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Statutory Authority: 23-23-10 et seq.

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Subject: Suspension of Certification Due to Criminal Charges and/or Indictment

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- 02/02/2015 Received by Lt. Gov & Speaker 06/02/2015

H 02/03/2015 Referred to Committee

S 02/03/2015 Referred to Committee

S 02/24/2015 Committee Requested Withdrawal

120 Day Period Tolled

- 02/25/2015 Withdrawn and Resubmitted 06/03/2015

S 03/12/2015 Committee Requested Withdrawal

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- 03/16/2015 Withdrawn and Resubmitted 01/14/2016

S 04/15/2015 Resolution Introduced to Approve 665

- 01/14/2016 Approved by: Expiration Date

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provided for in the Regulation

Document No. 4524

**SOUTH CAROLINA CRIMINAL JUSTICE ACADEMY**

CHAPTER 37

Statutory Authority: 1976 Code Sections 23‑23‑10 et seq.

37-100. Suspension of Certification Due to Criminal Charges and/or Indictment.

**Synopsis:**

S.C. Code §23-23-80 authorizes the Law Enforcement Training Council to make regulations necessary for the administration of S.C. Code §23-23-10 et seq. S.C. Code §23-23-10, et seq. requires the Law Enforcement Training Council to certify and evaluate eligibility for certification of law enforcement officers in the state of South Carolina. Consistent with this authorization, the Training Council has noted some currently certified law enforcement officers are charged and/or indicted for crimes that, if they resulted in a conviction, could result in disqualification under S.C. Code §23-23-60, S.C. Regulation 38-004, and/or S.C. Regulation 38-016. Due to the potential danger posed to the public in allowing these individuals to remain actively engaged in law enforcement duties while such charges are pending, the Training Council believes this permanent regulation is necessary. This regulation was filed as an emergency regulation on August 1, 2014 at 12:30 p.m. and was also refiled as an emergency regulation pursuant to S.C. Code §1-23-130(C). The emergency regulation expired on February 1, 2015 at 1:54 p.m.

Notice of Drafting for the proposed regulation was published in the *State Register* on August 22, 2014. Proposed Regulations were published in the *State Register* on November 28, 2014. Public Hearing regarding the Proposed Regulations was held on January 28, 2015 before the Law Enforcement Training Council.

Section-by-Section Discussion

Article 5 (New)

37-100 This section deals with suspending certification when law enforcement officers are charged or indicted for crimes which, if they resulted in a conviction, could result in disqualification under S.C. Code §23-23-60, S.C. Regulation 37-025, and/or S.C. Regulation 37-026.

**Instructions:**

Add new regulations.

**Text:**

37-100. Suspension of Certification Due to Criminal Charges and/or Indictment.

A. If a law enforcement officer is charged and/or indicted for a crime that could result in disqualification under S.C. Code 23-23-60, S.C. Regulation 37-025, and/or S.C. Regulation 37-026, the officer’s law enforcement certification may be suspended by the Council until the criminal charge is resolved.

B. Upon receiving notification that a law enforcement officer has been charged and/or indicted for a crime that could result in disqualification under S.C. Code 23-23-60, S.C. Regulation 37-025, and/or S.C. Regulation 37-026 and being informed the Council is suspending the law enforcement officer’s certification until the criminal charge is resolved, the Academy shall notify the officer and the officer’s current law enforcement employer of the suspension of the officer’s law enforcement certification. This notification shall be sent by registered mail, to the current address on file at the Academy, return receipt requested, to the officer and to the current law enforcement employer. It is the responsibility of every law enforcement officer to notify the Academy of his or her current address.

C. Once the criminal charge against the law enforcement officer has been resolved, if the officer is still employed by a law enforcement agency at the time of resolution, it shall be the responsibility of the law enforcement employer to notify the Academy of the resolution of the criminal charge(s) by providing the Academy with certified copies of the Court document(s) showing the resolution of the criminal charge(s).

**Fiscal Impact Statement:**

There will be very little increase in costs to the Academy as the Academy already has several notification requirements in the regulations that could be joined with the requirements of this regulation. There will be great benefits brought about with this change by protecting the public from law enforcement officers that are facing charges and/or indictments for crimes that, if the officer were convicted, could result in disqualification under S.C. Code §23-23-60, S.C. Regulation 37-025, and/or S.C. Regulation 37-026.

**Statement of Rationale:**

Revisions to these regulations are necessary allow the automatic suspension of law enforcement certification when currently certified law enforcement officers are charged and/or indicted for crimes that, if they resulted in a conviction, could result in disqualification under S.C. Code §23-23-60, S.C. Regulation 37-025, and/or S.C. Regulation 37-026. Due to the potential danger posed to the public in allowing these individuals to remain actively engaged in law enforcement duties while such charges are pending, the Training Council believes this permanent regulation is necessary.