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### **Law Enforcement and Criminal Justice Subcommittee**

Monday, June 26, 2017

1:00 pm

Blatt Room 108

#### **Archived Video Available**

- I. Pursuant to House Legislative Oversight Committee Rule 6.8, South Carolina ETV was allowed access for streaming the meeting. You may access an archived video of this meeting by visiting the South Carolina General Assembly's website (<http://www.scstatehouse.gov>) and clicking on *Committee Postings and Reports*, then under *House Standing Committees* click on *Legislative Oversight*. Then, click on *Video Archives* for a listing of archived videos for the Committee.

#### **Attendance**

- I. The Law Enforcement and Criminal Justice Subcommittee meeting was called to order by Chairman Edward R. Tallon, Sr. , on Monday, June 26, 2017, in Room 108 of the Blatt Building. The following members of the Subcommittee were present for either all or a portion of the meeting: Chairman Edward Tallon, Representative William M. Hixon, and Representative Katie Arrington

## Minutes

- I. House Rule 4.5 requires standing committees to prepare and make available to the public the minutes of committee meetings, but the minutes do not have to be verbatim accounts of meetings. It is the practice of the Legislative Oversight Committee to provide minutes for its subcommittee meetings.
- II. Representative Hixon makes a motion to approve the meeting minutes from the prior Subcommittee meetings on June 6 and June 8, 2017, and to approve the minutes as corrected (scrivener's error) from the January 31, February 7, 16, 21, 28, and the March 7 and March 21, 2017 meeting. A roll call was taken and the motion passed.

Representative Hixon makes a motion to approve the meeting minutes from the prior Subcommittee meetings on June 6 and June 8, 2017 and to approve the minutes as corrected (scrivener's error) from the January 31, February 7, 16, 21, 28, and the March 7 and March 21, 2017 meeting:	Yea	Nay	Not Voting
Rep. Arrington	✓		
Rep. Hixon	✓		
Rep. Rutherford			Not Present
Rep. Tallon	✓		

## Discussion of the Law Enforcement Training Council and Criminal Justice Academy

- I. Chairman Tallon reminds agency personnel who were sworn in during prior meetings that they remain under oath anytime they are with the Subcommittee or Committee.
- II. Chairman Tallon swears in the following people:
  - a. Lee Foster, Sheriff of Newberry County and a member of the Law Enforcement Training Council
  - b. Alvin Taylor, Department of Natural Resources and a member of the Law Enforcement Training Council
  - c. Robin Morse, Director of Public Safety for the City of Clinton and a member of the Law Enforcement Training Council
  - d. Bryan Sterling, Department of Corrections and a member of the Law Enforcement Training Council

III. Chairman Tallon explains the purpose of the meeting is to discuss and make motions related to the potential recommendations and findings to include in the Subcommittee Study.

IV. Members make various motions during the meeting which are listed below.

Representative Hixon makes a motion that laws regarding the Officer Misconduct Process be updated. Further, since the agency supports S 518, a companion bill be filed in the House with an additional provision, suggested by the agency, that any allegations of law enforcement certification misconduct will not be accepted, in an original Personnel Change in Status (PCS) form, amended PCS form, or any other form, more than thirty days after an officer's separation from an agency, unless there are extenuating circumstances.	Yea	Nay	Not Voting
Rep. Arrington	✓		
Rep. Hixon	✓		
Rep. Rutherford			Not Present
Rep. Tallon	✓		

Representative Arrington makes a motion that the agency update S.C. Code of Regulations 37-025 Denial of Certification for Misconduct and 37-026 Withdrawal of Certification of Law Enforcement Officers, as follows: <ul style="list-style-type: none"> <li>o Change "Dishonesty with respect to his/her employer," to, "Dishonesty with respect to his/her employer, any other law enforcement agency personnel, or officers of the court."</li> <li>o Change "Untruthfulness with respect to his/her employer," to, "Untruthfulness with respect to his/her employer, any other law enforcement agency personnel, or officers of the court."</li> <li>o Add a provision which defines, and explains the difference in the terms "officers of the court," "dishonesty," and "untruthfulness," including whether they apply to verbal communication, written</li> </ul>	Yea	Nay	Not Voting
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communication, such as when an individual signs a document to acknowledge something has been completed, or both circumstances.			
Rep. Arrington	✓		
Rep. Hixon	✓		
Rep. Rutherford			Not Present
Rep. Tallon	✓		

Representative Arrington makes a motion to update regulations to include the following as a prerequisite to employing a Class I Law Enforcement Officer: Any entity employing a Class I Law Enforcement Officer must certify it has access to the internet and the ability to access the online forms and/or database utilized by the Law Enforcement Training Council and/or Criminal Justice Academy.	Yea	Nay	Not Voting
Rep. Arrington	✓		
Rep. Hixon	✓		
Rep. Rutherford			Not Present
Rep. Tallon	✓		

<p>Representative Hixon makes a motion that the Subcommittee Study include the following Findings:</p> <ul style="list-style-type: none"> <li>• It is the Academy's position that, pursuant to state law, an individual cannot perform any duties of a law enforcement officer involving the control or direction of members of the public (including traffic citations) OR exercise the power of arrest until the following has been satisfied: <ul style="list-style-type: none"> <li>○ Agency has notified the Academy that the individual has been employed by the agency as a law enforcement officer, within three working days of that individual's employment, AND</li> <li>○ Firearms qualification program approved by the</li> </ul> </li> </ul>	Yea	Nay	Not Voting
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<p>council is provided to the individual within three days of the agency submitting the PCS of Hire form to the Academy (i.e. notifying the Academy that the individual has been employed), AND</p> <ul style="list-style-type: none"> <li>○ Individual has been provided, and successfully completed, a firearms qualification program approved by the council</li> <li>● Currently the Academy does not have a way to confirm if an officer passed the firearms qualification program.</li> </ul>			
Rep. Arrington	✓		
Rep. Hixon	✓		
Rep. Rutherford			Not Present
Rep. Tallon	✓		

<p>Representative Hixon makes a motion to approve the recommendation that as CJA coordinates training and standards for all law enforcement, it is necessary for the agency to know who all law enforcement officers are and where they are enforcing the laws in our state. In addition, many variables may occur during a year that impact an officer's ability to use a firearm. On this basis, the Subcommittee Study include a recommendation to amend SC Code Section 23-23-40, or applicable regulations, to accomplish the following:</p> <ul style="list-style-type: none"> <li>● Clarify that in order for a certified or non-certified officer to enforce laws, a hiring law enforcement agency must provide CJA notification of both (1) the hiring of the officer and (2) the successful completion of firearms qualification, regardless of whether the officer is new to law enforcement or coming from another law enforcement agency;</li> <li>● Require CJA to confirm if all officers at an agency, with certain</li> </ul>	Yea	Nay	Not Voting
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<p>exceptions, have passed a yearly firearms qualification, including some mechanism for enforcement of this provision; and</p> <ul style="list-style-type: none"> <li>Eliminate an out-of-date provision addressing if a firearms qualification program approved by the Director exists, as an approved program now exists.</li> </ul>			
Rep. Arrington	✓		
Rep. Hixon	✓		
Rep. Rutherford			Not Present
Rep. Tallon	✓		

<p>Representative Hixon makes a motion that S.C. Code Ann. §23-23-20 be amended, to authorize the Academy Director to determine the location of a “training facility” for mandatory training or other types of training.</p>	Yea	Nay	Not Voting
Rep. Arrington	✓		
Rep. Hixon	✓		
Rep. Rutherford			Not Present
Rep. Tallon	✓		

<p>Representative Arrington makes a motion that regulations be updated to require law enforcement officers receive, during the three year continuing education cycle, education in cultural professionalism; prejudice and personality; and/or culture diversity to maintain their law enforcement certification.</p>	Yea	Nay	Not Voting
Rep. Arrington	✓		
Rep. Hixon	✓		
Rep. Rutherford			Not Present
Rep. Tallon	✓		

<p>Representative Arrington makes a motion that that SC Code of Laws Section 23-23-100 be amended to (1) authorize the Director of CJA, in his sole</p>	Yea	Nay	Not Voting
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discretion, to issue civil penalties to law enforcement agencies not following laws or regulations; (2) with appeal to the Law Enforcement Training Council as a final agency decision; and (3) provide a mechanism for CJA to collect on penalties issued.			
Rep. Arrington	✓		
Rep. Hixon	✓		
Rep. Rutherford			Not Present
Rep. Tallon	✓		

Representative Arrington makes a motion that the General Assembly work with the Association of Counties, Municipal Association, State Treasurer's Office, State Auditor's Office, and other stakeholders, to determine revisions to the laws regarding audited financial statements and penalties for non-compliance.	Yea	Nay	Not Voting
Rep. Arrington	✓		
Rep. Hixon	✓		
Rep. Rutherford			Not Present
Rep. Tallon	✓		

Representative Arrington makes a motion that the Academy research the costs and steps that would be needed to track law enforcement officer discipline in a central database, with individual records available only with the consent of the individual officer, and provide this information to the House Oversight Committee by Tuesday, January 9, 2018, the first day of the 2018 legislative session.	Yea	Nay	Not Voting
Rep. Arrington	✓		
Rep. Hixon	✓		
Rep. Rutherford			Not Present
Rep. Tallon	✓		

Representative Arrington makes a motion that going forward the Law Enforcement Training Council and Criminal Justice Academy annotate any data and statistics provided to members of the House of Representatives, or others. In this annotation, the agency explain (1) the source of the information, (2) the specific parameters of what the individual was searching for, if it was a search of manual documents, or what the computer was searching, if it was a search or report from SCEIS or any other database; and (3) any other contextual information about how information is stored at the agency or in the database that would assist the end reader.	Yea	Nay	Not Voting
Rep. Arrington	✓		
Rep. Hixon	✓		
Rep. Rutherford			Not Present
Rep. Tallon	✓		

- V. Director Swindler and Chief Keel provided closing remarks.
- VI. There being no further business, the meeting is adjourned.