CHAPTER 23

Law Enforcement Training Council and Criminal Justice Academy

**SECTION 23‑23‑10.** Purpose; definitions.

 (A) In order to ensure the public safety and general welfare of the people of this State, and to promote equity for all segments of society, a program of training for law enforcement officers and other persons employed in the criminal justice system in this State is hereby proclaimed and this chapter must be interpreted to achieve these purposes principally through the establishment of minimum and advance standards in law enforcement selection and training.

 (B) It is the intent of this chapter 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 chapter, and these minimum standards may not be considered sufficient or adequate in cases where higher standards have been adopted or proposed. Nothing in this chapter 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 Law Enforcement Training Council, hereinafter created, nor, unless specifically stated, may anything in this chapter be construed to affect any sheriff, or other law enforcement officer elected under the provisions of the Constitution of this State.

 (C) It is the intent of the General Assembly in creating a facility and a governing council 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) Upon the signature of the Governor, all functions, duties, responsibilities, accounts, and authority statutorily exercised by the South Carolina Criminal Justice Academy Division of the Department of Public Safety are transferred to and devolved upon the South Carolina Criminal Justice Academy.

 (E) As contained in this chapter:

 (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) "Council" means the South Carolina Law Enforcement Training Council created by this chapter.

 (3) "Academy" means the South Carolina Criminal Justice Academy created by this chapter.

 (4) "Director" means the Director of the South Carolina Criminal Justice Academy.

HISTORY: 2006 Act No. 317, Section 1, eff May 30, 2006; 2008 Act No. 335, Section 12, eff June 16, 2008; 2014 Act No. 225 (H.3958), Section 1, eff June 2, 2014.

Effect of Amendment

The 2008 amendment, in subsection (D), substituted "Criminal Justice Academy" for "Law Enforcement Training Council".

2014 Act No. 225, Section 1, in subsection (A), substituted "ensure" for "insure"; in subsection (B), substituted "Law Enforcement Training Council" for "council" in the last sentence; and in subsection (E), inserted "South Carolina" in paragraph (2), added paragraphs (3) and (4), and made other nonsubstantive changes.

**SECTION 23‑23‑20.** South Carolina Criminal Justice Academy.

 There is hereby created the South Carolina Criminal Justice Academy 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. Correctional officers and other personnel employed or appointed by the South Carolina Department of Corrections may be trained by the academy. Administration of the academy must be vested in a director who 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 agreed upon by the council. The director must be hired by and responsible to the council. Basic and advance training must be provided at the training facility.

HISTORY: 2006 Act No. 317, Section 1, eff May 30, 2006; 2008 Act No. 335, Section 13, eff June 16, 2008; 2014 Act No. 225 (H.3958), Section 1, eff June 2, 2014.

Effect of Amendment

The 2008 amendment in the first sentence substituted "There is hereby created the South Carolina Criminal Justice Academy which shall" for "the South Carolina Criminal Justice Academy shall".

2014 Act No. 225, Section 1, substituted "trained by the academy" for "trained by the department", and substituted "Administration of the academy" for "Administration of this academy".

**SECTION 23‑23‑30.** South Carolina Law Enforcement Training Council; members; terms.

 (A) There is hereby created a South Carolina Law Enforcement Training Council consisting of the following eleven members:

 (1) the Attorney General of South Carolina;

 (2) the Chief of the South Carolina Law Enforcement Division;

 (3) the Director of the South Carolina Department of Probation, Parole and Pardon Services;

 (4) the Director of the South Carolina Department of Corrections;

 (5) the Director of the South Carolina Department of Natural Resources;

 (6) the Director of the South Carolina Department of Public Safety;

 (7) one chief of police from a municipality having a population of less than ten thousand. This person must be appointed by the Governor and shall serve at his pleasure;

 (8) one chief of police from a municipality having a population of more than ten thousand. This person must be appointed by the Governor and shall serve at his pleasure;

 (9) one county sheriff from a county with a population of less than fifty thousand. This person must be appointed by the Governor and shall serve at his pleasure;

 (10) one county sheriff from a county with a population of more than fifty thousand. This person must be appointed by the Governor and shall serve at his pleasure; and

 (11) one detention director who is responsible for the operation and management of a county or multijurisdictional jail. This person must be appointed by the Governor and shall serve at his pleasure.

 (B)(1) The members provided for in subsection (A)(1) through (6) above shall be ex officio members with full voting rights.

 (2) The members provided for in subsection (A)(7) through (11) above shall begin serving on January 1, 2007.

 In the event that a vacancy arises, it must be filled by appointment or election and confirmation of the original authority granting membership on the basis of the above referenced criteria.

 (C) The council shall meet for the first time within ninety days after January 1, 2007, and shall elect one of its members as chairperson and one of its members as vice chairperson. These officers shall serve a term of one year and may be reelected. After the initial meeting, the council shall meet at the call of the chairperson, or at the call of the majority of the members of the council, but it shall meet no fewer than four times a year.

 (D) Members of the council shall serve without compensation. A council member who terminates his office or employment which qualifies him for appointment shall immediately cease to be a member of the council.

HISTORY: 2006 Act No. 317, Section 1, eff May 30, 2006; 2014 Act No. 225 (H.3958), Section 1, eff June 2, 2014.

Effect of Amendment

2014 Act No. 225, Section 1, reenacted the section with nonsubstantive changes.

**SECTION 23‑23‑40.** Certification requirement.

 (A) No law enforcement officer employed or appointed on or after July 1, 2022, 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 council, 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 council; 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 council; and provided, further, that within three working days of employment, the academy 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; and shall only perform his duties as a law enforcement officer while accompanied by a certified law enforcement officer. 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 power 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:

 (1) military leave or injury occurring during that first year which would preclude the receiving of training within the usual period of time; or

 (2) 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

 (3) 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 chapter or by standards set by the council; or

 (4) 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.

 (B) 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: 2006 Act No. 317, Section 1, eff May 30, 2006; 2014 Act No. 225 (H.3958), Section 1, eff June 2, 2014; 2022 Act No. 218 (H.3050), Section 1, eff May 23, 2022.

Effect of Amendment

2014 Act No. 225, Section 1, in the first paragraph, substituted "qualified by the council" for "qualified by the Law Enforcement Training Council", and substituted ", the academy must be notified" for "the department must be notified"; and in paragraph (3), substituted "standards set by the council" for "standards set by the Law Enforcement Training Council".

2022 Act No. 218, Section 1, inserted the (A) and (B) paragraph designators; in (A), in the first sentence, substituted "July 1, 2022" for "July 1, 1989" and inserted "; and shall only perform his duties as a law enforcement officer while accompanied by a certified law enforcement officer" at the end, and in the second sentence, substituted "power of arrest" for "powers of arrest".

**SECTION 23‑23‑50.** Continuing Law Enforcement Education Credits (CLEEC) in domestic violence requirement; guidelines for exemptions.

 (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 council 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 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 council 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: 2006 Act No. 317, Section 1, eff May 30, 2006; 2014 Act No. 225 (H.3958), Section 1, eff June 2, 2014.

Effect of Amendment

2014 Act No. 225, Section 1, twice substituted "council" for "Law Enforcement Training Council", and substituted "academy" for "South Carolina Criminal Justice Academy".

**SECTION 23‑23‑55.** Continuing law enforcement education credits in mental health or addictive disorders.

 A law enforcement officer who is Class 1‑LE, Class 2‑LCO, or Class 3‑SLE certified in this State is required to complete Continuing Law Enforcement Education Credits (CLEEC) in mental health or addictive disorders over a three‑year recertification period. The number of required annual CLEEC hours in mental health or addictive disorders shall be determined by the council, 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 academy and must include, but is not limited to, the following curriculum: crime scene response, crisis situation response in which an individual is experiencing a mental health or addictive disorder crisis, Fourth Amendment issues, incident report writing, determination of primary aggressors, dual arrests, victim and offender dynamics, victims' resources, victims' rights issues, interviewing techniques, mental health courts and mental health court programs, offender treatment programs, and recognition of special needs populations.

HISTORY: 2017 Act No. 46 (S.173), Section 1, eff May 19, 2017.

**SECTION 23‑23‑60.** Certificates of compliance; information to be submitted relating to qualification of candidates for certification; expiration of certificate.

 (A) At the request of any public law enforcement agency of this State the council 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 chapter. Members of the 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 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 chapter 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 state 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 state or local correctional officers 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; and

 (e) evidence satisfactory to the director that the candidate has signed an attestation form committing to the practice of ethical policing, which means the discharge of responsibilities, stemming from employment as a law enforcement officer, which is devoid of misconduct and which is carried out in conformance with this chapter, including the duty to safeguard life and the duty to intervene.

 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 no less than twenty‑one years. However, if the person is a candidate for detention or correctional officer, not to include officers for the Department of Juvenile Justice, then the candidate's present age must be no less than eighteen years of age. 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)(1) A certificate as a law enforcement officer issued by the council will expire three years from the date of issuance or upon discontinuance of employment by the officer with the employing entity or agency.

 (2) Notwithstanding the provisions of item (1), a certificate may not expire if employment is discontinued because of the officer's absence from work due to a disability he sustained in that employment for which he receives workers' compensation benefits and from which he has not been authorized to return to work without restriction; provided, however, that before he may resume employment for which the certificate is required, he must complete all continuing education requirements for the period of time in which he was receiving workers' compensation benefits and had not been authorized to return to work. Additionally, the three‑year duration of a certificate is tolled during such an absence from employment, and begins running when the officer is authorized to return to work without restriction.

 (3) 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.

 (4) If the officer's certificate has lapsed, the council may reissue the certificate after receipt of an application and if the director is satisfied that the officer continues to meet the requirements of subsection (B)(1) through (9).

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

HISTORY: 2006 Act No. 317, Section 1, eff May 30, 2006; 2014 Act No. 206 (H.4630), Section 1, eff June 2, 2014; 2014 Act No. 225 (H.3958), Section 1, eff June 2, 2014; 2022 Act No. 215 (S.1092), Section 1, eff May 23, 2022; 2022 Act No. 218 (H.3050), Section 7, eff May 23, 2022.

Code Commissioner's Note

At the direction of the Code Commissioner, the amendments of this section made by 2014 Act No. 206 and 2014 Act No. 225 were read together.

Editor's Note

2014 Act No. 206, Section 2, provides as follows:

"SECTION 2. The provisions of this act take place upon approval by the Governor and are retroactive to January 1, 2013."

Effect of Amendment

2014 Act No. 206, Section 1, rewrote subsection (C), providing an exemption for certain disabilities.

2014 Act No. 225, Section 1, in subsection (C), twice substituted "council" for "department", and substituted "subsection (B)(1) through (9)" for "subsections (B)(1) through (B)(9)"; and in subsection (D), substituted "subsection (B)(1) through (8)" for "subsections (B)(1) through (B)(8).

2022 Act No. 215, Section 1, in (B)(8), in the first sentence, substituted "no less" for "not less", and inserted the second sentence.

2022 Act No. 218, Section 7, in (B)(5), made a nonsubstantive change in (d) and inserted (e).

**SECTION 23‑23‑70.** Certificates to be issued to certain officers appointed as chiefs and certain retired law enforcement officers.

 (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 23‑23‑60 if that person completes the legal course for Class I certified officers taught by the academy. 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 23‑23‑60, 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 council 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 academy; 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 23‑23‑60, 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: 2006 Act No. 317, Section 1, eff May 30, 2006; 2008 Act No. 335, Section 6, eff June 16, 2008; 2014 Act No. 225 (H.3958), Section 1, eff June 2, 2014.

Editor's Note

Section 9‑11‑70, referenced in subsection (B)(1), was repealed by 2012 Act No. 278.

Effect of Amendment

The 2008 amendment, in subsections (A), (B), and (C), substituted "Section 23‑23‑60" for "Section 23‑6‑440".

2014 Act No. 225, Section 1, in subsections (A) and (B)(2), substituted "academy" for "Criminal Justice Academy"; and in subsection (B)(1), substituted "council" for "department".

**SECTION 23‑23‑80.** South Carolina Law Enforcement Training Council; powers and duties.

 The South Carolina Law Enforcement Training Council is authorized to:

 (1) receive and disburse funds, including those hereinafter provided in this chapter;

 (2) 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;

 (3) 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;

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

 (5) 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;

 (6) 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 council;

 (7) 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;

 (8) 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.

 (9) provide by regulation for mandatory continued training of certified law enforcement officers to recognize post‑traumatic stress disorder and other trauma and stress‑related disorders in other officers. The council also is authorized to establish a mechanism to recommend participation in the South Carolina Law Enforcement Assistance Program (SC LEAP) for officers involved in an incident resulting in death or serious bodily injury; and

 (10) appoint attorneys employed by the South Carolina Criminal Justice Academy to sit as hearing officers for contested case hearings. The attorneys are authorized to submit hearing officers' recommendations to the council.

HISTORY: 2006 Act No. 317, Section 1, eff May 30, 2006; 2008 Act No. 335, Section 14, eff June 16, 2008; 2014 Act No. 225 (H.3958), Section 1, eff June 2, 2014; 2017 Act No. 46 (S.173), Section 2, eff May 19, 2017; 2018 Act No. 215 (H.4479), Section 1, eff May 18, 2018.

Effect of Amendment

The 2008 amendment in the introduction substituted "South Carolina Law Enforcement Training Council" for "Director of the Criminal Justice Academy".

2014 Act No. 225, Section 1, reenacted the section with no apparent change.

2017 Act No. 46, Section 2, added (9), providing for training of officers to recognize post‑traumatic stress disorder in other officers, and made nonsubstantive changes.

2018 Act No. 215, Section 1, added (10), providing for the appointment of attorneys employed by the South Carolina Criminal Justice Academy to sit as hearing officers for contested case hearings.

**SECTION 23‑23‑85.** Establishment of required minimum standards for all law enforcement agencies; punitive actions.

 (A) The council shall establish required minimum standards for all law enforcement agencies. The standards must include, but are not limited to, policies regarding:

 (1) the use of force and response to resistance by law enforcement officers. The policy must establish standards limiting officers to force that is objectively reasonable based on the totality of the circumstances involved. The policy must prohibit the use of chokeholds and carotid restraints as less lethal force options;

 (2) uniform vehicle pursuit standards and the use of lethal options during pursuit;

 (3) an officer's duty to intervene in the actions of other observed officers;

 (4) hiring and terminating practices;

 (5) mandatory and uniform post basic academy field training;

 (6) uniform implementation and the use of body‑worn cameras;

 (7) the use of "no knock" warrants;

 (8) the establishment, implementation, or continuation of systems and processes for filing and investigating complaints, including anonymous complaints, against the law enforcement agency or an employee of the law enforcement agency. The council shall require law enforcement agencies to have a written directive, which must be made available to the public, that delineates how complaints can be made, the investigative process of such complaints, and a maximum timeframe for the resolution of the complaint. All substantiated complaints must be reported to the council through standardized forms as promulgated by the council; and

 (9) the establishment, implementation, or continuation of an early warning system that identifies, assesses, reviews, and tracks at‑risk behavior of employees and requires intervention where appropriate.

 (B) For the purposes of this section, "at‑risk behavior" is defined as behavior or action that increases the risk of injury to an employee or to others, that could constitute a civil rights violation, or that could result in the law enforcement agency losing public support and confidence. Examples of "at‑risk behavior" shall include, but are not limited to, repeated uses of force, at‑fault traffic accidents, repeated founded complaints, improper vehicle pursuits, repeated violations of agency policy or procedures, excessive use of leave, excessive Workers' Compensation Claims, or documented substandard performance.

 (C) The council shall have the authority to take punitive action against any law enforcement agency that refuses to comply with standards issued pursuant to this section, including civil fines, as described in Section 23‑23‑100.

 (D) Nothing in this section shall be construed to prevent or prohibit law enforcement agencies from adopting policies that exceed the minimum standards adopted by the council.

HISTORY: 2022 Act No. 218 (H.3050), Section 4, eff January 1, 2023.

Editor's Note

2022 Act No. 218, Section 9, provides as follows:

"SECTION 9. This act takes effect upon approval by the Governor; however, SECTION 4 and SECTION 5 take effect on January 1, 2023."

**SECTION 23‑23‑90.** Internal documents relating to requirements or administration of chapter as basis for court action.

 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 pursuant to it must not be the subject of or basis for an action at law or in equity in any court of the State if the communication is between:

 (1) law enforcement agencies, their agents, employees, or representatives; or

 (2) law enforcement agencies, their agents, employees, or representatives and the academy or the council.

HISTORY: 2006 Act No. 317, Section 1, eff May 30, 2006; 2008 Act No. 335, Section 19, eff June 16, 2008; 2014 Act No. 225 (H.3958), Section 1, eff June 2, 2014.

Effect of Amendment

The 2008 amendment, in the introductory paragraph, deleted "for slander or libel" following "equity"; rewrote item (2); and made nonsubstantive and conforming changes.

2014 Act No. 225, Section 1, in paragraph (2), substituted "academy or the council" for "South Carolina Criminal Justice Academy or the Law Enforcement Training Council".

**SECTION 23‑23‑100.** Compliance orders; penalties.

 (A) All public law enforcement agencies are required to comply with the provisions of this chapter and the regulations promulgated pursuant to this chapter. Whenever the director finds that any public law enforcement agency is in violation of any provision of this chapter, or any regulation promulgated pursuant to this chapter, the director shall notify the public law enforcement agency of the violation and of the public law enforcement agency's duty to comply with the provision and/or regulation. This notification shall be sent to the public law enforcement agency head via certified U.S. Mail or delivered by hand. The agency must come into compliance within thirty days.

 (B) If after thirty days the public law enforcement agency has failed to come into compliance, the director, at the direction of the council, shall issue an order requiring the public law enforcement agency to comply with the provision or regulation. This order may include a civil penalty not to exceed one thousand dollars per violation per day the agency is not in compliance or is found in violation. 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.

 (C) If the public law enforcement agency has failed to comply with the director's order, the director shall either bring a civil action for injunctive relief or a civil enforcement action for failure to comply with the order in the court of common pleas of the county where the public law enforcement agency is located. Violation of any court order issued pursuant to this section must be considered in contempt of the issuing court and punishable as provided by law.

 (D) If the imposition of civil fines fails to bring a law enforcement agency into compliance with the provisions of this chapter, regulations promulgated pursuant to this chapter, or an order authorized in this chapter, the council is authorized to temporarily hold in abeyance the law enforcement certification of every law enforcement officer employed or appointed by the noncompliant law enforcement agency until such time as the council deems the agency to be in compliance with the minimum standards or a motion for injunctive relief is settled. An individual whose law enforcement certification has been held in abeyance by the council is not authorized to enforce the laws or ordinances of this State or any political subdivision thereof. An individual who has had his law enforcement certification held in abeyance as a result of a noncompliant law enforcement agency shall not be prohibited from regaining law enforcement certification if he is subsequently employed or appointed by a compliant law enforcement agency, provided he is otherwise qualified to be certified. Further, in the event the council holds law enforcement certifications in abeyance at a noncompliant law enforcement agency, no law enforcement officer shall go without his or her regular pay, compensation, and benefits. Any records for the certification hold for the individual officer must be expunged by the council within thirty days of the termination of the hold after full compliance by the agency or the employment by another agency.

HISTORY: 2006 Act No. 317, Section 1, eff May 30, 2006; 2014 Act No. 225 (H.3958), Section 1, eff June 2, 2014; 2022 Act No. 218 (H.3050), Section 6, eff May 23, 2022.

Effect of Amendment

2014 Act No. 225, Section 1, reenacted this section with no apparent change.

2022 Act No. 218, Section 6, rewrote the section.

**SECTION 23‑23‑110.** Law enforcement in municipality with single officer when officer attending training.

 When a municipality employs only one law enforcement officer and that officer is attending law enforcement training at the 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: 2006 Act No. 317, Section 1, eff May 30, 2006; 2014 Act No. 225 (H.3958), Section 1, eff June 2, 2014.

Effect of Amendment

2014 Act No. 225, Section 1, substituted "academy" for "South Carolina Criminal Justice Academy".

**SECTION 23‑23‑115.** Training of officers with Savannah River Site Law Enforcement Department.

 Notwithstanding another provision of law, a person employed as a law enforcement officer with the Savannah River Site Law Enforcement Department, a United States Department of Energy facility, may attend and be trained at the academy in accordance with training and certification standards established by the State. Expenses for mandated and elective training must be established by the academy and paid by the law enforcement officer's employer. An authorized representative of the United States Department of Energy shall certify to the academy that the officer is employed as a law enforcement officer at the Savannah River Site and request the officer's admission to the academy for training.

HISTORY: 2006 Act No. 317, Section 1, eff May 30, 2006; 2014 Act No. 225 (H.3958), Section 1, eff June 2, 2014.

Effect of Amendment

2014 Act No. 225, Section 1, twice substituted "academy" for "Criminal Justice Academy".

**SECTION 23‑23‑120.** Reimbursement for training costs.

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

 (B) After July 1, 2007, 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 chapter must comply with the provisions of this section.

 (C) If a 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 different governmental entity of this State subsequently hires the law enforcement officer, the 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) The governmental entity that employed the officer during the training period or a governmental entity seeking reimbursement from a successive governmental entity employer must not 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.

 (F) A governmental entity, prior to seeking any other reimbursement, must first seek reimbursement from the subsequent hiring governmental entity under the provisions of this section. In no case may a governmental entity receive 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.

 (G) No officer shall be required to assume the responsibility of the repayment of these or any other related costs by the employing agency of the governmental entity of the employing agency in their effort to be reimbursed pursuant to this section.

 (H) Any agreement in existence on or before the effective date of this section, between a governmental entity and a law enforcement officer concerning the repayment of costs for mandatory training, remains in effect to the extent that it does not violate the provisions of subsection (E), (F), or (G). No governmental entity shall, as a condition of employment, enter into a promissory note for the repayment of costs for mandatory training after the effective date of this section.

HISTORY: 2008 Act No. 269, Section 1, eff June 4, 2008; 2014 Act No. 225 (H.3958), Section 1, eff June 2, 2014.

Effect of Amendment

2014 Act No. 225, Section 1, reenacted the section with nonsubstantive changes.

**SECTION 23‑23‑130.** Retention of academy‑generated revenue.

 Notwithstanding any other provision of law, revenue received from the sale of meals to employees and students attending nonmandated, advanced, or specialized training courses, sale of student locks and materials, sale of legal manuals and other publications, postal reimbursement, photocopying, sale of miscellaneous refuse and recyclable materials, tuition from nonmandated, advanced, or specialized courses, coin operated telephones, revenue from E‑911 and coroner training, private college tuition, and revenue from canteen operations and building management services, revenue from "Crime‑to‑Court" and other academy training series shall be retained by the academy and expended in budgeted operations for food services, expansion of the academy's distance learning programs, professional training, fees and dues, clothing allowance, and other related services or programs as the Director of the Criminal Justice Academy may deem necessary. The council and the academy shall report annually to the General Assembly the amount of miscellaneous revenue retained and carried forward.

HISTORY: 2008 Act No. 353, Section 2, Pt 27A.1, eff July 1, 2008; 2014 Act No. 225 (H.3958), Section 1, eff June 2, 2014.

Code Commissioner's Note

At the direction of the Code Commissioner, this section, added as Section 23‑23‑120, was redesignated because a section using that number had been added by an earlier act.

Effect of Amendment

2014 Act No. 225, Section 1, substituted "academy training series" for "Criminal Justice Academy training series"; substituted "academy's distance learning" for "department's distance learning"; substituted "The council and the academy shall report" for "The Law Enforcement Training Council, Criminal Justice Academy shall report"; and made other nonsubstantive changes.

**SECTION 23‑23‑140.** Patrol canine teams, certification.

 (A) For purposes of this section, "patrol canine teams" refers to a certified officer and a specific patrol canine controlled by the handler working together in the performance of law enforcement or correctional duties. "Patrol canine teams" does not refer to canines used exclusively for tracking or specific detection.

 (B) The South Carolina Criminal Justice Academy shall verify that patrol canine teams have been certified by a nationally recognized police dog association or similar organization.

 (C) No law enforcement agency may utilize patrol canine teams after July 1, 2014, unless the patrol canine teams have met all certification requirements.

HISTORY: 2013 Act No. 62, Section 2, eff June 12, 2013; 2014 Act No. 225 (H.3958), Section 1, eff June 2, 2014.

Effect of Amendment

2014 Act No. 225, Section 1, reenacted the section with no apparent change.

**SECTION 23‑23‑150.** Adjudication of allegations of misconduct.

 (A) For purposes of this section:

 (1) "Academy" means the South Carolina Criminal Justice Academy.

 (2) "Council" means the Law Enforcement Training Council.

 (3) "Misconduct" means:

 (a) a conviction, plea of guilty, plea of no contest or admission of guilt to a felony, a crime punishable by a sentence of more than one year, regardless of the sentence actually imposed, or a crime of moral turpitude, any of which were committed in this State or any other jurisdiction;

 (b) the unlawful use of a controlled substance;

 (c) the repeated use of excessive force in dealing with the public or prisoners;

 (d) dangerous or unsafe practices involving firearms, weapons, or vehicles which indicate either a wilful or wanton disregard for the safety of persons or property;

 (e) the physical or psychological abuse of members of the public or prisoners;

 (f) the wilful failure to intervene when observing another officer physically abusing a person, whether or not the person is in custody, while in the performance of his official duties, if the officer knew the person's rights were being violated, the officer had an opportunity to intervene, and the officer chose not to do so;

 (g) the wilful and knowing failure to promptly report another officer, while in the performance of his official duties, abusing a person whether or not the person is in custody;

 (h) the misrepresentation of employment‑related information;

 (i) wilfully making false, misleading, incomplete, deceitful, or incorrect statements to a law enforcement officer, a law enforcement agency, or a representative of the agency, except when required by departmental policy or by the laws of this State;

 (j) wilfully making false, misleading, incomplete, deceitful, or incorrect statements to any court of competent jurisdiction, or their staff members, whether under oath or not;

 (k) wilfully providing false, misleading, incomplete, deceitful, or incorrect information on a document, record, report, or form, except when required by departmental policy or by the laws of this State;

 (l) the falsification of any application for certification and training based upon which the officer was admitted for training; or

 (m) wilfully providing false information to the Criminal Justice Academy or the Law Enforcement Training Council.

 (B)(1) The sheriff or the chief executive officer of a law enforcement agency or department within the State must report to the academy the occurrence of any act or multiple acts by a law enforcement officer, who is currently or was last employed by his agency, he reasonably believes to be misconduct. 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 council.

 (2) Reported incidences of misconduct shall be prosecuted by the reporting agency before the contested case hearing. The reporting agency shall maintain prosecutorial discretion up to the time of the contested case hearing. If the agency declines to prosecute the allegation or allegations of misconduct, the agency shall provide a written report to the council stating that the case is not being prosecuted.

 (3) A wilful failure to report information related to acts of misconduct shall subject the violator to a civil penalty as provided by the council. The council may impose civil fines, in its discretion, not to exceed five hundred dollars per day for each day an agency is out of compliance with this section.

 (C) A person against whom an allegation of misconduct has been received by the academy shall be notified of the allegation of misconduct and his right to a contested case hearing, either by delivering a copy of the allegation personally or by leaving a copy of the allegation at his dwelling house or usual place of abode with some person of suitable age and discretion residing therein.

 (D) A person against whom an allegation of misconduct has been received by the academy may request a contested case hearing. The request must be made within three years after receipt of the allegation of misconduct and the service of the allegation on the officer, whichever is later. A person who fails to request a contested case hearing within the time allowed shall be deemed to have waived his right to a contested case hearing. The Law Enforcement Training Council shall proceed to enter a final agency decision to deny the person his law enforcement certification or telecommunications certification for a specified time period, up to a permanent denial. Hearings must be scheduled and conducted expeditiously and efficiently, consistent with the needs and rights of the parties to obtain a fair hearing and a complete record. The academy shall schedule a contested case hearing within sixty days of receiving a request for a hearing, however, a continuance may be granted for cause.

 (E) The parties must be sent, via certified mail, or electronically if requested, a copy of the hearing officer's recommendation to the full Law Enforcement Training Council. Either party who opposes the recommendation may file a motion in opposition of the hearing officer's recommendation but must do so within fifteen working days of receipt. Another party may file a response to the motion in opposition but must do so within ten working days of the receipt of the motion in opposition. These motions shall be submitted to the full Law Enforcement Training Council, along with the recommendation, hearing transcript, and exhibits. The council may schedule oral arguments for the next quarterly scheduled meeting. After reviewing the motions, recommendation, hearing transcript, and exhibits, the council may vote and issue a final agency decision at any time other than at a quarterly or special meeting.

 (F) The council must not accept an allegation of law enforcement certification misconduct in an original personnel change in status form, amended form, or any other form more than thirty days after the officer's separation from an agency, unless extenuating circumstances exist, as determined by the council.

 (G) No person who has a pending allegation of misconduct filed against him pursuant to subsection (B) by a law enforcement agency with the Criminal Justice Academy may be employed as a law enforcement officer or as a telecommunications operator; have the authority of a law enforcement officer; perform any duties of a law enforcement officer, including those duties involving the control and direction of members of the public, detainees, or prisoners; or exercise the power of arrest until:

 (1) the council has issued a final agency decision that the person may be granted certification, be granted certification with probation, be granted certification with any additional requirements deemed just and proper by the council, or be granted certification with a public reprimand; or

 (2) an appellate court issues a ruling that the Law Enforcement Training Council shall issue the person his law enforcement certification or telecommunications certification and the Law Enforcement Training Council or Criminal Justice Academy has not appealed the ruling.

 (H) A law enforcement candidate, law enforcement officer, or telecommunications operator must keep the academy informed of his current address and must notify the academy of any change of address within thirty days.

 (I) All information submitted by a law enforcement agency or department to the Criminal Justice Academy related to the separation of a law enforcement officer must be submitted by a certified law enforcement officer from the agency or department.

 (J) In addition to other actions outlined in regulations promulgated by the Law Enforcement Training Council, wilful submission of false, misleading, incomplete, deceitful, or incorrect statements to the Criminal Justice Academy, or its representatives, constitutes law enforcement certification misconduct and must be addressed as other allegations of misconduct are addressed by the council.

 (K) For any allegation of misconduct of a law enforcement officer pursuant to this section, SLED, the appropriate investigating agency, or the internal affairs division of the agency must complete their investigation within ninety days from the date of the request for a hearing by the officer unless they seek leave from the hearing officer to extend for a specified time period.

 (L) In addition to the allegations of misconduct specified in this section, any finding by a law enforcement agency as to the use of excessive force by a law enforcement officer must be reported to the academy by the appropriate law enforcement agency or department within thirty days of the finding, the information of which must be maintained by the academy for investigative and personnel hiring purposes. This information is not a public document and not subject to disclosure other than to a law enforcement or prosecution agency, or attorneys representing a law enforcement or prosecution agency, except by court order. This exemption does not preclude the disclosure of any information contained in these records from another source or by another provision of law.

 (M) If an officer with an allegation of misconduct is found not guilty or not at‑fault, the records of the misconduct allegation must be expunged by the council within thirty days.

HISTORY: 2018 Act No. 215 (H.4479), Section 2, eff May 18, 2018; 2022 Act No. 218 (H.3050), Section 2, eff May 23, 2022.

Effect of Amendment

2022 Act No. 218, Section 2, in (A), inserted (f) and (g) and redesignated former (f) to (k) as (h) to (m), and in (m), substituted "willfully providing" for "providing" and inserted "or the Law Enforcement Training Council" at the end; and rewrote (B).

**SECTION 23‑23‑160.** Compliance Division; responsibilities.

 (A) There is hereby established a Compliance Division under the jurisdiction of the council. The inspectors and such other personnel as may be provided for the division shall be selected by the director.

 (B) The division shall be responsible for inspecting, at least once every three years, the relevant policies and procedures for every law enforcement agency in this State to ensure compliance with minimum standards established in Section 23‑23‑85. For the purposes of this section, "law enforcement agency' means any agency or entity of the State or any of its political subdivisions that employs or appoints law enforcement officers.

 (C) If an inspection under this chapter discloses that a law enforcement agency does not meet the minimum standards established in Section 23‑23‑85, the council shall notify the law enforcement agency director and hold a meeting of the council to consider the inspection reports. If requested, the inspection personnel shall appear to advise and consult concerning appropriate corrective action. The law enforcement agency shall initiate appropriate corrective action within ninety days or may be subject to additional penalties, as described in Section 23‑23‑100.

 (D) If a law enforcement agency produces evidence satisfactory to the director to prove the agency is currently accredited by either the South Carolina Law Enforcement Accreditation Council or the Commission on Accreditation for Law Enforcement Agencies, the agency shall be exempt from inspections pursuant to this section and shall be deemed to be in compliance with the minimum standards established in Section 23‑23‑85.

HISTORY: 2022 Act No. 218 (H.3050), Section 5, eff January 1, 2023.

Editor's Note

2022 Act No. 218, Section 9, provides as follows:

"SECTION 9. This act takes effect upon approval by the Governor; however, SECTION 4 and SECTION 5 take effect on January 1, 2023."