



The State of South Carolina  
OFFICE OF THE ATTORNEY GENERAL

CHARLES MOLONY CONDON  
ATTORNEY GENERAL

June 12, 1997

Mr. Ira A. Grossman  
Assistant City Prosecutor  
City of Charleston  
180 Lockwood Blvd.  
Charleston, South Carolina 29403

Dear Mr. Grossman:

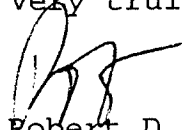
Thank you for your inquiry of February 20, 1997, requesting an opinion of the Attorney General's Office concerning the use of aerial traffic observers by the Charleston Police Department's Aviation Unit. I asked our law clerk to research the use of aerial observers in other jurisdictions and apply what he found to South Carolina in order to anticipate how Aerial Traffic Enforcement would be accepted by the courts. I have attached a copy of the memorandum which details the results of his research for your inspection.

I agree with the conclusions set forth in the memorandum which is well-researched and well-written. The ideal course would be for the General Assembly to enact a statute authorizing the use of aerial observers in traffic control and directing the Department of Public Safety to promulgate relevant regulations. Such a statute is warranted pursuant to S.C. Code Ann. § 56-5-30 as it would create a uniform standard throughout the State concerning the training of aerial observers and the certification of their timing devices. Absent such a statute, I do not believe that the courts would deal harshly with Charleston P.D. if they implement the use of aerial observers prior to the passage of such a statute although such a reaction is a remote possibility.

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I trust this information responds to your inquiry. With kindest regards, I remain

Very truly yours,



Robert D. Cook  
Assistant Deputy Attorney General

RDC/rbp