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June 17, 2016

Mr. Leroy Smith
Director of Public Safety
South Carolina Department of Public Safety
Post Office Box 1993
Blythewood, SC 29016

Dear Director Smith:

CALEA Accreditation represents a commitment to professional excellence. The work of your organization toward attaining this internationally recognized credential is indicative of sound leadership, as well as practitioner support of adherence to standards.

The report accompanying this transmittal is provided only to the chief executive officer and represents observations and findings from the most recent standards-based review of the organization. It is important to review this document in its entirety with specific attention to any matter indicating compliance concerns, required policy/practice adjustments, or outcomes not reflective of the intent of standards. The Commission will use this document as the primary resource in considering your organization for accreditation. To that end, you or a qualified representative(s) should be prepared to address information contained in this report and respond to inquiries by Commissioners

The South Carolina Department of Public Safety is scheduled for a Review Committee Hearing at the next Commission Conference in Baltimore, Maryland on July 30, 2016. While the Commission does not require your attendance at this hearing, your participation helps ensure a comprehensive understanding of issues impacting your agency's candidacy. An Awards Banquet for successful organizations will occur in the evening following the Review Committee Hearing.

CALEA is *The Gold Standard for Public Safety Agencies* and we are honored to have your organization participate in this highly regarded process.

Sincerely,

Signature Redacted

W. Craig Hartley, Jr.
Executive Director



South Carolina Department of Public Safety
Assessment Report



2016

**South Carolina Department of Public Safety
Assessment Report
April 2016**

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A. Agency name, CEO and AM

South Carolina Department of Public Safety
10311 Wilson Boulevard
Blythewood, South Carolina 29016
www.scdps.gov

Leroy Smith, Director
Vickie Wise, Accreditation Manager

B. Dates of the On-Site Assessment:

April 11 – 14, 2016

C. Assessment Team:

1. Team Leader: Timothy E. Fitch
Chief of Police (Retired)
St. Louis County Police Department
P.O. Box 29315
St. Louis, Missouri 63126-0315
(314) 267-1994
TFitch@fitchllc.net
2. Team Member: Gregg Jones
Commander (Retired)
Lexington Division of Police
150 East Main Street
Lexington, Kentucky 40507
(859) 576-3818
Gregg.Jones@redmile.biz

D. CALEA Program Manager and Type of On-site:

John Gregory, Regional Program Manager

Sixth reaccreditation, D size, 1,521 authorized personnel (1,152 sworn, 369 non-sworn)

Fifth Edition Advanced Law Enforcement Accreditation, utilizing the Gold Standard Assessment.

The agency uses the PowerDMS software program.

E. Community and Agency Profile:

1. Community Profile

South Carolina, the Palmetto State, is a triangle on the map measuring 225 miles from north to south and 285 miles from east to west. It is 40th in geographical size of the 50 states, occupying a total of 31,113 square miles divided into 46 counties. South

Carolina is bordered by two states; North Carolina to the north and Georgia to the south and west. South Carolina represents a portion of our country's history that has been significant. The Spanish colonized the area during the 16th century, followed by the English during the latter part of the 17th century. South Carolina was one of the 13 colonies and became the eighth state in 1788. In 1790, it moved its seat of government from Charleston to Columbia.

South Carolina has an estimated population of 4.6 million and is ranked 24th nationally in population. Columbia, the state's capital, is the largest city in the state with a population of 129,000, followed by Charleston with a population of 120,000. A large portion of the state is bordered by the Atlantic Ocean, making tourism the second largest industry in the state. Agriculture is the largest industry, with large outputs of timber, tobacco, poultry, cattle, hogs, dairy products and soybeans.

The governor of South Carolina is the Honorable Nikki Haley, who is serving her second term. The legislature is comprised of the Senate and House of Representatives. The governor appoints the directors of the state's 16 cabinet agencies with the advice and consent of the Senate. The Director of the South Carolina Department of Public Safety is a cabinet level post.

2. Agency Profile

The South Carolina Department of Public Safety (SCDPS) was established on July 1, 1993 following the passage of the Government Restructuring Act by the South Carolina General Assembly. Its creation was in response to centralize state government and end duplicated and fragmented services. To achieve this goal, the Act required several agencies and divisions to consolidate into one centralized agency – the SCDPS. During the first year, the Criminal Justice Academy, the Law Enforcement Officers Hall of Fame, the State Highway Patrol, the Public Service Commission Safety Enforcement Section (now known as the State Transport Police), the Vehicle Inspection Administrative Services, Driver Records and Financial Responsibility Section and the DPS Safety Programs in the Governor's Office were combined.

In 1994, the SCDPS expanded its operation. The State Law Enforcement Division (SLED) transferred the Capitol Complex Police to the SCDPS and the name of that agency was changed to the Bureau of Protective Services. The Criminal Justice Academy and the Department of Motor Vehicles were separated and are now independent agencies.

Currently, the SCDPS consists of four major law enforcement divisions, all led by a Director: Highway Patrol (HP), State Transport Police (STP), Bureau of Protective Services (BPS) and the Immigration Enforcement Unit. Offices also include Highway Safety, Justice Programs and Law Enforcement Officers' Hall of Fame. The SCDPS continues to grow and is the largest law enforcement agency in the state. The SCDPS has an authorized strength of 1,521 personnel, however, they currently have 290 vacant positions.

3. The demographic composition of the service area and agency are represented in the following table:

Demographics Report

	Service Population		Available Workforce (numbers in thousands)		Current Sworn Officers		Current Female Sworn Officers		Prior Assessment Sworn Officers		Prior Assessment Female Sworn Officers	
	#	%	#	%	#	%	#	%	#	%	#	%
Caucasian	3,152,373	65	1,611	67	782	84	36	4.6	795	85	30	3.1
African-American	1,358,497	28	609	25	119	13	17	14	113	12	13	1.3
Hispanic	268,407	5	131	5	15	2	1	6.6	13	1	0	0
Other	103,544	2	55	2	11	1	0	0	11	1	2	.21
Total	4,882,821	100	2,406	100	927	100	54	5.8	932	100	45	4.7

The agency continues to be underrepresented in the number of minorities they employ; however, they have improved since the last assessment by increasing the percentages of African-Americans, Hispanic and female sworn officers. The SCDPS has a robust recruiting function and continues to strive to increase minority officers in their ranks.

4. Future Issues

During an interview with SCDPS Director Leroy Smith, he described several issues facing the agency in the future. The current SCDPS budget is \$165 million. The Director would like to see an increase in the agency's budget to support an improved salary structure for personnel. Many SCDPS personnel are leaving for higher paying positions in other law enforcement agencies and private companies. He would like to see the minimum starting salary raised for commissioned officers to \$40,000.

As evidenced by the number of vacancies, recruiting and retaining a sufficient number of qualified applicants, to include minorities, continues to be a challenge. The agency has transitioned from traditional recruiting methods to those that appeal to the younger generation, especially using social media; however, seats in the training academy are still going unfilled. The Director believes an increase in the salary will improve the recruiting mission.

Training requirements are increasing and changing due to world events such as Ferguson, Paris and San Bernardino. All sworn personnel are receiving additional training in civil disturbance and active shooter response.

Like most agencies, the agency has found that keeping technology current is expensive. The agency is implementing electronic ticketing and body cameras. Currently there are 58 body cameras deployed with the HP, STP and the BPS. The

program will expand when more funding becomes available. The agency has a robust presence on social media, to include several popular Twitter handles.

The Director would like to maximize relationships with other state organizations, governmental bodies and community groups. In order to increase transparency, the Highway Patrol has established seven Community Advisory Councils. The councils meet quarterly to review policy matters and to get public input. The agency is developing a youth mentoring program, T.Y.T.L (Today's Youth; Tomorrow's Leaders).

The agency is developing a succession plan due to the number of retirements in executive leadership that is expected to occur in the next few years. They would like to provide training for all personnel in career development and implement an internal leadership training program.

Capital needs are also a future issue for the SCDPS. The agency needs an additional four to six million dollars per year to improve the vehicle fleet. Generally, they are allocated only two million dollars per year for vehicles. Vehicles are not rotated out of the fleet until they have 150,000 – 180,000 miles and maintenance expenses are costly for the older vehicles. Additionally, several Troop Post buildings need to be replaced or renovated.

5. CEO Biography

Director Leroy Smith was appointed by Governor Nikki Halley in October 2011 to lead the SCDPS. As Director, he represents the agency and the Governor on numerous committees, councils and appointments. Prior to Director Smith's appointment to serve in South Carolina, he served as a Major in command of operations of the Florida Highway Patrol (FHP) Training Academy. Prior to that position, he was chief of the FHP Bureau of Investigations. Director Smith also served as chief of the Office of Inspections and Office of Homeland Security and Emergency Management for the FHP.

Director Smith is a veteran law enforcement professional, serving in law enforcement for more than 26 years. He is a graduate of the 37th Session of the FBI National Executive Institute. In addition to his extensive law enforcement experience, Director Smith has a Master's Degree in Public Administration from Florida State University and has served in the United States Navy.

F. Public Information Activities:

Public notice and input are a corner stone of democracy and CALEA accreditation. This section reports on the community's opportunity to comment on their law enforcement agency and to bring matters to the attention of the Commission that otherwise may be overlooked.

Public Information Session

- a. A Public Information Session was held in the SCPDS conference room on Tuesday, April 12, 2016 at 6:00PM. The session was attended by four agency employees and one citizen. Only the citizen chose to speak to the Assessment Team. The speaker, James T. McLawhorn, Jr. is the President and CEO of the Urban League of Columbia, SC. Mr. McLawhorn complimented the agency, and specifically Director Smith, for the positive changes they have made in community relationships. He said the agency is responsive to community needs and complaints. He spoke about the positive community response to how the SCDPS handled a shooting of an unarmed African-American motorist by a Highway Patrol trooper. He concluded his comments by saying that the SCDPS is a "role model for fair treatment to all citizens."
- b. Telephone Contacts
On Wednesday, April 13, 2016, between the hours of 1:00 PM and 3:00 PM, the public and agency employees had the opportunity to telephone the Assessment Team and provide comments. Two calls were received from South Carolina law enforcement officials. Mark Keel is the current Chief of the South Carolina Law Enforcement Division (SLED) and the former SCDPS Director. He said the SCDPS is a talented agency with many professional employees and deserves to be reaccredited. Danny Isgett is an Inspector with the Berkeley County Sheriff's Office in Moncks Corner, SC. He participated in the mock assessment of the SCDPS and described in the agency's important role in the South Carolina Police Accreditation Coalition. He also recommended reaccreditation.
- c. Correspondence
No correspondence was received regarding this agency.
- d. Media Interest
A press release was made announcing the on-site assessment, public hearing and call-in session to all television stations, radio stations and newspapers in the state of South Carolina. None of the media outlets chose to publish or announce the on-site.
- e. Public Information Material
The public notice was posted throughout the agency, state government buildings, on their public website, social media and by email to agency employees.
- f. Community Outreach Contacts
The Assessment Team interacted with more than 100 members of the agency and the community during the on-site assessment. The interactions came primarily during the agency tour, multiple ride-alongs and interviews that were conducted before and during the on-site assessment. Notable community interviews included Jarrod Bruder, Executive Director of the South Carolina Sheriff's Association. Mr. Bruder said the SCDPS has wide support among the

elected sheriffs in the state. He said his organization wrote to the Governor requesting that Director be reappointed to his position due to his responsiveness to their needs.

Felica Rude is the Special Agent in Charge for the United States Secret Service in Columbia. The USSS and the SCDPS interact often, mostly due to criminal investigations and dignitary visits. Ms. Rude said the agency is professional and is always willing to help.

Chris Wuchenich is the Chief of Police for the University of South Carolina Police Department in Columbia. He described SCDPS personnel as professional and willing to assist other law enforcement agencies with their expertise.

David Thomas is the Special Agent in Charge for the FBI in Columbia. Mr. Thomas said the SCDPS is a professional agency that the FBI works with often and receives support.

All of the community outreach contacts recommended reaccreditation for the agency.

G. Essential Services

Law Enforcement Role, Responsibilities, and Relationships and Organization, Management, and Administration. (Chapters 1-17)

The agency actively participates in various social service diversion programs. The SCDPS acknowledges that criminal justice and social service diversion programs are effective alternatives to the criminal justice process. All SCDPS officers, in recognition that prosecutorial discretion is the province of the solicitor and of the social service function of law enforcement, are required to cooperate with the appropriate circuit solicitor's office when requested to recommend or approve candidates for pretrial or other appropriate diversion programs. Juveniles are particularly targeted for diversion.

Uniquely, the victim and the SCDPS play a major role in whether a defendant will be allowed to participate in social service diversion programs. Prior to the defendant being admitted to a pretrial intervention program, the victim of the crime for which the applicant is charged and the law enforcement agency employing the arresting officer is asked to comment in writing as to whether or not the applicant should be allowed to enter an intervention program. Upon receipt of the written recommendation, the judge or solicitor makes a decision on the recommendation.

Sworn personnel may exercise alternatives to arrest. For example, a uniform traffic ticket can be used in lieu of an arrest warrant for traffic offenses as well as certain other non-traffic offenses. Officers may also issue a written warning or a documented public contact in lieu for formal charges.

Bias Based Profiling

The agency has an extensive bias based profiling written directive. The SCDPS is committed to unbiased policing and has provided guidelines to employees to clarify the circumstances in which officers can consider race/ethnicity when making law enforcement decisions. The policy also provides guidelines for training, collection of enforcement data and a mechanism for investigation and review of citizen allegations and data relating to biased policing.

The SCDPS prohibits the stopping and detention of a person or motorist, or the searching of a vehicle or person based in whole or part on a trait common to a group without actionable intelligence to support consideration of that trait. This includes, but is not limited to, the individual's race, ethnic background, national origin, gender, sexual orientation/identity, age, religion, cultural group, socioeconomic status or any other identifiable characteristics.

All SCDPS basic trainees and incumbent commissioned officers receive initial training that addresses the scope and purpose of their biased based profiling policy, as well as the legal, ethical, moral and procedural reasons for the prohibition against biased policing. Disciplinary implications for violations are also reviewed. All officers are required to receive annual in-service training on the policy and procedures. Corrective actions for violation of the policy may include additional training, verbal counseling and disciplinary actions up to and including termination.

The Director of SCDPS has appointed a committee to review the statistical data related to biased-based policing generated through the data collection process. The committee consists of a chair and has no fewer than two command level representatives from the Highway Patrol, the State Transport Police, the Bureau of Protective Services and one command level representative from the Immigration Enforcement Unit and two at-large members. The committee members from each division serve at the discretion of the Director. The current committee chairman is Major Melvin Warren of the Highway Patrol. An assessor interviewed Major Warren regarding the Bias Based Policing Committee.

Major Warren said the committee meets no less than once annually and reviews all data and information for policy violations, offenses, trends and related matters. They last met in February 2016. The committee prepares an annual biased policing report that addresses all findings for the Director's information and review.

The Office of Professional Responsibility (OPR) investigates citizen allegations of biased policing and reports its findings to the Director. At the request of the Director, OPR investigates potential occurrences of biased policing based on the analysis of the collected statistical data. An assessor interviewed Chief Kenneth Phelps, who commands the OPR, as well as one of his investigative supervisors, Sergeant John Boehm. Both explained the investigative process regarding discipline in general and bias based policing complaints specifically.

During this assessment period, a total of 26 citizen complaints were made regarding biased based profiling. None of the complaints were sustained. The agency saw a significant increase in complaints in 2015 (12) from six in 2013. There were a total of 12 complaints of this nature during the last assessment period. Major Warren and Chief Phelps attributed the more than two-fold increase in bias based complaints during this assessment cycle to major events occurring in the U.S. and in South Carolina. Specifically, citizens reacted to race-related incidents with police in Ferguson, Baltimore, the shooting of Walter Scott by police in North Charleston as well as the controversy regarding removal of the confederate flag on the state capitol grounds in Columbia.

Biased Based Profiling Complaints

Complaints from:	2013	2014	2015
Traffic Contacts	5	4	12
Field Contacts	1	4	0
Asset Forfeiture	0	0	0

Major Warren pointed out that bias based training and policy were discussed by the command staff after noticing the increased complaints, however no changes to policy were made. In 2015, all agency personnel received training on cultural diversity provided by the U.S. Department of Justice.

Traffic Warnings and Citations*

2013

Race/Sex	Warnings	Citations	Total
Caucasian/Male	146,213	200,674	346,887
Caucasian/Female	89,139	100,918	190,057
African-American/Male	72,992	107,892	180,884
African-American/Female	54,618	66,947	121,565
Hispanic/Male	7,354	18,196	25,550
Hispanic/Female	2,463	4,987	7,450
Asian/Male*	N/A	N/A	N/A
Asian/Female*	N/A	N/A	N/A
OTHER	3,997	5,358	6,844
TOTAL	376,776	504,972	881,748

2014

Race/Sex	Warnings	Citations	Total
Caucasian/Male	124,216	183,739	307,955
Caucasian/Female	75,696	94,509	170,205
African-American/Male	62,361	100,555	162,916
African-American/Female	46,920	63,346	110,266
Hispanic/Male	6,621	18,782	25,403
Hispanic/Female	2,181	5,120	7,301
Asian/Male*	N/A	N/A	N/A
Asian/Female*	N/A	N/A	N/A
OTHER	3,692	5,140	2,582
TOTAL	321,687	471,191	786,628

2015

Race/Sex	Warnings	Citations	Total
Caucasian/Male	109,576	165,226	274,802
Caucasian/Female	67,809	86,696	154,505
African-American/Male	57,701	94,329	152,030
African-American/Female	43,998	60,104	104,102
Hispanic/Male	6,505	18,554	25,059
Hispanic/Female	2,199	5,187	7,386
Asian/Male*	N/A	N/A	N/A
Asian/Female*	N/A	N/A	N/A
OTHER	3,304	5,025	8,329
TOTAL	291,092	435,121	726,213

*Asian numbers are included in the "Other" category.

Since 2013, there has been a steady decline in both warnings and citations. Grant opportunities and highway safety programs may play a factor in increased numbers in the future as the agency seeks to influence traffic fatalities through education and enforcement. Caucasian drivers, male and female, receive more citations and warnings than other races/nationalities. The agency documents all its contacts with citizens in the form of warning notices for motorists or a contact report for pedestrians.

Use of Force

Sworn personnel are required to only use force that is reasonable to accomplish lawful objectives while protecting their life and the lives of others. The use of force must be discontinued when it becomes apparent to the officer that the force is no longer needed or the use of force poses a threat to innocent bystanders. An officer may use deadly force against persons only when the officer reasonably believes such action is in defense of human life or in defense of any person in imminent danger of serious physical injury or death. Agency policy adequately defines conditional terms such as serious physical injury and reasonable belief. The agency prohibits warning shots and none were reported during this assessment period.

Less lethal weapons (baton, OC spray and TASER) are authorized and controlled by SCDPS written directive. All require annual training.

A written report is submitted whenever an employee discharges a firearm (other than during training, destroying a sick or injured animal or recreational purposes), takes action that results in or is alleged to have resulted in injury or death of another person or when force is applied through the use of lethal or less lethal weapons. A report is required when an officer uses hard empty hand control or any greater level of control, with the exception of handcuffing a person who is exhibiting compliance.

All incidents involving the use of force are reviewed by the Office of Professional Responsibility. The investigation determines whether the matter should be referred for criminal investigation, dismissed, or warrants disciplinary action. The Division Director or designee discusses the findings of the investigation with the officer. If warranted, disciplinary action is recommended by the Division Director per SCDPS policy. Results of the OPR investigation are forwarded to the SCDPS Director and appropriate division director for review and action.

When force is used by any officer that results in death or serious physical injury in a duty-related incident, the officer is temporarily reassigned from line of duty status and placed on administrative duty. Removal from line of duty status during a pending criminal investigation, administrative review period or OPR investigative stage is not punitive and the officer remains in paid status. Assignment to administrative duty continues until the Director determines that is appropriate for the officer to return to full duty. The Director may withdraw the administrative duty after a minimum of three calendar days if he determines that the involved officer may safely return to duty.

Annually, personnel authorized to carry weapons are required to receive in-service training on the agency's use of force policies and demonstrate proficiency with all approved lethal and less lethal weapons.

Officers who fail to qualify at initial annual qualification are given immediate individual instruction by a department firearms instructor. The officer is given two additional attempts to qualify prior to leaving the firearms range. Any officer who has not qualified at this point is relieved of his/her firearms and issued vehicle and required to take leave until such time he/she qualifies. Additional remedial training is provided within the next 14 days. After intensive training, any officer failing to qualify will be considered to be permanently removed from law enforcement service.

Agency directives require an annual comprehensive analysis of its use of force activities, policies and practices. The analysis is conducted by the Highway Patrol Training Unit. Results of the analysis are provided to the Director for any action he deems necessary.

An assessor noted while reviewing the annual analysis reports that only the Highway Patrol's activities were analyzed in 2013 and 2014. The reports specifically detailed the "South Carolina Highway Patrol" use of force activities. There was no mention of the other three enforcement divisions of the SCDPS (State Transport Police, Bureau of

Protective Services and Immigration Enforcement Unit) in the reports. The assessor was able to verify with the agency that the other three divisions are authorized to use force – and some did use force - however their use of force activities were not being analyzed annually by any component of the SCDPS. The assessor noted that the 2015 report title was changed from the 2013 and 2014 title, “South Carolina Highway Patrol” to “South Carolina Department of Public Safety.” Even though the title was changed, the 2015 report still only analyzed uses of force for the Highway Patrol and there was no mention of the STP, BPS or Immigration Enforcement Unit.

During the on-site, an assessor interviewed Highway Patrol Captain E. J. Talbot, who is the Training Unit Coordinator. The captain is responsible for tracking certification for HP troopers, basic training and in-service training. Captain Talbot conducts the annual analysis of use of force incidents and prepares an excellent report. Captain Talbot verified that he analyzed only Highway Patrol uses of force in 2013 and 2014. He said that the other SCDPS enforcement units’ statistics were included and analyzed in the 2015 report. When the assessor asked for the 2015 numbers to be separated to show how many uses of force were attributed for each enforcement division, Captain Talbot investigated further and found that there was a miscommunication with his subordinates who provided the data for analysis. Captain Talbot’s final determination was the only the Highway Patrol’s uses of force were analyzed in 2013, 2014 and 2015.

The assessment team brought this information forward to Director Smith. He understands the oversight and recognizes that all uses of force, policies and practices by all SCDPS personnel must be analyzed for future reports. See Section H (Standard Issues) of this report for additional details concerning this oversight. This same issue was discovered when reviewing the annual analysis for vehicle pursuits.

Use of Force

	2013	2014	2015
Firearm	1	1	0
ECW (TASER)	35	49	38
Baton/Impact Weapon	4	1	0
OC	3	2	2
Weaponless	49	33	49
Total Uses of Force	92	92	91
Total Use of Force Arrests	75	89	89
Complaints	9	7	2
Total Agency Custodial Arrests	12,869	12,182	11,244

Captain Talbot noted that all of the SCDPS divisions operate under the same policies concerning uses of force. There have been no changes in the policy during this assessment period.

During this assessment period, the South Carolina Highway Patrol came under intense national scrutiny following a shooting captured on agency dash camera video involving

a trooper and an African-American motorist on September 4, 2014. Lance Corporal Sean Groubert stopped the motorist for a seat belt violation and asked for his driver's license. When the motorist reached into his car, the trooper drew his firearm and started shooting at the motorist. No weapon was observed or found on the motorist. The motorist survived. The SCDPS requested a criminal investigation to be conducted by the South Carolina Law Enforcement Division. The trooper was terminated by the SCDPS on September 19, 2014 and charged with several felonies on September 24, 2014. He later plead guilty to charges resulting from the shooting. According to Captain Talbot, the agency internally reviewed their training and policies following the shooting and determined that the incident was a personal decision on the part of Groubert individually, rather than a reaction to agency policy or training.

The Research and Development Unit is charged with the task of effectively evaluating requests for new and innovative equipment and services for all law enforcement functions of the agency. This includes the Multiyear Plan, called the Comprehensive Permanent Improvement Plan (CPIP). Since the Highway Patrol is the largest law enforcement function within the SCDPS, the Research and Development Unit is administratively housed under the Highway Patrol. During the on-site, an assessor interviewed Major Jerry Moore, who reports to the Director and is responsible for Strategic Services and other components of the SCDPS. Major Moore said that each division within SCDPS prepares a strategic plan and they are combined into a SCDPS overall plan. The plan also contains objectives and goals generated by a legislative oversight report and an accountability report.

During the on-site, an assessor interviewed three members of the SCDPS finance function. Paul Lewis is the Chief Financial Officer, Dana Ray is the Budget Manager and Bruce Dorman is the Director of Accounting. The agency tracks all funds via the South Carolina Enterprise Information System (SCEIS). The agency has no cash or informant funds.

During the on-site, the assessment team extensively interviewed the executive management of the SCDPS. In addition to Director Leroy Smith, the assessors interviewed Colonel Michael Oliver of the Highway Patrol, Colonel Leroy Taylor of the State Transport Police, Chief Zackary Wise of the Bureau of Protective Services and Lieutenant Eddie Johnson of the Immigration Enforcement Unit. All four are Division Directors and report directly to SCDPS Director Smith.

Personnel Structure and Personnel Process (Chapters 21-35)

Grievances

During the on-site, an assessor interviewed three members of the Office of Human Resources at the SCDPS. Tosha Autry is the Director of Human Resources; Sierrah Oates is the Employee Relations Manager and Monika Taras-Michalski is an Employee Relations Specialist. The HR employees described the grievance process.

The State Employee Grievance Procedure Act provides that the SCDPS establish an employee grievance procedure for covered employees. The procedure has been approved by the state Human Resources Director. As provided for in the Act, grievances and appeals include terminations, suspensions, involuntary reassignments in excess of 30 miles from a prior work station and demotions. Reclassifications, reassignments and transfers within the same state salary range are not considered grievable or appealable. Failure to be selected for a promotion and compensation is not considered an adverse employment action which can be considered a grievance or an appeal. The Employee Relations Manager collaborates with the Human Resources Director for coordination of the grievance procedures and for the maintenance and control of grievance records.

Prior to filing a formal grievance, the covered employee may first attempt to resolve the matter informally with his/her immediate supervisor. The matter may be presented verbally or in writing. If the matter was not resolved informally with the covered employee's immediate supervisor, the covered employee must notify the agency's Human Resources Office in writing to initiate a formal grievance within 14 days. The HR Director or other designated official reviews the grievance to determine whether the matter involves a grievance as defined by the Act. If the matter is not grievable, the employee is notified. If the matter is grievable, the HR Director or other designated official will contact the employee and the agency representative(s) to inform them the issue can be heard under the grievance procedure and to inquire whether or not they desire to participate in voluntary mediation. If both sides agree to mediation, HR acquires an impartial third party mediator. If the parties agree to settle the matter, the mediator assists in drafting a mediation agreement which both parties must sign. If the matter is grievable and the employee or agency submits a written decision not to participate in mediation or fails to respond timely concerning mediation, HR schedules a conference between the employee and the appropriate agency representative. At the conference, the employee has an opportunity to present his/her position regarding the grievance. The agency's representative may conduct appropriate investigations and fact findings to determine whether to accept, reject, or modify the action taken against the employee.

If the employee is not satisfied with the decision, he or she may file in writing with the agency's HR office a continuation of the grievance to the Department Director. The Department Director schedules a conference with the employee. The employee is provided an opportunity to present his/her position regarding the grievance. The Department Director may conduct additional investigations and fact findings to determine whether to accept, reject or modify the action taken against the employee. This decision is final within the Department. However, the Act provides for an appeal of a grievance beyond the Department to the State Human Resources Director. This process is described in state code and posted on the state's public website. The Employee Relations Manager is responsible for conducting an annual analysis of its grievances, as well as supporting policies and practices. The Human Resources Manager reviews the report with the SCDPS Director.

Formal Grievances

Grievances	2013	2014	2015
	14	26	22

The agency has a comprehensive code of conduct and appearance written directive. The code applies to all employees of the SCDPS, to include sworn and civilian and it covers all areas of ethical behavior and appearance. Supervisors are charged with enforcement of the code.

The SCDPS recognizes exceptional work performed by its employees. The Director appoints seven employees to serve as members of the Awards Committee. The committee consists of one Division Director or designee, one Major, one Captain, one Lieutenant, one First Sergeant or Sergeant or Corporal or Lance Corporal and one other employee (sworn or civilian). Members selected to the committee serve for two years unless replaced by the Director. The chairperson of the committee is the law enforcement officer with the highest rank. The committee meets at least quarterly to review award nominations and recommend to the Director those nominees it believes should receive such awards. The Director makes the final decision regarding who will receive awards. There are various classifications of awards to include the Medal of Valor and Purple Heart. There are Director level awards, such as the Exceptional Services (Hero) Award, Equal Employment Opportunity Award, Officer of the Year, Employee of the Year, Going the Extra Mile Award and Telecommunications Operator of the Year. Citizens may also be recognized.

The agency is committed to a harassment-free workplace. They have issued a strong statement to employees that harassment will not be tolerated based on race, national origin, religion, age, sex, disability, color and gender. The policy covers not only employees, but also contractors and volunteers. Managers and supervisors are required to take immediate action to stop harassment, to protect the people targeted by the harasser and to take all reasonable steps to ensure that no further harassment or retaliation occurs. Employees are required to report harassment to their supervisor or the department's EEO manager. Employees who engage in harassment face disciplinary action ranging from verbal warnings to termination, depending on the seriousness of the misconduct. Managers and supervisors who do not take action when they know or suspect that harassment is occurring also face disciplinary action.

During this assessment period, a total of seven complaints of unlawful harassment were made. Of the seven complaints, one employee resigned during the investigation and another received a two-day suspension after the complaint was sustained. The other five complaints were either unfounded or not-sustained.

Disciplinary

The agency has an extensive disciplinary policy. Disciplinary actions imposed for unacceptable conduct is generally progressive in nature with consideration given to the

severity of the conduct and the employee's past record. The SCDPS has developed Guidelines for Disciplinary Action, however, they are recommendations and not mandatory. The agency reserves the right to impose any type of disciplinary action for any offense as it deems appropriate, including termination from employment for a first offense. All disciplinary actions become part of the employee's official personnel file and may not be removed.

Disciplinary actions occur for the purpose of correcting or punishing inappropriate work behavior. Disciplinary actions consist of Level I reprimands (minor, first time infractions) and Level II reprimands (repeated occurrence of a minor infraction or a first occurrence of a more serious offense), suspensions, demotions, involuntary reassignments and terminations. Procedures exist for using training and counseling as a function of discipline.

Supervisors are required to consult with the agency's Office of Human Resources prior to imposing any corrective action or attempting to resolve any disciplinary matter. Human Resources prepares a report that includes the employee's performance evaluations, Personnel Early Warning System information and prior discipline. The Division Director makes a recommendation for discipline and Human Resources reviews for consistency in discipline and drafts a letter of discipline.

Supervisors may also initiate counseling or training in order to resolve minor infractions of policies, procedures, rules and regulations. These actions are required to be documented and kept in the supervisor's file with a copy of the documentation forwarded to the Office of Human Resources for entry into the agency's Personnel Early Warning System.

A Disciplinary Review Committee has been established to review recommendations for suspension, demotion and termination. The committee consists of the Human Resources Director, General Counsel, OPR Chief and Division Director. The SCDPS Director receives a recommendation from the Disciplinary Review Committee and makes the final decision on the discipline administered.

Employees may be procedurally suspended by the SCDPS while under investigation and/or further consideration of the appropriate disciplinary action. Procedural suspensions require the approval of the Director or his designee. All suspensions, demotions, involuntary reassignments or terminations require approval of the Director or his designee prior to the discipline being administered. Divisions with employees working other than normal business hours may procedurally suspend an employee or remove him/her from service until the Director or his designee makes a final decision concerning suspension or termination.

Some disciplinary actions are appealable via the grievance process. Reprimands are not grievable, however suspensions, demotions, reassignments and terminations are grievable. If employee misconduct results in termination, the agency's written directive

provides for a written statement citing the reason for dismissal, the date of dismissal and a statement of the status of fringe and retirement benefits after dismissal.

Personnel Actions

	2013	2014	2015
Suspension	18	17	9
Demotion	1	3	3
Resign In Lieu of Termination	5	4	0
Termination	21	28	25
Other	155	167	154
Total	200	219	182
Commendations	110	111	134

Recruitment and Selection

The SCDPS strives to attract and hire members that reflect the ethnic, racial, and gender workforce composition in the jurisdiction it serves. The agency has a recruitment directive and corresponding recruitment plan that incorporate Equal Employment Opportunity and Affirmative Action policies. The Office of Human Resources compiled a recruitment plan from each function that serves as the recruiting strategic planning document for the SCDPS. Recently, the agency began quarterly reporting of recruiting activities, previously reported annually prior to 2015. For the Highway Patrol, a corporal completed quarterly data reports to provide timely feedback to recruiters. Annually, the recruitment plan is reviewed to determine progress and any needed revisions.

The recruitment plan identified the targeted populations for recruitment: females and African-Americans. Demographics revealed that the agency employs just under six percent sworn female officers. While this is lower than desired, the agency has made progress versus the previous assessment when approximately four percent of its ranks were female officers. Corporal Michael Zang advised the team of the initiatives to increase women applicants. While each division has a trained recruiter, the Highway Patrol selected female troopers to receive recruiter training to assist with various efforts to include recruiting at women's colleges and attending some women's organization functions. Corporal Zang further stated that during career fairs, recruiters will personally engage female attendees in order to explain the benefits of becoming a member of the organization. Recently, recruit class representation has included a number of female officers.

Efforts to attract all candidates include a variety of methods. The agency uses several social media applications to attract potential applicants as well as police and government websites and continual acceptance of applications through its government online portal. Recently, several strategically placed billboards throughout the state highlight career opportunities within the organization. During the on-site, assessors saw several of the billboards on major highways. The agency strives to reach the Hispanic

community by broadcasting opportunities on local Hispanic radio stations. Several military installations are within driving distance from SCDPS headquarters and are included in its recruit planning.

Human Resources Director Tosha Autry explained the hiring processes. Processes for Highway Patrol and State Transport Police positions are identical and include: application, initial screening, physical agility and written test, background investigation, polygraph, oral interview, medical physical, offer of employment and registration of officer for the basic academy. Hiring for the Bureau of Protective Services varies slightly and the Immigration Enforcement Unit's members are entirely from internal lateral movement. The agency is critical in its screening processes to ensure the quality of employees. An Executive Review Committee is established to review critical information obtained from each background investigation to determine which applicants are suitable to be interviewed. The committee will provide a list of suitable applicants to the appropriate law enforcement division. Upon approval by the division director, all suitable applicants will be scheduled for an interview by the Selection Review Board which conducts the oral interview.

All of the agency's law enforcement divisions necessarily differ slightly in unique and important ways regarding personnel selection. Nevertheless, basic principles exist for the development of an efficient, effective, and fair selection process. To that end, all minimum qualifications or criteria are job related and all elements of the agency's selection process are administered, scored, evaluated, and interpreted in a consistent and uniform manner. Employment selection processes for non-sworn employees is clearly identified as well. Agency policy lists each step of this process which leads to civilian hires within approximately three months.

**Sworn Officer Selection Activity
 2013- 2015**

Race/Sex	Applications Received	Applicants Hired	Percent Hired	Percent of workforce population
Caucasian/Male	3,988	234	6	40
Caucasian/Female	485	31	6	27
African-American/Male	1,747	36	2	18
African-American/Female	842	25	3	10
Hispanic/Male	189	8	4	3
Hispanic/Female	52	0	0	2
Other Male	216	2	1	1
Other Female	73	0	0	1
Total	7,592	336	4	100

Training

The agency has averaged two new recruit classes per year for the Highway Patrol, however recently this increased to three classes per year. During the on-site assessment, a class of 23 recruits were in the academy phase of training. Recruit training is more than 20 weeks in duration in three separate phases. The initial

orientation is three weeks, followed by 12 weeks at the South Carolina Criminal Justice Academy in Columbia. Upon completion of the academy, new recruits return for six additional weeks with the agency before beginning field training. Field training is 400 hours in four phases: orientation, field application, field demonstration and evaluation. Every Field Training Officer (FTO) attends 40 hours of FTO training. State Transport Police and Bureau of Protective Services training are similar in structure.

The Department of Public Safety training academy consists of eight state certified, full-time instructors. Adjunct instructors from all over the state are utilized as needed for specialty areas to include firearms and commercial vehicle enforcement. In-service training includes six hours of core mandated annual training plus additional training accumulating to 40 hours within three years in order to maintain state certification in accordance with South Carolina law. In-service training occurs at various ranked levels, i.e. lieutenant, captain, major, executive.

The agency conducts remedial training as needed during academy, field training and after initial training in critical areas as identified by supervisory personnel. Remedial training may be initiated at the line level or referral to the academy, depending on the need and nature of the training. Remedial training requests go through the chain of command and are documented in the employee's training record upon successful completion. New supervisors are prepared to assume responsibility by attending a basic supervisor course held at the Criminal Justice Academy.

Promotions

The SCDPS is committed to ensuring that promotional processes are conducted in a fair, impartial, and consistent manner. As such, well defined processes have been established to ensure the employee knows the necessary steps to achieve promotion. The SCDPS Director is responsible for the promotions of all candidates in the agency. The steps for the promotion process are similar for the Highway Patrol, State Transport Police and the Bureau of Protective Services. The Immigration Enforcement Unit process varies slightly due to the few number of employees in that division.

The request to promote comes through the chain of command to the director of the corresponding division. Commissioned applicants complete an Officer Vacant Position form. After posting, the applicant has five days to reply. The process includes a written examination, which is valid for two years, interview and internal disciplinary review. An overall numeric score is given based on seven weighted categories. The director of each division determines five candidates to be reviewed by the SCDPS Director. Each promotion requires a six-month probationary period.

Sworn Officer Promotions

PROMOTIONS – 2013-2015			
	2013	2014	2015
GENDER / RACE TESTED			
Caucasian/Male	177	136	149
Caucasian/Female	3	2	3
African-American/Male	34	14	23
African-American/Female	4	2	4
Hispanic/Male	3	3	1
Hispanic/Female	0	0	0
Other Male	0	4	4
Other Female	0	0	0
GENDER/ RACE ELIGIBLE AFTER TESTING			
Caucasian/Male	177	134	153
Caucasian/Female	3	2	3
African-American/Male	33	14	22
African-American/Female	4	2	4
Hispanic/Male	3	3	2
Hispanic/Female	0	0	0
Other Male	0	4	4
Other Female	0	0	0
GENDER/ RACE PROMOTED			
Caucasian/Male	58	39	48
Caucasian/Female	1	1	2
African-American/Male	9	11	12
African-American/Female	2	0	1
Hispanic/Male	1	1	2
Hispanic/Female	0	0	0
Other Male	0	1	2
Other Female	0	0	0

In the last two years of testing, the ratio of minorities being promoted increased over 2013 ratios. Since the written exam is valid for two years, those eligible after testing may increase over the eligible number, as it did in 2015. While much of the promotion process is not reviewable or subject to grievance, there is a formal process to dispute questions from the written exam through the Office of Human Resources.

The Personnel Early Warning System (PEWS) is the responsibility of the Office of Human Resources. Division Directors make the decision regarding the employees who are selected for intervention. Intervention may include a variety of actions, to include verbal counseling, additional training or referral to the Employee Assistance Program. The Director of Human Resources consults with the appropriate Division Director, OPR and Finance Office (for vehicle collisions) when determining if an employee should be entered into the PEWS. The Human Resources Director conducts an annual evaluation of the PEWS. An average of one employee per quarter is entered into the PEWS.

Law Enforcement Operations and Operations Support (Chapters 41-61)

The agency has a written directive regarding the interaction of agency personnel with persons suspected of suffering from mental illness. The policy provides a guideline for recognizing characteristics of mental illness. Each telecommunications center has a copy of the updated South Carolina Area Mental Health Developmental Disabilities and Substance Abuse Programs booklet, which contains available community mental health resources and authorized evaluation facilities for their area of responsibility. All entry-level personnel receive training regarding mental illness. In-service training is conducted every three years.

The Highway Patrol division of the SCDPS deploys in-car and body-worn cameras to enhance officer safety, collect and document evidence and enhance training and officer evaluation initiatives. The in-car cameras are activated when the blue lights and/or siren are in operation and/or when the officer manually activates the system. The in-car system is required to be activated during interaction with violators or suspects to include transportation to a jail or detention facility. The Highway Patrol also uses body-worn cameras, when the officer's primary function is to answer calls for service and interact with the public.

The Highway Patrol requires each Troop Commander to view at least four hours of recordings per month. Troop Lieutenants review at least two hours per week from troopers in their assigned post and each First Sergeant and Sergeant will view at least two hours per week from troopers assigned to their post. Each review is documented on a Videotape Monitoring Form and forwarded to Patrol Headquarters. In addition to the random review, each critical incident involving a trooper is immediately reviewed by a higher ranking supervisor to ensure compliance with policy. Any incident that would place the Highway Patrol in disrepute or any incident of noncompliance with policy and procedure is immediately forwarded to Patrol Headquarters.

Crime Statistics and Calls for Service

The various divisions within the SCDPS are generally not responsible for original jurisdiction over Part I offenses, as its primary law enforcement mission is traffic enforcement on the highways of the state, as well as immigration enforcement. However, the Bureau of Protective Services has original jurisdiction over offenses that occur at the state capitol complex and state government facilities in Columbia.

Year End Crime Stats*

	2013	2014	2015
Murder	0	0	0
Forcible Rape	0	0	0
Robbery	0	0	0
Aggravated Assault	0	0	7
Burglary	7	5	0
Larceny-Theft	12	26	14
Motor Vehicle Theft	2	1	0
Arson	0	0	0

*The BPS is the only division with original crime jurisdiction

Vehicle Pursuits

The SCDPS policy allows officers to pursue fleeing suspects in a manner that is reasonable and necessary to accomplish lawful objectives, while protecting their life and the lives of others. Forcible stops are only authorized when deadly force is justified. A pursuit is justified only when the necessity of the apprehension of a suspect outweighs the risks created by the pursuit. Officers, as well as supervisors monitoring a pursuit may terminate it at any time. Pursuits are limited to no more than three pursuing police vehicles unless circumstances dictate an identifiable need and the use of additional vehicles have been authorized by a supervisor.

At the conclusion of a pursuit, the immediate supervisor ensures that a Pursuit Report is completed by the primary officer. The Precision Immobilization Technique (PIT) may be used if the officer has received training on use of the maneuver. SCDPS officers are permitted to operate roadblocks when it is deemed necessary to promote public safety or apprehend suspects. The agency defines roadblocks as deadly force and they are only authorized when deadly force may be used.

The immediate supervisor begins a review of the pursuit as soon as practical following the termination of the pursuit. The immediate supervisor compiles existing evidence and data related to the incident for a thorough review. This review is documented and forwarded through the chain of command to the appropriate Division Director for review. If misconduct is suspected, an investigation and action will be taken in accordance with applicable agency policy. The Division Director forwards the Pursuit Report to the training staff for the purpose of compiling pursuit data.

The Highway Patrol's Training Unit Commander conducts an annual analysis of all Highway Patrol pursuits, which are submitted to the SCDPS Director with any recommendations. The analysis contains a comprehensive review of the pursuit policy and procedures.

During the on-site, an assessor reviewed the pursuit analysis and the review of pursuit policies and reporting procedures and found that the reports only included the Highway Patrol. The other three enforcement agencies within the SCDPS also are allowed to engage in pursuits and one - the State Transport Police - did engage in pursuits during this assessment period. This same issue was discovered when reviewing the use of force analysis. An interview with the Training Unit Commander, Captain E. J. Talbot confirmed this information. Captain Talbot and SCDPS Director Leroy Smith were advised that all of the enforcement units that may engage in pursuits are bound by this standard. See Section H (Standard Issues) of this report for additional details.

Vehicle Pursuits

PURSUIITS	2013	2014	2015
Total Pursuits	279	346	385
Terminated by agency	135	152	199
Policy Compliant	235	291	311
Policy Non-compliant	44	55	70
Accidents	114	109	120
Injuries: Officer	0	0	0
Suspects	6	7	3
Third Party	0	0	0
Reason Initiated:			
Traffic (or) Other	279	344	381
Felony	0	2	0
Misdemeanor	0	0	0

It should be noted that the agency appears to have a high percentage of noncompliant pursuits. The agency explained that the purpose for the pursuit may have been in compliance with policy, however the officer may have been disciplined for a policy violation, such as not activating their in-car camera, having too many vehicles in the pursuit, etc.

During the on-site, the assessment team conducted ride-alongs with the various divisions within the SCDPS. An assessor rode with Highway Patrol Trooper Thomas White in Troop One. The assessor conducted a review of the equipment used by the trooper and observed him conduct several traffic stops. One of the stops resulted in seizure of a small amount of suspected marijuana. The assessor was able to observe the evidence handling procedures by Trooper White. At the Richland Post, an assessor interviewed Sergeant Craig Herring who provided a tour of the evidence storage area. Sergeant Herring described his training and ability to conduct court-acceptable testing process for suspected marijuana. Instead of having a forensic scientist at the crime lab perform an analysis on marijuana, some sworn members of the Highway Patrol have received training and conduct the analysis that is accepted by prosecutors and the courts.

An assessor conducted a ride-along with Lance Corporal Stacy Craig, a 20-year law enforcement veteran. He is assigned to the State Transport Police (STP). STP officers have general law enforcement powers as the Highway Patrol, but have additional training from U.S. Department of Transportation that gives them enforcement powers over commercial vehicles. The assessor observed the officer conduct truck inspections at a state weigh scale on Interstate 20. The assessor also conducted an inspection of the STP regional office in Irmo, SC.

Criminal investigation matters encountered by the SCDPS are transferred to the South Carolina Law Enforcement Division (SLED) with the exception of vehicle incidents resulting in criminal charges and some activities by the Immigration and Enforcement Unit (IEU). The IEU may have the need to utilize line-ups, show-ups and use informants. As such, policies are in place to guide members in those actions. Photo

line-ups as part of IEU's identity fraud investigations. The practice and policy are congruent with one another. Currently, the agency is not using its own informants.

Critical Incidents, Special Operations and Homeland Security

The Bureau of Protective Services (BPS) provides safety and security to the Statehouse complex, courts, Governor's Mansion and other state grounds to include six buildings and more than 200,000 annual visitors to the Capitol complex. BPS is commanded by Chief Zachery Wise with over 60 sworn officers in four divisions: State House, State Agency Support, Governor's Mansion and Judicial. The majority of the personnel are assigned to State House functions.

BPS personnel routinely prepare for and participate in special events held on the grounds. In 2015, the agency planned for and participated in 24 events, many of which received state and national media attention. Significant planning, training and partnerships with local, state and national resources contributed to the success of these events.

On July 10, 2015, the Confederate battle flag was removed from South Carolina's Statehouse following turmoil and numerous protests in parts of the state. An exuberant crowd estimated to exceed 8,000 was on state grounds to witness the short ceremony. Significant planning and training preceded the event and Bureau of Protective Services personnel networked with other entities in an effort to ensure a peaceful event. The event resulted in only a handful of arrests and no responses to resistance by DPS personnel. This was attributed to the readiness and training that preceded this national event. SCDPS Director Leroy Smith donned a uniform and worked this event. In a photograph that made national headlines, Director Smith was seen physically assisting an elderly male protestor (wearing a shirt with a swastika) who had been overcome by the heat.

When fully staffed, approximately 175 troopers are part of the Special Operations Unit's Civil Emergency Response Team (CERT). The unit is organized, trained and ready to respond to high risk situations such as civil disorder, natural disasters, demonstrations and other incidents in which the safety, security, health or survival of the public is at risk. An Advanced Civil Emergency Response Team is ready to provide services to other law enforcement agencies and other critical threats that extend beyond CERT response.

The Special Operations Unit also includes the Honor Guard Unit, fitness testing program and training related to active shooter and civil disturbance training. The unit is active with the Honor Guard participating in 39 assignments in 2015 and the CERTs completing 28 assignments requiring 83 duty days in 2015.

The Emergency Traffic Management Unit is responsible for evacuation planning for the entire state. This requires an extensive amount of planning and working with other state and local entities to establish this portion of its all-hazard plan. The agency is ready for a full-scale state evacuation in the event of a hurricane or similar-scale natural disaster

which would require interstate reversible lane usage. Tabletop and full scale exercises are conducted to ensure procedures and processes are in a state of readiness.

Internal Affairs and Complaints Against Employees

The Office of Professional Responsibility (OPR) is responsible for uncovering, developing and objectively reporting all facts and circumstances surrounding allegations or complaints of misconduct by SCDPS employees, whether involving ethical misconduct, violations of departmental policies and procedures or other recognized standards of conduct. Employees suspected of violations of state or federal laws are investigated by the State Law Enforcement Division (SLED) or the appropriate federal agency. The OPR reports directly to the Director of the SCDPS. The Director appoints a Chief Investigator to handle the administrative duties of the OPR. During the on-site, an assessor interviewed the Chief Investigator, Kenneth Phelps about the OPR investigative process.

An investigation will be initiated if an identified source reports information warranting investigation or an anonymous source reports information that be verified to warrant an investigation. Each allegation or complaint made against an employee or the agency is reviewed by OPR and referred to the Director to determine if the matter will be investigated. If the complaint is minor in nature, the complaint may be referred to the appropriate Division Director to investigate. Once a decision to investigate is made, the chief investigator will assign an investigator to the case. OPR notifies, in writing, both the employee and the employee's supervisor that an allegation has been received and an investigation has commenced, unless the Chief Investigator reasonably believes that notice will interfere with or be detrimental to the investigation. The notification from OPR also informs the employee of his/her rights and responsibilities relative to the investigation.

The Chief Investigator notifies the complainant in writing that his/her complaint has been received by OPR. The agency's complaint procedure provided for no schedule for status notification to the complainant as required by the standard. The policy indicated that a complainant should contact the OPR for the status of an on-going complaint – effectively putting the responsibility on the complainant to ask for status updates instead of putting the responsibility on the agency to provide a schedule for status notification to the complainant. During the on-site assessment, the agency amended their policy to require a schedule for status notification to the complainant every 60 to 90 days during the investigation. See Section H of this report for additional details.

The agency makes information available to the public regarding procedures to be followed in registering complaints against the agency or its employees. The information is posted on their public website. Posters informing the public about OPR are posted in public areas of SCDPS buildings throughout the state. These posters contain a toll-free telephone number in which the public can use in registering complaints against an employee of the agency.

On an annual basis, the OPR personnel compiles statistical summaries as a result of investigations conducted. The statistical summaries are made available to the public and SCDPS employees via the agency's website.

Complaints and Internal Affairs Investigations

External	2013	2014	2015
Citizen Complaint	94	115	172
Sustained	24	28	59
Not Sustained	12	11	26
Unfounded	15	15	36
Exonerated	16	25	14
Pending	23	35	34
Closed	4	1	3
Internal			
Directed Complaint	153	154	150
Sustained	92	75	110
Not Sustained	3	6	10
Unfounded	0	2	3
Exonerated	4	3	6
Pending	49	67	17
Closed	5	1	4

Public Information is coordinated through a SCDPS Communications Director and Communications Liaison in the SCDPS Office of Communications. This office works proactively with the media and the public to share and disseminate information and works internally to promote effective communication within each division. In 2013, the agency assigned seven Community Resource Officers throughout the state to aid in the dissemination of information to media and public. Each officer serves as a liaison for internal public information as well the primary coordinator through which safety messages are relayed.

The agency strives to keep the public informed about its activities, collision data and important safety messages by utilizing a variety of methods to send news releases to the media. News releases may be emailed, recorded onto a state voice mailbox notification system, posted on the SCDPS website or through a variety of social media applications. Interaction directly with media personnel is in the form of media staging at various events/incidents and occasional press conferences hosted by the agency.

The Office of Communications plays an important role in recruiting personnel. The office maintains the agency's website, updating important information regarding hiring processes and prerequisites for each division. For the Highway Patrol, the office assists with placing opportunities on various social media applications and considering advertising opportunities that may be most effective.

The Highway Patrol is the division primarily responsible for traffic law enforcement. Troopers with the Highway Patrol are responsible for traffic collision investigation, issuing warning tickets and citations for traffic violations, and finding, arresting and processing impaired drivers. Selective enforcement centers around four areas:

vulnerable roadway users (motorcyclists, pedestrians, moped operators and bicyclists), driving under the influence, speeding and seat belt usage. Selective traffic enforcement is a targeted effort based on crash data, trooper familiarity of problem areas, impaired driving, complaints and Department of Transportation (DOT) studies. A selective enforcement report is generated daily to show target locations based on traffic analysis from the Office of Highway Safety.

The agency uses its Multi-disciplinary Accident Investigation Team (MAIT) to investigate complicated vehicle crashes, using state-of-the-art technology and analysis to reconstruct the scene. The agency is taking every measure to reduce traffic-related fatalities and severe injuries. 2015 fatal collisions and fatalities increased slightly from 2014, which resulted in a concentrated effort by the SCDPS to educate and enforce in order to reduce these numbers in 2016. One effort was through its Target Zero plan in conjunction with the South Carolina Department of Transportation. The plan uses a collaboration of local, state and federal organizations to focus on nine Emphasis Areas to reduce traffic fatalities to zero. Each participant focuses on the Emphasis Areas under its domain to formulate strategies to reduce occurrences. The first quarter of 2016 had fewer traffic fatalities than the same time period in 2015.

The agency employs a victim's advocate that assists traffic collision victims where there has been great bodily injury, in much the same way crime victim assistance does in the state. The advocate informs victims about entitled compensation, court processes and other needs as traffic-related crimes proceed through the judicial process. The advocate stayed busy with 12 current assigned cases. Plans for expanding this program were being considered by the agency.

Detainee and Court Related Activities; Auxiliary and Technical Services (Chapters 70-84)

The SCDPS does not operate prisoner holding facilities or temporary detention areas. All arrestees are conveyed to county jails within the state. The agency has no court security functions.

The Highway Patrol Telecommunications Unit provides dispatch communication to troopers and other SCDPS law enforcement. Telecommunications Officers dispatch troopers to collision scenes and other calls for service and provide officers with accurate and timely information. Four regional centers are responsible for all Troops in the state: Blythewood, Charleston, Florence and Greenville. Each center is under the command of a manager and each center can dispatch for the others which serves as an effective form of redundancy in case of emergency. A back-up power supply and generator at each center ensures that communications will continue in the event of power failure. Over 100 telecommunications operators assist with daily communications between SCDPS officers.

Property and Evidence

While every troop and division has temporary evidence storage, the Central Evidence

Facility or Police Supply is located in a separate facility with Police Supply. Lieutenant Mendel Rivers has served as the Evidence supervisor for five years. He and his technicians maintain an immaculate property and evidence storage area. The primary storage area has ample space and is very clean and extremely neat and organized. Even car parts were well-organized and stacked neatly. There is excellent access security with added segregation and security for sensitive items like money, drugs and weapons.

The various required audits often exceed the standards. Inspections of the storage areas are performed quarterly and annual audits include every piece of evidence, over 10,000 pieces – which takes nearly a week to complete. Twice annually, the agency seeks feedback from sworn personnel regarding cases that may have items ready for disposal, requiring the case officer to confirm evidence status.

The agency uses the Police Central system to electronically track evidence through bar coding. Redundancy in the form of paper evidence forms are also utilized and stored. Each Post has a primary and secondary evidence custodian. The temporary storage areas in other locations are well maintained, which is reflective of the personal responsibility those in charge of property and evidence take in this task. Sergeant Harrelson explained how the process works at the Lexington Post. It was clear to the assessment team that he takes personal responsibility for proper custody processes at this location.

It was clear when the assessment team viewed the primary storage area in the Central Facility that shelving space was at capacity. All the shelves were filled. Disposal processes are in place and it appears this keeps from rapid expansion, but additional shelving may be in order. The assessment team noted that three rows of bicycle evidence kept a technician from accessing one side of the shelving. An additional room to house the bicycles and car parts would go a long way to allowing for more shelving and storage.

H. Standard Issues

This section provides specific information on standards that appear to have issues. There were four standards identified:

- 1.3.13 *Annually, the agency conducts an analysis of its use of force activities, policies and practices. (M):*

ISSUE: The SCDPS, which has four enforcement divisions authorized to use force, only conducted an analysis of its use of force activities by members of the Highway Patrol. The reports prepared for all three years in the assessment period were comprehensive. However, there were no analysis for the uses of force by the State Transport Police (STP), Bureau of Protective Services (BPS) and Immigration Enforcement Unit (IEU). During this assessment period, there were uses of force by enforcement divisions other than the Highway Patrol and they were not part of any annual analysis. All divisions of the SCDPS share a

common use of force policy. The policy was analyzed during this assessment period by the Training Unit Coordinator of the Highway Patrol. Practices by the Highway Patrol were analyzed, but practices of the other three divisions were not analyzed.

AGENCY ACTION: During the on-site assessment, the assessment team brought this information to the attention of the Accreditation Manager and the SCDPS Director. The Director acknowledged the oversight and advised that the agency would ensure that future analysis reports include all divisions within the SCDPS.

41.2.2 *A written directive governs pursuit of motor vehicles, to include: Bullet j: conducting a documented annual analysis of pursuit reports; and Bullet k: conducting a documented annual review of pursuit policies and reporting procedures. (M)*

ISSUE: This issue is similar to 1.3.13 above. The Highway Patrol Training Coordinator conducted an excellent analysis of pursuits conducted by the Highway Patrol, but did not include the other three enforcement divisions, all of which may engage in pursuits of motor vehicles. During this assessment period, the State Transport Police did engage in vehicle pursuits. All divisions of the SCDPS share a common vehicle pursuit policy and the policy was analyzed during this assessment period. The Highway Patrol conducted a documented annual review of pursuit policies and reporting procedures for the Highway Patrol, but there was no review for the other three divisions.

AGENCY ACTION: The assessment team brought this information to the attention of the Accreditation Manager and the SCDPS Director. The Director acknowledged the oversight and advised that the agency would ensure that future analysis reports and reviews would include all divisions within the SCDPS.

42.2.12 *A written directive describes the procedures for using show-ups in eyewitness identification to include the following: Bullet g: documenting show-up and the results. (M):*

ISSUE: The written directive did not require show-ups to be documented.

AGENCY ACTION: During the on-site assessment, the agency amended their policy with the following language, "After an officer conducts a show-up, he/she shall document the show-up and results." This brought the policy into compliance and it was distributed to all personnel.

52.2.4 *The agency has a written directive regarding complainant notification that includes: Bullet b: a schedule for status notification to the complainant. (M)*

ISSUE: The Complaint Procedure for the SCDPS does not provide a schedule for status notification to the complainant. The policy reads, "If a complainant requests updates concerning the status of an ongoing investigation, he/she may be referred to the assigned investigator." This effectively puts the onus on the complainant to reach out to the agency in order to determine the status of his/her complaint. The standard requires the agency to have a schedule for status notification to the complainant. An interview with the Chief Investigator of OPR indicated in practice, the agency regularly communicates with the complainant, however, there is no consistency or schedule for this communication.

AGENCY ACTION: The agency amended their policy by adding the following language, "Every 60 to 90 days after an investigation has commenced, OPR will notify the complainant of the status of an active investigation." The new policy was distributed to all SCDPS personnel during the on-site, bringing the standard into compliance.

I. 20 Percent Standards:

CALEA agencies must be in compliance with at least 80% of applicable other than mandatory (O) standards. The agency is free to choose which standards it will meet based on their unique situation.

The agency was in compliance with 93 percent of applicable other-than mandatory (O) standards.

J. Future Performance / Review Issues

Recommend CALEA staff review the 2016 Use of Force (1.3.13) and Pursuit (41.2.2) analysis' to ensure both contain the information required by the standards for all four enforcement divisions within the SCDPS.

K. Table: Standards Summary:

	<u>TOTAL</u>
Mandatory (M) Compliance	<u>285</u>
Standard Issues	<u>4</u>
Waiver	<u>0</u>
Other-Than-Mandatory Compliance	<u>64</u>
(O) Elect 20%	<u>5</u>
Not Applicable	<u>126</u>
TOTAL	<u>484</u>

L. Summary:

The Assessment Team reviewed the standards contained in the Fifth Edition Law Enforcement Standards program and the agency's proofs of compliance, using the Gold Standard Assessment (GSA). This was the agency's first GSA and first use of the PowerDMS software program. The agency was not able to upload documents into PDMS and make them available to the assessment team until approximately one week prior to arriving at the on-site. This caused the assessment team to spend excessive time resolving file and standard issues during the on-site.

The Assessment Team found that the agency was in compliance with most of the mandatory standards and 93 percent of the applicable other-than-mandatory standards. A mock assessment was held at the agency in January 2016, by CALEA-trained assessors and accreditation managers. Their work and the dedication of Vickie Wise reflected positively during the assessment.

This assessment was complicated due to the nature of multiple divisions being accredited under the umbrella of one agency – the South Carolina Department of Public Safety. Each of the four divisions under the SCDPS have many of their own policies and procedures. These various policies were mixed in as proofs in the standard files. They also share some common policies such as use of force, pursuits, internal affairs, grievances and discipline. This hybrid of policies and responsibilities most likely led to the standard issues described in Section H. The Highway Patrol, the largest division in the SCDPS is tasked with producing reports and other activities generated by the other three divisions. Understandably, miscommunication occurred between the divisions.

Despite those organizational challenges, the assessment team believes the SCDPS is a professional organization that has embraced CALEA accreditation. They strive to comply with applicable standards. All four divisions of the SCDPS are professionally managed individually and overall by SCDPS Director Leroy Smith.

Agency personnel have received numerous awards for service from community groups throughout the state, as well as other governmental officials. It was clear to the assessment team that the agency serves the citizens of South Carolina with distinction, honor and integrity. This agency is highly respected by other law enforcement agencies in the state and the community they serve.

Signature Redacted

Timothy E. Fitch
Team Leader
May 31, 2016