

CHAPTER 12. POLICE DEPARTMENT

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CHAPTER 12. POLICE

ARTICLE I. IN GENERAL

12.101 APPOINTMENT. COMPOSITION.

The Police Department shall consist of a Chief of Police, to be appointed by the Council and such officers and employees as may be authorized.

12.102. CHIEF OF POLICE. AUTHORITY.

- a. In addition to those duties and powers provided elsewhere in this code or by ordinance, the Chief of Police shall supervise the Police Department and shall be responsible for security of business establishments and for any other matters of public safety and law enforcement.
- b. Police officers are hereby authorized and empowered to make arrests of all offenders against municipal ordinances and statutes of the state committed within the corporate limits.

12.103. SURETY BOND.

The Chief of Police and other members of the department shall give bond in favor of the town, in the amounts and under the conditions as the Council may, from time to time, determine, the premiums to be paid by the town.

12.104. OATH OF OFFICE.

Before entering upon the duties of his office, each police officer shall take and subscribe to an oath that he will support the constitution and laws of the state, the Constitution of the United States and the code of The Town of Campobello.

(Editor's Note. As to oath, please see §2.106 of this code.)

12.105. COMPENSATION.

Compensation shall be subject to appropriations in the annual budget.

12.106. POWERS. GENERALLY.

Each officer of the department shall be sworn and invested with all powers within the corporate limits of the town and/or its police jurisdiction as authorized by law. He shall have the power to carry out all duties assigned to him by statutes, ordinances, resolutions, directives, rules or regulations.

12.107. UNIFORMS.

Every police officer shall wear at all times, while on duty, a uniform of the type and quality authorized by the Chief.

12.108. BONDS AND FINES.

Members of the department shall not collect bonds.

12.109 BAIL MONEY. COLLECTION.

- a. Any person violating an ordinance of The Town of Campobello or any state laws may be apprehended by a police officer and a summons issued therefore.
- b. A trial date shall be designated in the summons by the apprehending officer, and a copy of the summons shall be held for further action by the appropriate judicial officer.
- c. The summons duly served, as herein provided, shall give the judicial officer jurisdiction to dispose of the matter.
- d. Upon receipt of the bail money, the apprehended person may be released, subject to his appearance before the appropriate judicial officer as required by the summons.

12.110. JURISDICTION OF STREETS.

If any portion of a street or highway is within the boundary of the municipality, the remaining width of the street or highway, not within the municipal boundary but touching the boundary, shall be considered to be within the boundary of the municipality for purposes of its police jurisdiction.

(1976 SC Code §5-7-155)

12.111. OBSERVATION OF CONDITIONS.

All members of the department shall observe the condition of the streets, sidewalks and alleys of the town, and of any obstruction, nuisance or impediments there and shall take necessary measures to remove or abate them and to report such conditions to the Police Chief.

12.112. POLICE TO SELL RECOVERED PERSONAL PROPERTY.

- a. This section shall apply to all bicycles, cameras, electronic equipment, office machines, watches, clocks, jewelry and other items of personal property which may be recovered by the department in connection with the performance of its duties, or turned in to the department, and shall be referred to herein as personal property.
- b. All personal property which has been lost, stolen or abandoned and which is in the possession of the department shall be disposed of by annual public sale to the highest bidder by the Chief of Police, or an officer appointed by him, in accordance with the terms set forth herein.
- c. Such personal property which remains unclaimed by the owner, or if the owner is unknown, shall be sold at public sale after duly posting of notice of same at Town Hall at least fifteen (15) days prior to such sale. The notice shall contain time, place and terms of the sale and a description of the property to be sold.
- d. The proceeds from the sale of unclaimed personal property shall be paid into the Equipment Fund of the police department.

12.113. EMERGENCIES. POLICE AND OTHER POLITICAL SUBDIVISIONS.

In case of emergency, the Chief of Police may, upon request of any other political subdivision of the state, send any law enforcement officers of the town to the requesting political subdivision. (1976 SC Code 5-7-120)

12.114. SPECIAL POLICE FOR BUSINESS PURPOSES. COMPENSATION. REMOVAL.

- a. Any individual, firm or corporation (business) needing special police protection, upon application to the Council, and showing the necessity therefore, may have certified police officers appointed as special police officers and detailed for special police duty.
- b. Such officers shall be certified police officers subject to the order of the business appointing them. They shall obey all police regulations of the town and shall, during such appointment, have all the powers of regular police officers.
- c. They shall receive no salary or pay whatsoever from the town, and shall not be considered a town employee while so serving.
- d. Such officers may wear their uniforms and use their weapons and like equipment while performing private jobs in their off-duty hours, with permission from the Police Chief. (1976 SC Code §23-24-10)
- e. Such special officers may be removed at any time by the business appointing them or by the Police Chief.

12.115. ADDITIONAL DUTIES.

In addition to the duties prescribed in this article, the department shall perform such other duties as may be directed and required by the Council.

12.116. PROPERTY TO BE RETURNED. FAILURE TO DO SO.

- a. Upon termination of services, for whatever reason, all members of the department shall return any equipment and all official material or things belonging to the department.
- b. Failure to do so shall constitute a misdemeanor, punishable by the Municipal Court.

ARTICLE II. RULES OF CONDUCT

Editor's Note. This article derives from generally accepted municipal practices.

12.201. PERSONAL APPEARANCE.

All personnel on duty shall maintain an appearance of neatness, cleanliness and dignity, as may be approved by the Chief of Police. He shall be in uniform as his duties shall dictate. He shall keep said

uniform clean, pressed and in good repair, and his equipment clean and in good working order.

12.202. DRINKING ON DUTY.

No member of the department shall partake of any alcohol or other intoxicating liquors while on duty.

12.203. CONDUCT. GENERAL Demeanor.

Each member of the department shall conduct himself at all times in a quiet and orderly manner.

12.204. SAME. ON DUTY.

Each officer shall, at all times while on duty, conduct himself in an orderly manner and act with prudence, coolness and judgment, but with a deliberate determination of effecting and strictly enforcing all the laws and ordinances of the town.

12.205. SAME. OFF DUTY.

All police personnel, while off duty, shall conduct themselves in such a manner as to command the respect of the public. He shall wear no uniform or any part thereof while off duty, unless he obtains permission in writing from the Police Chief previous to the wearing of it.

12.206. DISCUSSION OF DEPARTMENT PROHIBITED.

No personnel shall discuss the activities or employees of the department with the general public. Complaints shall be made in accordance with the chain of command.

12.207. SUSPENSIONS. HEARING.

- a. The Chief of Police may suspend or discharge any police officer for neglect of duty, disobedience of orders or violation of any law or ordinance. Within twenty-four (24) hours, he shall report such suspension or discharge and the reasons therefore to the Mayor, with appeal to the Council.
- b. The Council, upon written request of the officer disciplined, shall conduct a hearing, at which the officer shall have the right to be heard. The Council may affirm or revoke such suspension or discharge.

12.208. SAME. CHIEF OF POLICE.

The Chief of Police shall be disciplined by the Mayor, subject to appeal to the Council.

ARTICLE III. RULES OF PROCEDURE

Editor's Note. This article derives from generally accepted police procedures.

12.301. SUPERVISION BY CHIEF.

The Chief of Police shall assign the members of his department in such a manner as to obtain the best results and most efficient service. He shall initiate such programs as will provide him with information and reports he deems necessary and shall maintain regular contact with his personnel.

12.302. REPORTS BY OFFICERS. RECORD BOOK.

- a. Each member of the department shall report to his superior officer before entering upon his daily duties for assignments and information. He shall make such other regular reports as are required by these rules or by his superior officer.
- b. A permanent record book shall be maintained by the Chief of Police or his designate. It shall show the name, address, charges, bonds or pledges, trial and disposition of each person arrested.

12.303. DUTIES OF POLICE OFFICERS.

It shall be the duty of each police officer to arrest or give warning to person for violating the laws or ordinances of the town. Failure or neglect to do so shall make him liable to disciplinary action.

12.304. SAME. TO PRISONER.

It shall be the duty of each police officer, when necessary, to remove from such prisoner all moneys, arms, medicines, papers, etc., which shall be inventoried and turned over to Spartanburg Detention Center.

ARTICLE IV. INTERFERENCE

Editor's Note. This article derives from the 1976 South Carolina Code of Laws and from generally accepted police procedures.

12.401. OBEDIENCE TO OFFICERS.

No person shall willfully fail or refuse to obey or comply with any lawful order or direction of any police officer or officer of the law while such officer is engaged in the performance of his official duties.

12.402. POSSE COMMITATUS. CITIZENS TO AID.

It shall be the duty of each and every citizen to assist municipal officers to arrest violators of the law when requested, and it shall be unlawful for any person to fail to do so.

(1976 SC Code §5-7-30, 1976 SC Code §23-1 5-70)

12.403. ASSAULTING OFFICER.

It shall be unlawful for any person to make an assault upon a peace officer of the town, county or state in any manner, when such peace officer is engaged in the discharge of his duty as such peace officer.

12.404. RESISTING OFFICER MAKING ARREST.

Any person or persons who shall resist, obstruct any officer in the discharge of his duty who shall aid or abet any person or persons in resisting or obstructing any officer in the discharge of his duty, upon conviction, shall be guilty of a misdemeanor, subject to the limitations prescribed by §14-25-65 and §16-5-50 of the 1976 South Carolina Code of Laws.

12.405. OBSTRUCTING OFFICER.

It shall be unlawful for any person to obstruct, hinder and oppose a peace officer, or to attempt to do so, when such peace officer is engaged in making an arrest or in the discharge of his duty.

12.406. FAILURE TO STOP ON COMMAND OF OFFICER.

It shall be unlawful for any person to willfully and knowingly fail or refuse to stop when signaled, hailed or commanded to stop by a police officer or other peace officer.

12.407. AIDING AND ABETTING.

It shall be unlawful for any person to counsel, advise, incite, abet, procure or aid any other person in the violation of any ordinances. Such person shall be held and deemed a principal. (1976 SC Code §16-1-40) (Statey.Westfield, I Bait. (17 S.C.L. 132)

12.408. PRISONERS. COMMUNICATION WITH.

It shall be unlawful for any person, except authorized officials, to take anything to or in any way communicate with any prisoner confined unless permission to do so shall have first been obtained from the Chief of Police.

12.409. SAME. ESCAPE FROM CUSTODY UNLAWFUL.

It shall be unlawful for any person to escape from custody of a police officer or to rescue or attempt to do so, hinder a police officer or offer to help, aid, assist, or abet, directly or indirectly, another person or persons to escape from the custody of an officer making an arrest or an officer assisting therein.

(1976 SC Code §16-9-420)

12.410. APPROACHING WITHIN TWENTY FEET OF PERSON BEING ARRESTED.

- a. It shall be unlawful for any person or persons willfully to approach nearer than twenty (20) feet to any police officer who is making an arrest or attempting to do so, or while on his way to jail with his prisoner.
- b. All police officers are empowered to order all persons away from the vicinity of the site of arrest or the jail while any person is being placed therein or being held for custody.

12.411. IMITATING SIGNAL OR CALL FOR POLICE OFFICER PROHIBITED.

Anyone imitating the signal or call for a police officer, either through mischief or otherwise, upon conviction, shall be guilty of a misdemeanor.

ARTICLE V. VEHICLE OPERATIONS

12.501. EMERGENCY RESPONSE.

When operating department vehicles in response to a request for assistance, where timely arrival is necessary, the officer engaged in an emergency response shall comply with the following requirements:

- 1. The vehicle shall not be driven at a speed greater than fifteen (15) miles per hour over the posted speed limit. If the vehicle exceeds the posted speed limit or otherwise violates the traffic laws, headlights, emergency flashers, blue light and siren will be utilized.

2. The officer shall notify the Dispatcher of the response.
3. The vehicle, with headlights, emergency flashers, blue light and siren operating, shall not be driven through a red light or stop sign unless:
 - (a) The officer has clear visibility of intersecting streets for at least two (2) blocks and can see no approaching vehicle; or
 - (b) The officer brings the vehicle to a rolling stop; or by slowing to not more than ten (10) miles per hour before entering a clear intersection; or
 - (c) The officer comes to a full stop if necessary, to avoid traffic approaching on intersecting streets.
4. The vehicle shall not be driven the wrong way on a one-way street or driven in the opposite travel lane, except as necessary to avoid or pass other vehicles.

ARTICLE VI. PENALTIES

12.601 PENALTY.

Any violation of this chapter shall be deemed a misdemeanor, punishable by the Municipal Court with fines according to the current schedule of fines in effect at the time of the offense and all assessments due. (1976 SC Code §5-7-30, §14-25-65)