2006
Date