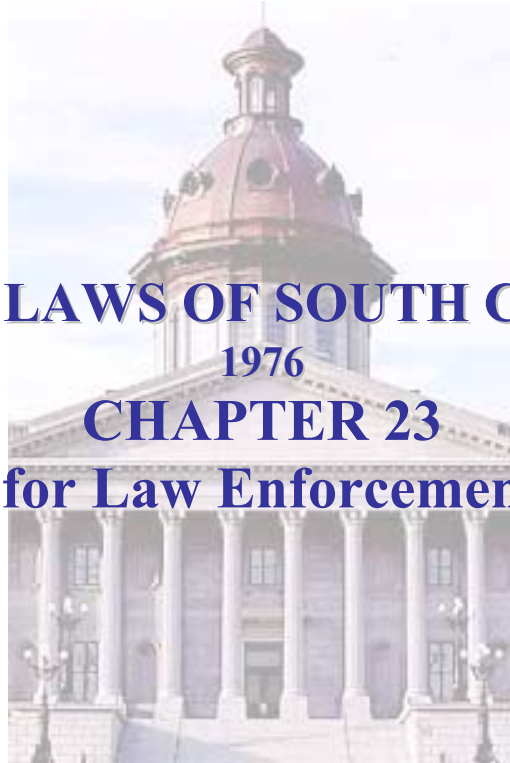


**SOUTH CAROLINA  
DEPARTMENT OF PUBLIC  
SAFETY  
CRIMINAL JUSTICE ACADEMY**

**CODE OF LAWS OF SOUTH CAROLINA  
1976  
CHAPTER 23  
Training for Law Enforcement Officers**



**REGULATIONS  
CHAPTER 38  
DEPARTMENT OF PUBLIC SAFETY**



# **TRAINING ACT**



**AND**

**REGULATIONS**

Mailing Address:

South Carolina Department of Public Safety  
Criminal Justice Academy Division  
Post Office Box 1993  
Blythewood, South Carolina 29016

Physical Location:

5400 Broad River Road  
Columbia, South Carolina 29212



Sixth Edition: September 2003

Amended by State Register  
Volume 27, Issue No. 5,  
Eff. May 23, 2003

## Legislative History

The Training Act was completely revised during the 1989 Session of the General Assembly. The effective date of the Act was July 1, 1989.

Section 23-23-50 was amended effective April 30, 1991. The 1991 amendment added to subsection (B), item 5 (b), the second sentence.

Section 23-23-70 was amended effective May 29, 1991. The 1991 amendment added the second paragraph.

Section 23-23-65 was added by Act No. 487. The effective date was July 1, 1992.

The Law Enforcement Training Council and the Criminal Justice Academy became the Division of Training and Continuing Education in the Department of Public Safety by passage of 1993 Act No. 181, § 343 (A) effective July 1, 1993. SC Code Ann. § 23-23-10 through -90 were repealed by 1993 Act No. 181 § 1617 (A) effective July 1, 1993, and reenacted as § 23-6-400 through 495.

1994 Act No. 505, effective August 31, 1994, amended Article 9, Chapter 6 of Title 23, relating to the Division of Training and Continuing Education of the Department of Public Safety, so as to further provide for the functions and membership of the Law Enforcement Training Advisory Council and the training standards, procedures, and functions of the division, the department, and its director, and to further provide for the use of certain funds collected as an addition to criminal and traffic fines.

1997 Act No. 129 added Section 23-6-405.  
1998 Act No. 258 added Section 23-6-445.  
2000 Act No. 396 amended Section 23-6-420.  
2000 Act No. 379 added Section 23-6-435.  
2002 Act No. 298 amended Section 23-6-430.  
2002 Act No. 298 amended Section 23-6-445.

**CODE OF LAWS OF SOUTH CAROLINA 1976 ANNOTATED**  
**TITLE 23. LAW ENFORCEMENT AND PUBLIC SAFETY**  
**CHAPTER 6. DEPARTMENT OF PUBLIC SAFETY**

**ARTICLE 9. DIVISION OF TRAINING AND CONTINUING EDUCATION**

**Table of Contents:**

§ 23-6-400	Intent of article: Division of Training and continuing Education created; minimum standards for selection and training; goal for standards to exceed minimum; definitions.
§ 23-6-405	Governmental entity defined; successful completion of mandatory training while employed by governmental entity; reimbursement by subsequent hiring governmental entities.
§ 23-6-410	Central training facility; training of officers; responsibilities of Deputy Director of Division..
§ 23-6-420	Law Enforcement Training Advisory Council created; composition; terms; officers; meetings; procedures; no compensation; vacancies.
§ 23-6-430	Certification as “qualified” a prerequisite for law enforcement officers; exceptions; qualification under equivalent programs in other states.
§ 23-6-435	Continuing Law Enforcement Education Credits in domestic violence.
§ 23-6-440	Council may issue certificates; inspection of training facilities; recommendations for improvements; information to be submitted as to applicants; expiration of certification; renewal.
§ 23-6-445	Certificate as law enforcement officer.
§ 23-6-450	Powers of Director of Department of Public Safety.
§ 23-6-460	Certain reports, communications, etc. made pursuant to this chapter or regulations thereunder not actionable for slander or libel.
§ 23-6-470	Repealed by 1994 Act No. 497, Part II, § 36U, eff January 1, 1995.
§ 23-6-480	Violation by public law enforcement agency; compliance orders, injunctions; civil penalties; appeals.
§ 23-6-490	Sheriff or equivalent officer to provide patrolling in event single municipal law enforcement officer is in attendance at training.
§ 23-6-495	“Department” is Department of Public Safety; “Division” is Division of Training and Continuing Education within Department.

**§ 23-6-400. Intent of article; Division of Training and Continuing Education created; minimum standards for selection and training; goal for standards to exceed minimum; definitions.**

(A) There is created a Division of Training and Continuing Education to operate a training program for law enforcement officers and other persons employed in the criminal justice system in this State and to establish and maintain minimum standards in law enforcement selection and training.

(B) It is the intent of this article to encourage all law enforcement officers, departments, and agencies within this State to adopt standards which are higher than the minimum standards implemented pursuant to this article, and these minimum standards in no way may be considered sufficient or adequate in those cases where higher standards have been adopted or proposed. Nothing herein may be construed to preclude an employing agency from establishing qualifications and standards for hiring or training law enforcement officers which exceed the minimum standards set by the department, nor, unless specifically stated, may anything herein be construed to affect any sheriff, constable, or other law enforcement officer elected under the provisions of the Constitution of this State.

(C) The advisory council may recommend to the director methods to maximize training opportunities for law enforcement officers and criminal justice personnel, to coordinate training, and to set standards for the law enforcement and criminal justice service, all of which are imperative to upgrading law enforcement to professional status.

(D) Whenever used in this article, and for the purposes of this article, unless the context clearly denotes otherwise:

(1) "Law enforcement officer" means an appointed officer or employee hired by and regularly on the payroll of the State or any of its political subdivisions, who is granted statutory authority to enforce all or some of the criminal, traffic, and penal laws of the State and who possesses, with respect to those laws, the power to effect arrests for offenses committed or alleged to have been committed.

(2) "Advisory council" means the Law Enforcement Training Advisory Council created by this article.

HISTORY: 1993 Act No. 181, § 343(A), eff July 1, 1993; 1994 Act No. 505, § 3, eff August 31, 1994.

EFFECT OF AMENDMENT--

The 1994 amendment, in subsection D, paragraph (2), substituted "Advisory Council" for "Council".

CROSS REFERENCES--

Funds generated by courts from fines and assessments to be allocated to Department of Public Safety program of training in law enforcement and criminal justice, see § 14-1-206 to 14-1-208.

Law Enforcement Training Council, see § 23-6-420.

Code 1976 § 23-6-400, SC ST § 23-6-400

Current through End of 2002 Reg. Sess.

**§ 23-6-405. Governmental entity defined; successful completion of mandatory training while employed by governmental entity; reimbursement by subsequent hiring governmental entities.**

(A) For purposes of this section, "governmental entity" means the State or any of its political subdivisions.

(B) After July 1, 1997, every governmental entity of this State intending to employ on a permanent basis a law enforcement officer who has satisfactorily completed the mandatory training as required under this article must comply with the provisions of this section.

(C) If the law enforcement officer has satisfactorily completed his mandatory training while employed by a governmental entity of this State, and within two years from the date of satisfactory completion of the mandatory training, a subsequent hiring governmental entity shall reimburse the governmental entity with whom the law enforcement officer was employed at the time of attending the mandatory training:

(1) one hundred percent of the cost of training the officer, which shall include the officer's salary paid during the training period and other training expenses incurred while the officer was attending the mandatory training, if the officer is hired within one year of the date of satisfactory completion of the mandatory training; or

(2) fifty percent of the cost of training the officer, which shall include the officer's salary paid during the training period and other training expenses incurred while the officer was attending the mandatory training, if the officer is hired after one year but before the end of the second year after the date of satisfactory completion of the mandatory training.

(D) If the law enforcement officer is employed by more than one successive governmental entity within the two-year period after the date of satisfactory completion of the mandatory training, a governmental entity which reimbursed the governmental entity that employed the officer during the training period may obtain reimbursement from the successive governmental entity employer for:

(1) one hundred percent of the cost of training the officer, which shall include the officer's salary paid during the training period and other training expenses incurred while the officer was attending the mandatory training, if the officer is hired within one year of the date of satisfactory completion of the mandatory training; or

(2) fifty percent of the cost of training the officer, which shall include the officer's salary paid during the training period and other training expenses incurred while the officer was attending the mandatory training, if the officer is hired after one year but before the end of the second year after the date of satisfactory completion of the mandatory training.

(E) Under no circumstances shall the governmental entity that employed the officer during the training period or a governmental entity seeking reimbursement from a successive governmental entity employer be reimbursed for more than one hundred percent of the cost of the officer's salary paid during the training period and other training expenses incurred while the officer was attending the mandatory training.

HISTORY: Added by 1997 Act No. 129, § 1, eff upon approval (became law without the Governor's signature on June 15, 1997).

Code 1976 § 23-6-405, SC ST § 23-6-405  
Current through End of 2002 Reg. Sess.

### **§ 23-6-410. Central training facility; training of officers; responsibilities of Deputy Director of Division.**

The division must establish and maintain a central training facility which must be located near the geographical and population center of the State, and which shall provide facilities and training for all officers from state, county, and local law enforcement agencies and for other designated persons in the criminal justice system; provided, that correctional officers and other personnel employed or appointed by the South Carolina Department of Corrections may be trained by the department. The Deputy Director of the Division of Training and Continuing Education is responsible for selection of instructors, course content, maintenance of physical facilities, recordkeeping, supervision of personnel, scheduling of classes, enforcement of minimum standards for certification, and other matters as may be recommended by the advisory council and approved by the Director of the Department of Public Safety.

HISTORY: 1993 Act No. 181, § 343(A), eff July 1, 1993; 1994 Act No. 505, § 3, eff August 31, 1994.

EFFECT OF AMENDMENT--  
The 1994 amendment revised this section.

CROSS REFERENCES--  
Department of Corrections, see § § 24-1-10 et seq.

Code 1976 § 23-6-410, SC ST § 23-6-410  
Current through End of 2002 Reg. Sess.

### **§ 23-6-420. Law Enforcement Training Advisory Council created; composition; terms; officers; meetings; procedures; no compensation; vacancies.**

(A) There is created a South Carolina Law Enforcement Training Advisory Council consisting of fifteen members:

- (1) the Attorney General of South Carolina;
- (2) the Chief of the South Carolina Law Enforcement Division;

- (3) the Director of the Department of Public Safety;
- (4) the Director of the Department of Natural Resources;
- (5) the Director of the Department of Corrections;
- (6) the Director of the Department of Probation, Parole and Pardon Services;
- (7) the Dean or Chairman of the University of South Carolina School or College of Criminal Justice;
- (8) the special agent in charge of the Federal Bureau of Investigation, Columbia Division;
- (9) one chief of police from a municipality having a population of less than ten thousand; this person to be appointed by the Governor for a term of four years;
- (10) one chief of police from a municipality having a population of more than ten thousand; this person to be appointed by the Governor for a term of four years;
- (11) one county sheriff engaged in full-time performance of duties as a law enforcement officer and from a county having a population of less than fifty thousand; this person to be appointed by the Governor for a term of four years;
- (12) one county sheriff engaged in full-time performance of duties as a law enforcement officer and from a county having a population of more than fifty thousand; this person to be appointed by the Governor for a term of four years;
- (13) one detention director who is responsible for the operation and management of a county or multi-jurisdictional jail; this person to be appointed by the Governor for a term of four years;
- (14) one person employed in the administration of any municipality or holding a municipal elective office; this person to be appointed by the Governor for a term of four years; and
- (15) one person employed in the administration of county government or elected to a county governing body; this person to be appointed by the Governor for a term of four years.

(B)(1) The members provided for in (1) through (8) above are ex officio members with full voting rights.

(2) The members provided for in (9) through (15) above serve terms as provided in subsection (A). If a vacancy arises it must be filled for the remainder of the term in the manner of the original appointment or designation.

(C) The Director of the Department of Public Safety shall serve as chairman of the advisory council. The advisory council may elect another one of its members to serve as vice-chairman. The advisory council shall meet at the call of the chairman or at the call of a majority of the members of the advisory council, but no fewer than four times each year. The advisory council shall establish its own procedures with respect to quorum, place, and conduct of meetings.

(D) Members of the advisory council shall serve without compensation.

(E) An advisory council member who terminates his holding of the office or employment which qualified him for appointment shall cease immediately to be a member of the advisory council; the person appointed to fill the vacancy shall do so for the unexpired term of the member whom he succeeds.

HISTORY: 1993 Act No. 181, § 343(A), eff July 1, 1993; 1994 Act No. 505, § 3, eff August 31, 1994; 2000 Act No. 396, § 6, eff August 18, 2000.

EFFECT OF AMENDMENT--

The 1994 amendment changed the membership of the advisory council and made other revisions in this section.

The 2000 amendment, in subsection (A), substituted "fifteen" for "fourteen" in the introductory statement, added paragraph (6) and renumbered paragraphs (6) through (14) as paragraphs (7) through (15) and, in subsection (B)(1), substituted "(8)" for "(7)", in the first sentence of subsection (B)(2), substituted "(9)" and "(15)" for "(8)" and "(14)", and substituted "in subsection (A)" for "herein" and, in the second sentence of subsection (B)(2), substituted "If" for "In the event that".

**CROSS REFERENCES--**

Attorney General generally, see § 1-7-10 et seq.

Chief of South Carolina Law Enforcement Division, see § 23-3-10.

State Highway Patrol, see § 23-5-10 et seq.

Director of Department of Public Safety, see § 23-6-40.

Highway Patrol Division, see § 23-6-100 et seq.

Surcharge on fines and forfeitures to fund South Carolina Law Enforcement Training Council, see § 23-6-470.

Director of Department of Corrections, see § 24-1-10.

Code 1976 § 23-6-420, SC ST § 23-6-420

Current through End of 2002 Reg. Sess.

**§ 23-6-430. Certification as "qualified" a prerequisite for law enforcement officers; exceptions; qualification under equivalent programs in other states.**

No law enforcement officer employed or appointed on or after July 1, 1989, by any public law enforcement agency in this State is authorized to enforce the laws or ordinances of this State or any political subdivision thereof unless he has been certified as qualified by the Department of Public Safety, except that any public law enforcement agency in this State may appoint or employ as a law enforcement officer, a person who is not certified if, within one year after the date of employment or appointment, the person secures certification from the department; provided, that if any public law enforcement agency employs or appoints as a law enforcement officer a person who is not certified, the person shall not perform any of the duties of a law enforcement officer involving the control or direction of members of the public or exercising the power of arrest until he has successfully completed a firearms qualification program approved by the department; and provided, further, that within three working days of employment the department must be notified by a public law enforcement agency that a person has been employed by that agency as a law enforcement officer, and within three working days of the notice the firearms qualification program as approved by the director must be provided to the newly hired personnel. If the firearms qualification program approved by the director is not available within three working days after receipt of the notice, then the public law enforcement agency making the request for the firearms qualification program may employ the person to perform any of the duties of a law enforcement officer, including those involving the control and direction of members of the public and exercising the powers of arrest. Should any such person fail to secure certification within one year from his date of employment, he may not perform any of the duties of a law enforcement officer involving control or direction of members of the public or exercising the power of arrest until he has been certified. He is not eligible for employment or appointment by any other agency in South Carolina as a law enforcement officer, nor is he eligible for any compensation by any law enforcement agency for services performed as an officer. Exceptions to the one-year rule may be granted by the director in these cases:

- (a) military leave or injury occurring during that first year which would preclude the receiving of training within the usual period of time; or
- (b) in the event of the timely filing of application for training, which application, under circumstances of time and physical limitations, cannot be honored by the training academy within the prescribed period; or
- (c) upon presentation of documentary evidence that the officer-candidate has successfully completed equivalent training in one of the other states which by law regulate and supervise the quality of police training and which

require a minimum basic or recruit course of duration and content at least equivalent to that provided in this article or by standards set by the South Carolina Department of Public Safety; or

(d) if it is determined by documentary evidence that the training will result in undue hardship to the requesting agency, the requesting agency must propose an alternate training schedule for approval.

Notwithstanding another provision of law, in the case of a candidate for certification who begins one or more periods of state or federal military service within one year after his date of employment or appointment, the period of time within which he must obtain the certification required to become a law enforcement officer is automatically extended for an additional period equal to the aggregate period of time the candidate performed active duty or active duty for training as a member of the National Guard, the State Guard, or a reserve component of the Armed Forces of the United States, plus ninety days. The director must take all necessary and proper action to ensure that a candidate for certification as a law enforcement officer who performs military service within one year of his employment or appointment is not prejudiced in obtaining certification as a result of having performed state or federal military service.

HISTORY: 1993 Act No. 181, § 343(A), eff July 1, 1993; 1994 Act No. 505, § 3, eff August 31, 1994; 2002 Act No. 298, § 1, eff June 3, 2002.

#### EFFECT OF AMENDMENT--

The 1994 amendment added paragraph (d) and made other revisions in this section.

The 2002 amendment added the last undesignated paragraph relating to time extensions for certification due to state or federal military service.

Code 1976 § 23-6-430, SC ST § 23-6-430  
Current through End of 2002 Reg. Sess.

### **§ 23-6-435. Continuing Law Enforcement Education Credits in domestic violence.**

(A) A law enforcement officer who is Class 1-LE certified in this State is required to complete Continuing Law Enforcement Education Credits (CLEEC) in domestic violence each year of a three-year recertification period. The number of required annual CLEEC hours in domestic violence shall be determined by the South Carolina Criminal Justice Academy Division of the Department of Public Safety but must be included in the forty CLEEC hours required over the three-year recertification period. The training must be provided or approved by the South Carolina Criminal Justice Academy and must include, but is not limited to, the following curriculum: responding to crime scenes, Fourth Amendment issues, incident report writing, mutual restraining orders, orders of protection, determining primary aggressors, dual arrests, victim and offender dynamics, victims' resources, victims' rights issues, interviewing techniques, criminal domestic violence courts, victimless prosecution, offender treatment programs, and recognizing special needs populations.

(B) The Department of Public Safety shall develop guidelines to provide for an exemption from the requirement of certain Class 1-LE certified law enforcement officers whose job responsibilities may not include responding to domestic violence cases from completing CLEEC hours in domestic violence each year. The request for an exemption must be made by the chief executive officer of the law enforcement officer's employing agency. A waiver or exemption from domestic violence training must not reduce the forty CLEEC hours required over the three-year period.

HISTORY: Added by 2000 Act No. 379, § 1, eff June 14, 2000.

Code 1976 § 23-6-435, SC ST § 23-6-435  
Current through End of 2002 Reg. Sess.

**§ 23-6-440. Council may issue certificates; inspection of training facilities; recommendations for improvements; information to be submitted as to applicants; expiration of certification; renewal.**

(A) At the request of any public law enforcement agency of this State the department is hereby authorized to issue certificates and other appropriate indicia of compliance and qualification to law enforcement officers or other persons trained under the provisions of this article. Members of the advisory council may individually or collectively visit and inspect any training school, class, or academy dealing with present or prospective law enforcement officers, and are expected to promote the most efficient and economical program for police training, including the maximum utilization of existing facilities and programs for the purpose of avoiding duplication. The advisory council may make recommendations to the director, the General Assembly, or to the Governor regarding the carrying out of the purposes, objectives, and intentions of this article or other acts relating to training in law enforcement.

(B) All city and county police departments, sheriffs' offices, state agencies, or other employers of law enforcement officers having such officers as candidates for certification shall submit to the director, for his confidential information and subsequent safekeeping, the following:

(1) an application under oath on a format prescribed by the director;

(2) evidence satisfactory to the director that the candidate has completed high school and received a high school diploma, equivalency certificate (military or other) recognized and accepted by the South Carolina Department of Education or South Carolina special certificate;

(3) evidence satisfactory to the director of the candidate's physical fitness to fulfill the duties of a law enforcement officer including:

(a) a copy of his medical history compiled by a licensed physician or medical examiner approved by the employer;

(b) a certificate of a licensed physician that the candidate has recently undergone a complete medical examination and the results thereof;

(4) evidence satisfactory to the director that the applicant has not been convicted of any criminal offense that carries a sentence of one year or more or of any criminal offense that involves moral turpitude. Forfeiture of bond, a guilty plea, or a plea of nolo contendere is considered the equivalent of a conviction;

(5) evidence satisfactory to the director that the candidate is a person of good character. This evidence must include, but is not limited to:

(a) certification by the candidate's employer that a background investigation has been conducted and the employer is of the opinion that the candidate is of good character;

(b) evidence satisfactory to the director that the candidate holds a valid current South Carolina driver's license with no record during the previous five years for suspension of driver's license as a result of driving under the influence of alcoholic beverages or dangerous drugs, driving while impaired (or the equivalent), reckless homicide, involuntary manslaughter, or leaving the scene of an accident. Candidates for certification as Class II-SCO (Department of Corrections) in any county with a prison system that borders another state may hold a valid current driver's license issued by any jurisdiction of the United States;

(c) evidence satisfactory to the director that a local credit check has been made with favorable results;

(d) evidence satisfactory to the director that the candidate's fingerprint record as received from the Federal Bureau of Investigation and South Carolina Law Enforcement Division indicates no record of felony convictions.

In the director's determination of good character, the director shall give consideration to all law violations, including traffic and conservation law convictions, as indicating a lack of good character. The director shall also give consideration to the candidate's prior history, if any, of alcohol and drug abuse in arriving at a determination of good character;

(6) a copy of the candidate's photograph;

(7) a copy of the candidate's fingerprints;

(8) evidence satisfactory to the director that the candidate's present age is not less than twenty-one years. This evidence must include a birth certificate or another acceptable document;

(9) evidence satisfactory to the director of successful completion of a course of law enforcement training as established and approved by the director, and conducted at an academy or institution approved by the director, this evidence to consist of a certificate granted by the approved institution.

(C) A certificate as a law enforcement officer issued by the department will expire three years from the date of issuance or upon discontinuance of employment by the officer with the employing entity or agency. The certification of any law enforcement officer issued by the department that is current on July 1, 1989, will expire in the year 1992 on the last day of the month during which it was issued, or upon discontinuance of employment with the employing entity or agency. Prior to the expiration of the certificate, the certificate may be renewed upon application presented to the director on a form prescribed by the director. The application for renewal must be received by the director at least forty-five days prior to the expiration of the certificate. If the officer's certificate has lapsed, the department may reissue the certificate after receipt of an application and if the director is satisfied that the officer continues to meet the requirements of subsections (B)(1) through (B)(9).

(D) The director may accept for training as a law enforcement officer an applicant who has met requirements of subsections (B)(1) through (B)(8).

HISTORY: 1993 Act No. 181, § 343(A), eff July 1, 1993; 1994 Act No. 505, § 3, eff August 31, 1994.

#### EFFECT OF AMENDMENT--

The 1994 amendment revised this section.

#### CASE NOTES

Bond for future 1

1. Bond for future

Generally, the fact that a person has forfeited bond cannot be received into evidence as an admission or for impeachment purposes in a subsequent civil case; however, if a specific statutory provision equates a bond forfeiture to a conviction, as in traffic cases involving driving under the influence of alcohol, a bond forfeiture has the same effect as a conviction or a guilty plea. Richland County v. Simpkins, (S.C.App. 2002) 348 S.C. 658, 560 S.E.2d 899. Evidence 207(4); Witnesses 345(5)

Code 1976 § 23-6-440, SC ST § 23-6-440

Current through End of 2002 Reg. Sess.

### **§ 23-6-445. Certificate as law enforcement officer.**

(A) A retired law enforcement officer with twenty years or more law enforcement experience who subsequently serves as a magistrate or municipal judge of this State and is or has been appointed chief of a municipal department by the governing body thereof must be issued a certificate as a law enforcement officer pursuant to Section 23-6-440 if that person completes the legal course for Class I certified officers taught by the Criminal Justice Academy

Division of the Department of Public Safety. This provision applies to a retired law enforcement officer of this State with twenty years or more law enforcement experience whose certificate has lapsed due to a three-year break in service who subsequently is appointed chief of a municipal department by the governing body thereof.

(B) A retired South Carolina law enforcement officer must be issued a certificate pursuant to Section 23-6-440, authorizing him to serve as a certified law enforcement officer, if the officer meets the following qualifications at the time of application:

(1) the officer must have been retired pursuant to Section 9-11-60 or 9-11-70 for not more than ten years, except that the department may certify an officer who has been retired for more than ten years if the officer provides evidence satisfactory to the director that he has received law enforcement training and experience sufficient to qualify him to serve as a certified law enforcement officer;

(2) within the previous three years, the officer must have completed a legal course and all other training programs for certified officers mandated by law and taught by the Criminal Justice Academy Division of the Department of Public Safety; and

(3) the officer must have maintained a constable commission during his retirement, without interruption.

(C) A retired federal law enforcement officer must be issued a certificate pursuant to Section 23-6-440, authorizing him to serve as a certified law enforcement officer, if the officer provides evidence satisfactory to the director that he has received law enforcement training and experience sufficient to qualify him to serve as a certified law enforcement officer.

HISTORY: Added by 1998 Act No. 258, § 16, eff upon approval (became law without the Governor's signature on January 15, 1998). Amended by 2002 Act No. 298, § 2, eff June 3, 2002.

EFFECT OF AMENDMENT--

The 2002 amendment rewrote this section.

Code 1976 § 23-6-445, SC ST § 23-6-445

Current through End of 2002 Reg. Sess.

## **§ 23-6-450. Powers of Director of Department of Public Safety.**

The Director of the Department of Public Safety is authorized to:

(a) receive and disburse funds, including those hereinafter provided in this article;

(b) accept any donations, contributions, funds, grants, or gifts from private individuals, foundations, agencies, corporations, or the state or federal governments, for the purpose of carrying out the programs and objectives of this chapter;

(c) consult and cooperate with counties, municipalities, agencies, or official bodies of this State or of other states, other governmental agencies, and with universities, colleges, junior colleges, and other institutions, concerning the development of police training schools, programs, or courses of instruction, selection, and training standards, or other pertinent matters relating to law enforcement;

(d) publish or cause to be published manuals, information bulletins, newsletters, and other materials to achieve the objectives of this chapter;

(e) make such regulations as may be necessary for the administration of this chapter, including the issuance of orders directing public law enforcement agencies to comply with this chapter and all regulations so promulgated;

(f) certify and train qualified candidates and applicants for law enforcement officers and provide for suspension, revocation, or restriction of the certification, in accordance with regulations promulgated by the department;

(g) require all public entities or agencies that employ or appoint law enforcement officers to provide records in the format prescribed by regulation of employment information of law enforcement officers;

(h) provide by regulation for mandatory continued training of certified law enforcement officers, this training to be completed within each of the various counties requesting this training on a regional basis.

HISTORY: 1993 Act No. 181, § 343(A), eff July 1, 1993; 1994 Act No. 505, § 3, eff August 31, 1994.

EFFECT OF AMENDMENT--

The 1994 amendment substituted "The Director of the Department of Public Safety is authorized to:" for "Subject to the approval of the director, the council is authorized to:".

Code 1976 § 23-6-450, SC ST § 23-6-450

Current through End of 2002 Reg. Sess.

**§ 23-6-460. Certain reports, communications, etc. made pursuant to this chapter or regulations thereunder not actionable for slander or libel.**

An oral or written report, document, statement, or other communication that is written, made, or delivered concerning the requirements or administration of this chapter or regulations promulgated under it must not be the subject of or basis for an action at law or in equity for slander or libel in any court of the State if the communication is between:

(1) a law enforcement agency, its agents, employees, or representatives; and

(2) the department or the advisory council, its agents, employees, or representatives.

HISTORY: 1993 Act No. 181, § 343(A), eff July 1, 1993; 1994 Act No. 505, § 3, eff August 31, 1994.

EFFECT OF AMENDMENT--

The 1994 amendment substituted "advisory council" for "council".

Code 1976 § 23-6-460, SC ST § 23-6-460

Current through End of 2002 Reg. Sess.

**§ 23-6-470. [1993 Act No. 181, § 343(A); 1994 Act No. 505, § 3, eff August 31, 1994] Repealed by 1994 Act No. 497, Part II, § 36U, eff January 1, 1995.**

EDITOR'S NOTE--

Former § 23-6-470 was entitled: Fines and bonds for criminal or traffic violations to have surcharge to fund training programs; transmittal of proceeds; Law Enforcement Hall of Fame funding; accounts; joint collection, etc. between municipalities and counties.

CROSS REFERENCES--

Funds generated by courts from fines and assessments to be allocated to Department of Public Safety program of training in law enforcement and criminal justice, see § 14-1-206 through 14-1-208.

Law Enforcement Training Council, see § 23-6-420.

Code 1976 § 23-6-470, SC ST § 23-6-470

Current through End of 2002 Reg. Sess.

**§ 23-6-480. Violation by public law enforcement agency; compliance orders, injunctions; civil penalties; appeals.**

(A) Whenever the director finds that any public law enforcement agency is in violation of any provisions of this chapter, the director may issue an order requiring the public law enforcement agency to comply with the provision. The director may bring a civil action for injunctive relief in the appropriate court or may bring a civil enforcement action. Violation of any court order issued pursuant to this section must be considered contempt of the issuing court and punishable as provided by law. The director also may invoke the civil penalties as provided in subsection (B) for violation of the provisions of this chapter, including any order or regulation hereunder. Any public law enforcement agency against which a civil penalty is invoked by the director may appeal the decision to the court of common pleas of the county where the public law enforcement agency is located.

(B) Any public law enforcement agency which fails to comply with this chapter and regulations promulgated pursuant to this chapter or fails to comply with any order issued by the director is liable for a civil penalty not to exceed one thousand five hundred dollars a violation. When the civil penalty authorized by this subsection is imposed upon a sheriff, the sheriff is responsible for payment of this civil penalty.

HISTORY: 1993 Act No. 181, § 343(A), eff July 1, 1993; 1994 Act No. 505, § 3, eff August 31, 1994.

EFFECT OF AMENDMENT--

The 1994 amendment revised this section.

Code 1976 § 23-6-480, SC ST § 23-6-480

Current through End of 2002 Reg. Sess.

**§ 23-6-490. Sheriff or equivalent officer to provide patrolling in event single municipal law enforcement officer is in attendance at training.**

When a municipality employs only one law enforcement officer and that officer is attending law enforcement training at the South Carolina Criminal Justice Academy as required by law, the sheriff of the county wherein the municipality is located, or the head of the entity in charge of countywide law enforcement if the county sheriff is not, shall provide systematic patrolling of the municipal area while its law enforcement officer is attending the training.

HISTORY: 1993 Act No. 181, § 343(A), eff July 1, 1993; 1994 Act No. 505, § 3, eff August 31, 1994.

EFFECT OF AMENDMENT--

The 1994 amendment substituted "as required by law" for "as required by the provisions of Section 23-23-40", that section has been repealed.

Code 1976 § 23-6-490, SC ST § 23-6-490

Current through End of 2002 Reg. Sess.

**§ 23-6-495. "Department" is Department of Public Safety; "Division" is Division of Training and Continuing Education within Department.**

Whenever, in this chapter, the term "department" is used, it means the Department of Public Safety and whenever the term "division" is used, it means the Division of Training and Continuing Education of the Department of Public Safety.

HISTORY: 1993 Act No. 181, § 343(A), eff July 1, 1993; 1994 Act No. 505, § 3, eff August 31, 1994.

EFFECT OF AMENDMENT--

The 1994 amendment substituted "this chapter" for "this article".

Code 1976 § 23-6-495, SC ST § 23-6-495

Current through End of 2002 Reg. Sess.

**DEPARTMENT OF PUBLIC SAFETY  
CRIMINAL JUSTICE ACADEMY**

**Regulations Amended May 23, 2003**

Regulation 38-002 addresses the application for re-issuance of certification.

Regulation 38-005 addresses the firearms qualification requirement for law enforcement officers.

Regulation 38-007 addresses training requirements for basic law enforcement certification.

Regulation 38-009 addresses separation from employment of a law enforcement officer.

Regulation 38-010 addresses reserve police officers.

Regulation 38-011 addresses traffic radar operators.

Regulation 38-013 addresses continuing law enforcement education requirements for re-certification.

Regulation 38-016 addresses the withdrawal of certification of law enforcement officers.

Amended by State Register, Volume 27, Issue No. 5, eff. May 23, 2003.

# ARTICLE 1. CRIMINAL JUSTICE ACADEMY

## SUB ARTICLE 1. LAW ENFORCEMENT TRAINING

Table of Contents:

Regulation:

38-001.	Authority of Deputy Director
38-002.	Application for Re-issuance of Certification.
38-003.	Requirement of Good Character.
38-004.	Denial of Certification for Misconduct.
38-005.	Firearms Qualification Requirement.
38-006.	Certification.
38-007.	Training Requirements for Basic Law Enforcement Certification.
38-008.	Equivalent Training.
38-009.	Separation from Law Enforcement Employment.
38-010.	Reserve Police.
38-011.	Traffic Radar Operator.
38-012.	Application for Re-certification.
38-013.	Continuing Law Enforcement Education Requirements for Re-certification.
38-014.	Approval of Continuing Law Enforcement Education Hours for Re-certification requirements.
38-015.	Extension of Certification Renewal Date.
38-016.	Withdrawal of Certification of Law Enforcement Officers.
38-017.	Reporting of Events requiring withdrawal of certification.
38-018.	Investigation of events requiring withdrawal of certification; notification to officer.
38-019.	Notification of withdrawal of certification.
38-020.	Confidentiality of Notification.
38-021.	Law Enforcement Emergency Vehicle Training Requirement.
38-022.	Law Enforcement Emergency Vehicle Training Programs.
38-023.	Notification of Training Compliance.
38-024.	Continuing Training Requirement.
38-025.	Approval of Training Programs.
38-026.	Equivalent Law Enforcement Emergency Vehicle Training.
38-027.	Effect of Failure to Comply.
38-028.	Definitions for purposes of R.38-021 and 38-022.
38-060.	Definitions for 38-060 through 38-065.
38-061.	Minimum Requirements for E-911 Operator Enrollment in Training.
38-062.	Training Requirements for Certification
38-063.	Break in Service after Certification.
38-064.	Separation from Employment.
38-065.	Cost of Training.

**38-001. Authority of Deputy Director.**

A. The Deputy Director of the Criminal Justice Academy Division (Academy) of the Department of Public Safety (Department) is authorized to issue orders directing that public law enforcement agencies and law enforcement officers certified in this state comply with Article 9, Chapter 6 of Title 23, Code of Laws of South Carolina, 1976, as amended, and the regulations promulgated pursuant thereto.

B. All orders so issued shall be reviewed and ratified by the Director of the Department prior to their issuance.

**38-002. Application for Re-issuance of Certification.**

All applications for re-issuance of law enforcement certification shall be submitted within fifteen days after hiring on a form prescribed by the Department.

**38-003. Requirement of Good Character.**

A. Background Investigations.

Every agency who requests certification of any class of law enforcement officer shall conduct a background investigation in accordance with guidelines issued by the Department.

B. Certification to the Department.

Every agency who requests certification of any class of law enforcement officer shall certify to the Department that, in the opinion of the employing agency, the candidate is of good character and has not engaged in misconduct as defined in R.38-004.

C. Availability of Background Information.

Information obtained in any background investigation made in response to these regulations, shall be available, upon request, to the Department for its review and to any future prospective law enforcement employers to assist them in a determination of an applicant's good character for law enforcement certification.

**38-004. Denial of Certification for Misconduct.**

A. The Department may deny certification based on evidence satisfactory to the Department that the candidate has engaged in misconduct. For purposes of this section, misconduct means:

1. Conviction, plea of guilty, plea of no contest or admission of guilt (regardless of withheld adjudication) to a felony, a crime punishable by a sentence of more than one year (regardless of the sentence actually imposed, if any), or a crime of moral turpitude in this or any other jurisdiction;

2. Unlawful use of a controlled substance;
3. The repeated use of excessive force in dealing with the public and/or prisoners;
4. Dangerous and/or unsafe practices involving firearms, weapons, and/or vehicles which indicate either a willful or wanton disregard for the safety of persons or property;
5. Physical or psychological abuses of members of the public and/or prisoners;
6. Misrepresentation of employment-related information;
7. Dishonesty with respect to his/her employer;
8. Untruthfulness with respect to his/her employer.

B. In considering whether to deny certification based on misconduct, the Department may consider the seriousness, the remoteness in time and any mitigating circumstances surrounding the act or omission constituting or alleged to constitute misconduct.

**38-005. Firearms Qualification Requirement.**

Each law enforcement agency shall maintain proof of completion of a firearms qualification program and keep on file, available for inspection, proof that the firearms qualification program was administered by an Academy accredited firearms instructor.

**38-006. Certification.**

Certification will occur upon the successful completion of the prescribed training course as set out in 38-007. No candidate may be certified in more than one class at any one time and certification shall be that required for the most recent employing agency.

**38-007. Training Requirements for Basic Law Enforcement Certification.**

A. Class 1 Certifications

1. Candidates for basic certification as law enforcement officers with full powers shall successfully complete a training program as approved by the Department and will be certified as Class 1-LE.

2. Candidates for basic certification as both law enforcement officers with full powers and as local detention facility officers (jailers) shall successfully complete the requirements to be certified as Class 1-LE and Class 2-LCO and will be certified as Class 1-LECO.

B. Class 2 Certifications

1. Candidates for basic certification as local detention facility officers (jailers) shall successfully complete a training program as approved by the Department and will be certified as Class 2-LCO.

2. Candidates for basic certification as correctional officers with the Department of Corrections shall successfully complete a training program as approved by the Department and will be certified as Class 2-SCO.

3. Candidates for basic certification as juvenile correction officers with the Department of Juvenile Justice shall successfully complete a training program as approved by the Department and will be certified as Class 2-JCO.

C. Class 3 Certifications. Candidates for basic certification as law enforcement officers with limited powers of arrest or special duties shall successfully complete a training program as approved by the Department and will be certified as Class 3-SLE.

**38-008. Equivalent Training.**

A. Other States

All candidates who have received law enforcement training in other states shall submit satisfactory proof of successful completion and a verified copy of the courses taken. Training will be reviewed on a case by case basis and each candidate will be given credit for any training deemed to be equivalent to training offered by the Academy. All candidates must satisfy legal and firearms training as well as remedy any deficiencies in prior training.

B. Federal Training

All candidates who have received law enforcement training with U.S. federal agencies shall submit satisfactory proof of successful completion and a verified copy of the courses taken. Training will be reviewed on a case by case basis and each candidate will be given credit for any training deemed to be equivalent to training offered by the Academy. All candidates must satisfy legal and firearms training as well as remedy any deficiencies in prior training.

C. Military Training

All candidates who have received law enforcement training as U.S. military police shall submit satisfactory proof of successful completion and a verified copy of the courses taken. Training will be reviewed on a case by case basis and each candidate will be given credit for any training deemed to be equivalent to training offered by the Academy. All candidates must satisfy legal and firearms training as well as remedy any deficiencies in prior training.

D. Prior Training with Break in Service

1. All certification lapses when an individual terminates active law enforcement duty.

2. A candidate with a break in service of less than one year will be re-certified by the Academy upon receiving a request by his department and upon providing proof of no disabilities at law.

3. A candidate with a break in service of one year but less than three years will be re-certified upon submission of the application with appropriate documents as set out in R.38-100 and the completion of legal education and firearms training requirements.

4. A candidate with a break in service of three years or more must complete all the requirements of R.38-002, R. 38-005 and R. 38-006.

5. When a candidate becomes subject to new training requirements, as set forth in R.38-007, as a result of a transfer from one agency to another with different training requirements, the candidate must successfully complete the training requirements for the class of certification the candidate will occupy with the new agency.

6. A candidate who has been continuously certified in this state, in any class, and who transfers to a class in which he/she has been previously certified, will be certified in the prior class upon successful completion of the firearms qualification requirement.

**38-009. Separation from Law Enforcement Employment.**

A. All law enforcement agencies and other employers of law enforcement officers are required to notify the Department when an officer leaves the employment of the agency/employer, regardless of the reason for the separation within 15 days of separation.

B. Such notification shall take place on a form as prescribed by the Department, contain the facts and circumstances leading to the separation, and be for the Department's confidential use and subsequent safekeeping.

C. In the event that such notification contains allegations of misconduct, a copy of such notice shall be sent to the law enforcement officer and the officer shall be informed of the provisions of Section 23-6-460 and allowed to file a response for the Department's use and safekeeping.

D. A willful failure by law enforcement agencies and other employers of law enforcement officers to supply the facts and circumstances of separation shall subject the violator to a civil penalty as provided by law.

**38-010. Reserve Police.**

A. Definition

In addition to the definition required by law, a "reserve" officer is not paid by the agency for which the officer performs law enforcement duties.

B. Documentation and Reporting

1. Each agency having a reserve law enforcement officer program shall keep on file, available for inspection, all documentation required for regularly salaried law enforcement officers and as set out in R.38-002.

2. Each agency shall certify to the Department, using a form as prescribed by the Department, that such documentation is on file in the agency.

C. In-Service Requirement

Each agency having a reserve law enforcement officer program shall keep on file, and make available for inspection, documentation that each reserve officer has completed the in-service requirement as required by law.

D. Transfers

1. A reserve officer who desires to transfer to regular law enforcement status shall complete all the requirements as set forth by law and under R.38-008 as appropriate for the class of certification which the reserve officer will occupy.

2. A certified law enforcement officer who transfers to reserve status for a period of time not to exceed three years, shall be deemed to have no break in service as defined in R.38-008. Should the period of time exceed three years, the officer shall be deemed to have a break in service and shall complete all the requirements as set forth by law and under R.38-007, as appropriate for the class of certification which the reserve officer will occupy.

E. Operational Procedures

Any law enforcement agency wishing to establish a Reserve Officer program must meet minimum department sponsored certification criteria as required by SCDPS.CJAD Standards Section.

**38-011. Traffic Radar Operator.**

A. Qualification

Only Class 1 certified law enforcement officers and appointed reserve officers may be accredited as traffic radar operators.

B. Accreditation

To be accredited as a traffic radar operator, a law enforcement officer must complete a course of training taught by a certified law enforcement traffic radar instructor.

**38-012. Application for Re-certification.**

An application for re-certification must be submitted on a form approved by the Department and is deemed complete when the form, with the necessary information as set out in R.38-013, is received by the Department.

**38-013. Continuing Law Enforcement Education Requirements for Re-certification.**

A. Eligibility

No law enforcement officer is eligible for re-certification unless, in addition to the requirements of R.38-012, the officer has successfully completed, at a minimum, the number of approved continuing law enforcement education hours as appropriate for the officer's certification class, as specified in R.38-007. Such education hours shall be designated as Continuing Law Enforcement Education (CLEE) hours in the context of these regulations.

B. Class 1 Re-certification Requirements:

1. Officers possessing a current Class 1-LE Certification shall be required to obtain forty CLEE hours in a three year period. The forty CLEE hours shall consist of at least one legal update course and one domestic violence course, presented or approved by the Academy, each year of the three year period. The remaining required CLEE hours in the three year period may come from any source approved by the Academy.

2. Officers possessing a current Class 1-LECO certification shall be required to complete the number of hours of in-service instruction per year as specified by the Jail Standards Committee and approved by the Department. Each officer shall also be required to complete at least one legal update course and one domestic violence course, presented or approved by the Academy, each year of the three year period.

C. Class 2 Re-certification Requirements:

1. Officers possessing a current Class 2-LCO Certification shall be required to complete the number of hours of in-service instruction per year as specified by the Jail Standards Committee and approved by the Department.

2. Officers possessing a current Class 2-SCO Certification shall be required to complete a Department approved agency in-service program of at least forty hours every three years. At least one course each year shall be a legal update course.

3. Officers possessing a current Class 2-JCO certification shall be required to complete a Department approved agency in-service program of at least forty hours every three years. At least one course each year shall be a legal update course.

D. Class 3 Re-certification Requirements:

Officers possessing a current Class 3 Certification shall be required to complete at least one legal update course, presented by the Academy, each year of the three year period.

**38-014. Approval of Continuing Law Enforcement Education Hours for Re-certification Requirements.**

A. The Department shall approve courses for CLEE hours toward officer re-certification upon application made on a form approved by the Department and containing the following information concerning the courses.

1. The name of the course sponsor and its address;
2. The course agenda showing the actual number of hours of instruction;
3. A listing of course faculty with educational and professional credentials for each faculty member;
4. A copy of the course written materials, including a lesson plan and any test instruments which will be used;
5. Any supporting material which the course offeror wishes to submit for the Department's consideration.

B. The Department shall maintain a listing of courses which are approved for CLEE hours towards officer re-certification and shall indicate after each course the number of CLEE hours for which the course is approved. The listing shall be updated on an annual basis.

C. Courses, once approved, shall be added to the listing maintained by the Department. In order to receive continuing approval for course offerings, the offeror of each course must provide, on each successive second anniversary of the course's being placed on the listing, an updated application form and supporting documentation as stated in paragraph (A) of this section. Failure to comply with this requirement shall result in the course being removed from the listing and having its approval withdrawn.

**38-015. Extension of Certification Renewal Date.**

A certified law enforcement officer who is unable to complete the requirements of R.38-013 within the three year period specified will be granted an extension to his/her renewal date in the following cases:

A. Military Leave. Any officer called to active military duty for a period of more than thirty consecutive days shall be granted an extension to his/her renewal date, as specified in § 23-6-440(C) of the South Carolina Code of Laws, for the duration of the active duty, plus ninety days.

B. Medical, Disability or Administrative Leave.

1. Any officer who is on disability leave, medical leave, administrative leave as a result of an assault by an inmate, patient or client, or other administrative leave granted by the employing agency, with or without pay, for a period of more than thirty consecutive days, shall be granted an extension to his/her renewal date, as specified in § 23-6-440(C) of the South Carolina Code of Laws, for the duration of the leave, provided such extension does not exceed one year.

2. Any officer on medical leave, disability leave, administrative leave as a result of an assault by an inmate, patient or client, or other administrative leave granted by the employing agency, for a period of one year or more shall be treated under R.38-008(D)(3) or (4).

C. Eligibility and Application for Extension of Renewal Date.

1. Only officers whose law enforcement responsibilities have been suspended will be eligible for an extension of renewal date.

2. Application by the employing agency for an extension of renewal date shall be made within forty-five days of the beginning of military leave, medical leave, disability leave, administrative leave as a result of an assault by an inmate, patient or client, or other administrative leave granted by the employing agency, on a form prescribed by the Department.

3. Notification by the employing agency of a return to active law enforcement duty shall be made within fifteen days of return to active law enforcement duty on a form prescribed by the Department.

**38-016. Withdrawal of Certification of Law Enforcement Officers.**

A. A law enforcement officer, certified pursuant to the provisions of R.38-007 and R.38-008, shall have his or her certification as a law enforcement officer withdrawn by the Department upon the occurrence of any one or more of the following events:

1. The officer is found to have falsified any application for certification and training based upon which the officer was admitted for training.

2. The officer is found to be ineligible for service as a law enforcement officer because of his or her failure to meet prerequisite qualifications for training and certification, as set by law, even though such ineligibility is not discovered until after the officer's initial certification.

3. The officer is convicted of a criminal offense under the law of any jurisdiction which would, by the laws of this State, disqualify the officer from obtainment of certification as provided for in R.38-007 and R.38-008.

4. Evidence satisfactory to the Department that the officer has engaged in misconduct. For purposes of this section, misconduct means:

- a. Conviction, plea of guilty, plea of no contest or admission of guilt (regardless of withheld adjudication) to a felony, a crime punishable by a sentence of more than one year (regardless of the sentence actually imposed, if any), or a crime of moral turpitude;
- b. Unlawful use of a controlled substance;
- c. The repeated use of excessive force in dealing with the public and/or prisoners;
- d. Dangerous and/or unsafe practices involving firearms, weapons, and/or vehicles which indicate either a willful or wanton disregard for the safety of persons or property;
- e. Physical or psychological abuses of members of the public and/or prisoners;
- f. Misrepresentation of employment-related information;
- g. Dishonesty with respect to his/her employer;
- h. Untruthfulness with respect to his/her employer.
- i. Violations of criminal law resulting from administrative inquiries.

Provided however that in considering whether to withdraw certification based on misconduct, the Department may consider the seriousness, frequency and any mitigating circumstances surrounding the act or omission constituting or alleged to constitute misconduct.

B. The officer's certification expires due to the officer's failure to meet re-certification requirements as set out in R. 38-013.

**38-017. Reporting of Events Requiring Withdrawal of Certification.**

A. It shall be the responsibility of the sheriff or the chief executive officer of every law enforcement agency or department within the State to report to the Department the occurrence of any event, or series of events, set forth in R.38-016 which requires the withdrawal of certification of a law enforcement officer who is currently or was last employed by his or her agency.

B. The report shall be made within fifteen days of the final agency or department action resulting from the internal investigation conducted by the agency or department, and shall be on a form prescribed by the Department.

C. A willful failure to report information shall subject the violator to a civil penalty as provided by the Department.

D. Only events which are determined as founded by the department or agency shall be reported as provided herein above.

**38-018. Investigation of Events Requiring Withdrawal of Certification; Notification to Officer.**

A. Upon receipt of a report pursuant to R.38-017A, the Department shall initiate an investigation into reported events which require withdrawal of the law enforcement officer's certification.

B. The Department may suspend the certification of any law enforcement officer pending the outcome of an investigation initiated pursuant to paragraph (A) above.

C. A law enforcement officer who is the subject of an investigation shall be notified of its initiation on a form prescribed by the Department, sent by certified mail to the current address on file at the Academy, return receipt requested, as soon as practicable after the investigation is initiated.

D. Duplicate of such notice shall be sent, in the same manner prescribed in paragraph (C) above, to the current sheriff or chief executive officer of the employing agency or department of the law enforcement officer.

E. The Department may direct that the investigation, on its behalf, be conducted. The investigation shall be sent to the Department for its confidential use and review.

F. Where the Department's investigation indicates that withdrawal of the law enforcement officer's certification is not warranted, the Department shall notify the law enforcement officer and the sheriff or chief executive officer of the employing law enforcement agency of its finding, in accordance with the notice provisions of paragraphs (C) and (D) above.

G. Where the Department's investigation indicates that withdrawal of the law enforcement officer's certification is warranted, the Department shall proceed in accordance with R.38-019.

**38-019. Notification of Withdrawal of Certification.**

A. Prior to the withdrawal of a law enforcement officer's certification pursuant to R.38-016, the Department shall notify the officer whose certification is to be withdrawn on a form prescribed by the Department sent by registered mail, to the current address on file at the Academy, return receipt requested, to the officer.

B. Such notice shall be provided to the officer ten days in advance of the effective date of withdrawal of the certification.

C. Duplicate of such notice shall be sent in the same manner as in paragraph (A) above, to the current sheriff or the chief executive officer of the law enforcement agency or department of the law enforcement officer.

**38-020. Confidentiality of Notification.**

All notifications to law enforcement officers and their respective employing law enforcement agencies pursuant to R.38-017, R.38-018 and R.38-019 shall be handled in a confidential and sensitive manner.

**38-021. Law Enforcement Emergency Vehicle Training Requirement.**

A. Every agency which employs one or more law enforcement officers who use emergency vehicles shall make provision for the training set out in R.38-022 as appropriate for each such officer's law enforcement duty requirements prior to any such officer's certification as qualified by the Department.

B. Officers holding valid certification on the effective date of these regulations must successfully complete the training set out in R.38-022, as is appropriate for such officer's law enforcement duty requirements within 180 days of such date.

**38-022. Law Enforcement Emergency Vehicle Training Programs.**

A. Non-Emergency Response Training

1. Every law enforcement officer who drives or operates an emergency vehicle shall successfully complete a course of instruction as prescribed by the Department relating to non-emergency operation of the law enforcement emergency vehicle.

2. Every agency required to make provision for the training prescribed in R.38-022(A)(1) shall promulgate written policy and procedure concerning non-emergency vehicle response, consistent with the provisions of the course of instruction prescribed by the Department, which shall be included as part of the training program provided to its officers.

B. Emergency Response Training

1. Every Class 1 law enforcement officer and any other law enforcement officer who drives or operates a law enforcement emergency vehicle in response to an emergency, as defined in these regulations, shall successfully complete a course of instruction as prescribed by the Department relating to emergency response operation of the law enforcement emergency vehicle.

2. Every agency required to make provision for the training prescribed in R.38-022(B)(1) shall promulgate written policy and procedure concerning emergency response with the law enforcement emergency vehicle, consistent with the provisions of the course of instruction prescribed by the Department, which shall be included as part of the training program provided to its officers.

## C. Pursuit Training

1. Every Class 1 law enforcement officer and any other law enforcement officer who drives or operates a law enforcement emergency vehicle in pursuit of an actual or suspected violator of the law, as defined in these regulations, shall successfully complete a course of instruction as prescribed by the Department relating to pursuit operation of the law enforcement emergency vehicle.

2. Every agency required to make provision for the training prescribed in R.38-022(C)(1) shall promulgate written policy and procedure concerning pursuit operation of the law enforcement emergency vehicle, consistent with the provisions of the course of instruction prescribed by the Department which shall be included as a part of the training program provided to its officers.

### **38-023. Notification of Training Compliance.**

A. Every agency required to conduct training pursuant to R.38-022 shall provide proof of completion of the required training programs, including appropriate instruction in the written policies and procedures of the agency concerning operation of the law enforcement emergency vehicle as required by R.38-022.

B. A law enforcement officer who transfers from one agency to another shall be required to successfully complete the training program appropriate for the agency to which transfer has occurred, in accordance with R.38-022. Provided, however, that an officer who has successfully completed a training program pursuant to R.38-022 within a period of one year of the date of transfer to another agency, where the successfully completed program is appropriate for the officer's law enforcement duty with the agency to which transferred, shall not be required to complete another training program upon such a transfer, but rather the employing agency to which transferred shall provide appropriate instruction to the transferred officer in the written policies and procedures of the agency concerning operation of the law enforcement emergency vehicle as required by R.38-022. This training shall be reported to the Department as required in R.38-023(A).

### **38-024. Continuing Training Requirement.**

A. The training required by R.38-022 shall be conducted on a continuing basis no less frequently than annually. Every agency shall report, on the form prescribed by the Department, the provision of appropriate training on or before the expiration of the current certification. Nothing in these regulations shall be construed to prohibit such training on a basis more frequently than annually.

B. Officers successfully completing appropriate required emergency vehicle training shall be provided CLEE hours in accordance with R.38-013 appropriate for the number of hours of instruction received.

**38-025. Approval of Training Programs.**

A. All agencies required to conduct training programs pursuant to R.38-022 shall, prior to initiation of the required training, submit training materials as required by the Department to the Academy for review and approval.

B. CLEE hours shall be awarded only for materials properly submitted and approved by the Department.

**38-026. Equivalent Law Enforcement Emergency Vehicle Training.**

Training provided by other states, the federal government or private training providers, will be evaluated in a fashion consistent with the provisions of R.38-008. In each instance where an agency or officer submits a request for credit for equivalent training, the employing agency must provide verification that appropriate instruction in the written policies and procedures of the agency has occurred, in accordance with the directives of R.38-023(B) regarding transferred officers.

**38-027. Effect of Failure to Comply.**

A. Any agency which willfully fails to comply with the directives of R.38-021 through 38-026, shall be subject to a civil penalty as provided by law.

B. Any law enforcement officer found not to be in compliance with the directives of R.38-021 through 38-026, shall have his or her certification as a law enforcement officer withdrawn in accordance with R.38-016(A)(2) and his or her authority to exercise law enforcement powers shall cease, and the officer's certification shall be deemed to have lapsed.

**38-028. Definitions.**

For purposes of R.38-021 and 38-022, the following definitions shall apply:

A. Emergency: A sudden or unexpected occurrence involving an imminent threat to human life or immediate potential for extreme property damage under conditions requiring immediate response to curtail imminent harm to human life.

With respect to the suspected commission of a criminal offense and law enforcement response to such offense, the classification of the crime as felony or misdemeanor shall not be the sole determinative factor of whether an emergency is present; but rather all known factors, in accordance with the first paragraph above, will be weighed in a determination of whether an emergency exists.

B. Non-Emergency: A situation involving conditions routinely encountered in line of law enforcement duty which does not pose an imminent threat to human life or immediate potential for extreme property damage which would require immediate response to curtail harm to human life.

C. Pursuit: An event involving a law enforcement officer attempting to apprehend a person in a motor vehicle while that person is trying to avoid capture by willfully failing to yield to the officer's signal to stop. It also includes the closing of the distance between a law enforcement vehicle and the violator's vehicle under circumstances where the violator is not yet aware of the law enforcement action.

D. Emergency Response: The driving of a law enforcement emergency vehicle by a law enforcement officer in response to an emergency, as defined herein, where the response is conducted in accordance with state law and department policy.

E. Non-Emergency Response: The driving of a law enforcement emergency vehicle by a law enforcement officer in response to a non-emergency, as defined herein. This response involves operation of the law enforcement emergency vehicle in all modes other than emergency response or pursuit mode.

F. Law Enforcement Emergency Vehicle: A motor vehicle, as defined by the laws of this state, whether marked or unmarked, used by a law enforcement agency in the conduct of law enforcement operations, in accordance with state law and department policy.

### **SUBARTICLE 3. E-911 SYSTEM**

#### **38-060. Definitions.**

- A. "Operator" means a telecommunications operator or dispatcher employed in an E-911 system.
- B. "Agency" means local government or public safety agency employing operators.
- C. "Director" means the Director of the South Carolina Department of Public Safety.
- D. "Academy" means the Division of Training and Continuing Education of the South Carolina Department of Public Safety.

HISTORY: Added by State Register Volume 21, Issue No. 6, Part 2, eff June 27, 1997.

#### **38-061. Minimum Requirements for E-911 Operator Enrollment in Training.**

- A. All agencies having operators as candidates for training and certification shall submit to the Academy, the following:

1. an application under oath in a format prescribed by the Director;
  2. evidence satisfactory to the Director that the candidate possesses a high school diploma or equivalent recognized and accepted by the South Carolina Department of Education;
  3. evidence satisfactory to the Director that the candidate's present age is not less than eighteen years;
  4. evidence satisfactory to the Director that the candidate has not been convicted of any criminal offense that carries a possible sentence of more than one year.
- B. Nothing in this regulation shall be construed to preclude any agency from establishing qualifications or standards for hiring that exceed these minimum standards.

HISTORY: Added by State Register Volume 21, Issue No. 6, Part 2, eff June 27, 1997.

**38-062. Training Requirements for Certification.**

- A. Candidates for certification as operators shall successfully complete a prescribed course of training as approved by the Director and will be certified as Class 4-TCO.
- B. Candidates employed as operators on the effective date of these regulations may be certified without completing the training referenced in paragraph (A) above if the candidate has:
- (1) two years continuous employment as an emergency services dispatcher and no break in service of longer than six months; or
  - (2) one year continuous employment as an emergency services dispatcher, no break in service of more than six months, and prior training accredited by the Academy, and the candidate successfully passes a comprehensive test as approved by the Director and administered by the Academy. No retest will be offered.

HISTORY: Added by State Register Volume 21, Issue No. 6, Part 2, eff June 27, 1997.

**38-063. Break in Service after Certification.**

- A. All certification lapses upon separation from employment.
- B. Candidates with prior certification and a break in service of less than one year will be recertified upon a request by the employing agency, provided the agency produces evidence satisfactory to the Director that the candidate has not been convicted of any criminal offense that carries a possible sentence of more than one year.

- C. Candidates with prior certification and a break in service of more than one year must meet the requirements of 38-061 and 38-062(A).

HISTORY: Added by State Register Volume 21, Issue No. 6, Part 2, eff June 27, 1997.

**38-064. Separation from Employment.**

Agencies shall notify the Academy of the separation from employment of any certified operator. If the separation is a result of the conviction for a criminal offense carrying a possible sentence of more than one year, such conviction shall be reported to the Academy. All reports shall take place on a form approved by the Director.

HISTORY: Added by State Register Volume 21, Issue No. 6, Part 2, eff June 27, 1997.

**38-065. Cost of Training.**

The cost of training shall be established by the Academy. Agencies shall forward an authorized purchase order for this amount with each application for training.

HISTORY: Added by State Register Volume 21, Issue No. 6, Part 2, eff June 27, 1997.