

CITY OF ANDERSON POLICE DEPARTMENT

Anderson, South Carolina

DIRECTIVE TYPE General Order	EFFECTIVE DATE March 20, 2006	NUMBER 103
SUBJECT LEGALLY MANDATED AUTHORITY		
REVISED		
REFERENCE SCLEA Chapter 1.1.3	AMENDS/SUPERSEDES All Others	
DISTRIBUTION All Personnel	RE-EVALUATION DATE Annual	NO. PAGES 2

103. LEGALLY MANDATED AUTHORITY

The purpose of this policy is to establish written guidelines as to the scope and limits of law enforcement as it pertains to the enforcement of laws, statutes, ordinances and arrests.

- A. The Federal Constitution, South Carolina Constitution and the Code of Laws of South Carolina define the scope and limits of law enforcement authority as it pertains to the enforcement of laws, statutes and ordinances.
- B. The South Carolina Constitution, Article VIII, Section 9, states, "The structure and organization, powers, duties, functions and responsibilities of the municipalities shall be established by general law....".
- C. The Code of Laws of South Carolina, Section 5-7-30, states, " All municipalities of the State shall, in addition to the powers conferred to their specific form of government, have authority to enact regulations, resolutions and ordinances, not inconsistent with the Constitution and general law of this State, including the exercise of such powers in relation to roads, streets, markets, law enforcement, health and order in such municipalities, or respecting any subject as shall appear to them necessary and proper for the security, general welfare and convenience of such municipalities or for preserving health, peace, order and good government therein...."

- D. The City of Anderson is an incorporated municipality within the State of South Carolina. The City has adopted the Council / Manager form of government.
- E. Chapter 54, Section 54-2 and 54-3, of the Code of the City of Anderson, South Carolina states, " The police department shall consist of such police officers as the city council may, from time to time, deem necessary for the proper government of the city... The police department shall be under the exclusive direction and control of the city manager. The city manager shall appoint such police officers who shall hold office during the pleasure of the city manager, and whose respective rank and grade shall be determined and may be changed from time to time by the city manager... The city manager may employ additional members of the department as is deemed appropriate". Other than those duties and powers already granted herein, the chief of police shall:
- (1) Execute and return all writs and processes as directed by the municipal judge or ministerial recorder.
 - (2) Serve criminal writs and processes in the city; and
 - (3) Within the city suppress all riots, disturbances and breaches of the peace; apprehend all disorderly persons; pursue and arrest any person fleeing from justice; and apprehend any person in the act of violating the laws of the state or the Code of the city and bring such person before common authority for examination and trial.
 - (4) Render such accounts of the police department, such chief's duties, department operations, and receipts as may be required by the city manager or council and keep records of the department and the office open to public inspection at reasonable times.
 - (5) Handle the traffic control on the streets and roads within the limits of the city as prescribed in section 82 of the City Code.

By order of:


Martin D. Brown, Chief of Police

3-6-2006
Date