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Document No. 3208

**DEPARTMENT OF PUBLIC SAFETY**

CHAPTER 38

Statutory Authority: 1976 Code Section 56-5-6560

38-1000. Contact Information from Traffic Stops

**Synopsis**:

 The South Carolina Department of Public Safety is proposing to publish regulations under Article 11 of Chapter 38 of the Department's regulations. These regulations relate to contact information required to be collected by law enforcement officers when a driver is stopped for a traffic violation, but the driver is not issued a traffic citation or placed under arrest. Section 56-5-6560 requires all law enforcement agencies to collect specific information from the driver in these situations and report that information to the South Carolina Department of Public Safety. Section 56-5-6560 further requires the Department of Public Safety to enact regulations on this matter. A Notice of Drafting for the Proposed Regulations was published in the State Register on August 24, 2007. A discussion of the proposed regulations and statement of need and reasonableness is contained herein.

**Instructions:**

 Publish new regulations under Article 11 of Chapter 38.

**Text:**

38-1000

A. Definitions.

For purposes of this regulation:

 1. “Department” means the South Carolina Department of Public Safety.

 2. “Agency” means a law enforcement agency required to report contact information pursuant to the provisions of Section 56-5-6560.

B. Procedures for Collecting Information.

 1. To implement the provisions of Section 56-5-6560, the Department of Public Safety has developed a contact form to be utilized by Law Enforcement Agencies.

 2. The contact form will be issued in book format with a sequential numbering system.

 3. All law enforcement agencies which make traffic stops will be issued contact form books. Contact Form Books will be issued in the same manner in which Uniform Traffic Citation books are issued.

 4. A contact form must be completed by a law enforcement officer each time a motor vehicle is stopped without a citation being issued or an arrest being made.

 5. When a contact form is completed, all fields marked in red must be completed by the law enforcement officer. These fields include: race or ethnicity; gender; date of birth; and the date the contact was issued.

C. Procedures for Reporting Information.

 1. Each law enforcement agency must summarize their contact information for a particular month into pre-determined categories.

 2. Each law enforcement agency which has law enforcement officers that make traffic stops will be issued a user account and a password to access the Department of Public Safety's contact information database.

 3. Each agency must report their summarized contact information via the Department's web portal on a monthly basis.

 4. The summarized information collected for a particular month must be reported by the end of the next calendar month. The data for a particular month should include only those stops that occurred in that month.

 5. An agency can amend any given month's report up to the time it is submitted. Once a report has been submitted, it can no longer be amended.

 6. Fields on the contact database where there is no information to report should be left blank. The report generated by the Department will automatically generate a "0" in those fields. If an agency does not have any contacts to report for a particular month, the agency should still create and submit a "blank report" for that month. The blank report will have "0" in all the cells.

D. Report.

 1. The Department will publish a reporting tool that will allow the agencies and the general public to query the summary information that has been submitted by the agencies.

 2. The reporting tool will allow the summary information that has been submitted to be queried either by a specific agency or for all agencies. In either case, the data can be further refined to reflect a specific month or a range of months.

 3. The reports generated from the reporting tool reflect the summary information that has been submitted at that specific point in time. Until all agencies submit their reports for a given period, the values on any given report may change.

 4. The reporting tool will be accessible from the Department's website.

**Fiscal Impact**:

 The Department anticipates the adoption of these regulations will have a minimum impact on the Department. The Department further anticipates the fiscal impact on reporting agencies will need to include the following areas: 1) officer training for the collection of the data, 2) categorization and summarization of the data, and 3) actual data entry. The lifecycle cost of this initiative on the reporting agencies will be directly related to their relative state of automation. The more manual their operation, the more long-term cost the agency will likely incur. Another contributing factor to the overall cost is the volume of activity that an agency has that falls within the parameters of this initiative. It is the Department's belief that the most significant effort for any reporting agency will be in the area of data categorization and summarization.

**Statement of Rationale:**

 The purpose of Reg. 38-1000 is to outline the procedures local and other State law Enforcement agencies must follow in reporting contact information from traffic stops to the Department of Public Safety pursuant to Section 56-5-6560. There was no scientific or technical basis relied upon in the development of this regulation.