Agency Name: South Carolina Criminal Justice Academy

Statutory Authority: 23-23-10 et seq.

Document Number: 5124

Proposed in State Register Volume and Issue: 46/9

House Committee: Regulations and Administrative Procedures Committee

Senate Committee: Judiciary Committee

120 Day Review Expiration Date for Automatic Approval: 05/10/2023

Final in State Register Volume and Issue: 47/5

Status: Final

Subject: Denial of Certification for Misconduct

History: 5124

By Date Action Description Jt. Res. No. Expiration Date

- 09/23/2022 Proposed Reg Published in SR

- 01/10/2023 Received President of the Senate & Speaker 05/10/2023

S 01/10/2023 Referred to Committee

H 01/11/2023 Referred to Committee

- 05/10/2023 Approved by: Expiration Date

- 05/26/2023 Effective Date unless otherwise

provided for in the Regulation

Document No. 5124

**SOUTH CAROLINA CRIMINAL JUSTICE ACADEMY**

CHAPTER 37

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

37‑025. Denial of Certification for Misconduct.

**Synopsis:**

S.C. Code Section 23‑23‑80 authorizes the Law Enforcement Training Council to make regulations necessary for the administration of S.C. Code Section 23‑23‑10 et seq. The proposed regulation will define misconduct for the denial of certification for misconduct.

Notice of Drafting for the proposed amendments was published in the *State Registe*r on June 24, 2022.

Section‑by‑Section Discussion:

37‑025. This section defines misconduct for the denial of certification of law enforcement officers.

**Instructions:**

Print the regulations as shown. All other items remain unchanged.

**Text:**

37‑025. Denial of Certification for Misconduct.

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

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

2. Unlawful use of a controlled substance;

3. The repeated use of excessive force in dealing with the public and/or prisoners;

4. Dangerous and/or unsafe practices involving firearms, weapons, and/or vehicles which indicate either a willful or wanton disregard for the safety of persons or property;

5. Physical or psychological abuses of members of the public and/or prisoners;

6. Misrepresentation of employment‑related information;

7. To willfully make false, misleading, incomplete, deceitful, or incorrect statement(s) to a law enforcement officer, a law enforcement agency, or representative, except when required by departmental policy or by the laws of this State during the course of an investigation;

8. To willfully make false, misleading, incomplete, deceitful, or incorrect statement(s) to a court of competent jurisdiction, or their staff members, whether under oath or not;

9. To willfully make false, misleading, incomplete, deceitful, or incorrect information on a document, record, report, or form, except when required by departmental policy or by the laws of this State;

10. Willfully falsifying material information provided to the Criminal Justice Academy;

11. The wilful failure to intervene when observing another officer physically abusing a person, whether or not the person is in custody, while in the performance of his official duties, if the officer knew the

person’s rights were being violated, the officer had an opportunity to intervene, and the officer chose not to do so;

12. The wilful and knowing failure to promptly report another officer, while in the performance of his official duties, abusing a person whether or not the person is in custody.

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

**Fiscal Impact Statement:**

There will be no fiscal impact from this change.

**Statement of Rationale:**

Revisions to these regulations are necessary to make the definitions of misconduct for denial of certification for misconduct.