

Legislative Oversight Committee  
Summary Report on the  
South Carolina Law Enforcement Division  
Subcommittee Report - December 2021  
Adopted by the Committee – January 2023

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Under state law, the South Carolina Law Enforcement Division (SLED) has specific and exclusive jurisdiction and authority statewide, on behalf of the State. The operations of SLED cover a variety of operations including investigative services, the Fusion Center, and the forensic laboratory. SLED has a total budget of about \$100 million with 25% from other funds. Many of the other funds come from fees collected for services and have a large balance. In order to ensure that the fees charged for services are appropriate for the cost of the services, SLED should review the fees charged and adjust the fees as needed. As part of its gang enforcement efforts, SLED and other agencies use GangNET, a statewide criminal gang database, to share information and intelligence on gangs and gang members. SLED reports that not all of the local law enforcement agencies furnish gang information to SLED and there is no mechanism to use to require the reporting of information. SLED states that there are frequent arrests in the state for unlawful carry of firearms, but the penalties are not adequate and some felons cannot be charged with possession of a firearm under state law. In order to address these violations in this state, state law needs to be amended to add these provisions. In addition to providing assistance to counties, SLED receives information from law enforcement, prosecutors, judges, etc. in the counties. A central data warehouse could be created to store the information from these entities which allows access to the data as needed by SLED and the other law enforcement entities.

### *Agency at a Glance*

According to the agency, “the primary mission of the S.C. Law Enforcement Division is to provide quality manpower and technical assistance to law enforcement agencies of political subdivisions of South Carolina and to conduct investigations on behalf of the state as directed by the Governor or Attorney General.” SLED has structured its operations in several divisions including investigative services, alcohol, narcotics and VICE unit, counterterrorism, homeland security, the Fusion Center, forensic laboratory, and cybersecurity. For FY 19-20 and FY 20-21, SLED had total funds of about \$100 million including state funds of about \$50 million. SLED’s total expenditures have increased from \$83 million in FY 17-18 to \$89 million in FY 19-20. As of January 11, 2021, SLED had 706 employees and 1 contract employee.

### *Issues*

#### OTHER FUNDS ACCOUNTS

SLED has 49 separate sources of other funds. For FY 18-19, these funds totaled almost \$21 million. According to SLED, the other funds account had an uncommitted balance of \$25.6 million on July 30, 2020. In order to ensure that the fees charged for services are appropriate for the cost of the services, SLED should review the fees charged and adjust the fees as needed. If the fee is set by statute or proviso, SLED should work with the General Assembly on the fees to be charged.

- **Agency Recommendation:** SLED should evaluate the fees charged for its services to determine the appropriateness of the amount of the fee and adjust the fees as needed. If the fee is set by state law, SLED should work with the General Assembly to determine the amount of the fee.

## FORENSIC LABORATORY

The SLED Forensic Services Laboratory is the state's only full-service crime laboratory providing comprehensive forensic laboratory services to criminal justice agencies throughout South Carolina. The laboratory offers several different types of services including computer crimes, crime scene, DNA casework, DNA database, drug analysis, firearms, implied consent, latent prints, questioned documents, toxicology, and trace evidence. For FY 18-19, the laboratory has received 26,780 cases with 65% of cases being backlogged. SLED is working with the Department of Administration to build a new Forensic Services Laboratory. The current budget for the project is \$62,854,435. According to SLED, the anticipated substantial completion date is February 2022.

## GANGS ENFORCEMENT

SLED conducts criminal investigations which include crimes committed by gangs and gang members. As part of these investigations and enforcement, SLED and other agencies use GangNET, a statewide criminal gang database, to share information and intelligence on gangs and gang members and to link members to specific gangs and other gang members. SLED is responsible for maintaining this statewide criminal gang database. SLED reports that not all of the local law enforcement agencies furnish gang information to SLED. Although S.C. Code §16-8-330(B) requires law enforcement entities throughout the state to report information for the statewide criminal gang database, SLED has no means to enforce that provision.

- **Legislative Recommendation: The SC General Assembly should consider amending state law to grant the State Law Enforcement Division the means to enforce the requirement that law enforcement entities report information for the statewide criminal gang database.**

## WEAPONS PERMITTING AND VIOLATIONS

S,C, Code §16-23-20 states that it is unlawful for anyone to carry handguns except for 16 listed exceptions including law enforcement and CWP holders. S.C. Code §16-23-50(A)(2) states that a person found violating Section 16-23-20 is guilty of a misdemeanor and if convicted, fined not more than \$1,000, or imprisoned not more than a year, or both. There is not a greater penalty for subsequent violations. There are also numerous felony offenses that would prevent someone from legally possessing a firearm under federal law. SLED states that there are frequent arrests in the state for unlawful carry of firearms, but the penalties are not adequate and some felons cannot be charged with possession of a firearm under state law. In order to address these violations in this state, state law needs to be amended to add these provisions

- **Legislative Recommendation: The SC General Assembly should consider amending state law to include greater penalties for subsequent violations of the unlawful carry of firearms provision and to prohibit anyone convicted of a felony from possessing a firearm.**

## ASSISTANCE TO COUNTIES

In addition to providing assistance to counties, SLED receives information from law enforcement, prosecutors, judges, etc. in the counties. SLED states that “the multitude of individual case management systems across the criminal justice system makes it incredibly difficult to integrate and communicate with each other. This leads to gaps, loopholes, missing or incomplete data, and untimely access to information, if at all. However, these systems can be configured to interface with each other for purposes of sharing information and the relevant data for each system statewide can be collected centrally.” A central data warehouse could be created to store the information from these entities which allows access to the data as needed by SLED and the other law enforcement entities.

- **Legislative Recommendation: The SC General Assembly should consider amending state law to authorize the creation of a central data warehouse with appropriate safeguards for information from law enforcement entities which could be accessed by those entities as needed to perform their responsibilities.**

# Legislative Oversight Committee

## South Carolina Senate



### Report on the South Carolina Law Enforcement Division Subcommittee Report December 2021

On January 19, 2023, the full Legislative Oversight  
Committee Adopted the Report

Under state law, the South Carolina Law Enforcement Division (SLED) has specific and exclusive jurisdiction and authority statewide, on behalf of the State. The operations of SLED cover a variety of operations including investigative services, the Fusion Center, and the forensic laboratory. SLED has a total budget of about \$100 million with 25% from other funds. Many of the other funds come from fees collected for services and have a large balance. In order to ensure that the fees charged for services are appropriate for the cost of the services, SLED should review the fees charged and adjust the fees as needed. As part of its gang enforcement efforts, SLED and other agencies use GangNET, a statewide criminal gang database, to share information and intelligence on gangs and gang members. SLED reports that not all of the local law enforcement agencies furnish gang information to SLED and there is no mechanism to use to require the reporting of information. SLED states that there are frequent arrests in the state for unlawful carry of firearms, but the penalties are not adequate and some felons cannot be charged with possession of a firearm under state law. In order to address these violations in this state, state law needs to be amended to add these provisions. In addition to providing assistance to counties, SLED receives information from law enforcement, prosecutors, judges, etc. in the counties. A central data warehouse could be created to store the information from these entities which allows access to the data as needed by SLED and the other law enforcement entities.

## ***I. Agency at a Glance***

### *Mission*

According to the agency, “the primary mission of the S.C. Law Enforcement Division is to provide quality manpower and technical assistance to law enforcement agencies of political subdivisions of South Carolina and to conduct investigations on behalf of the state as directed by the Governor or Attorney General.”

### *Governing Authority*

S.C. Code §23-3-10 establishes the South Carolina Law Enforcement Division (SLED). It states that “[t]he division must be headed by a chief appointed by the Governor with the advice and consent of the Senate and shall hold office until his successor is appointed and qualified. The term of the chief is six years.” The term of the current chief began on January 31, 2018, and will expire on January 31, 2024.

S.C. Code §23-3-15 describes the authority of SLED as:

(A) In addition to those authorities and responsibilities set forth in this chapter, the South Carolina Law Enforcement Division shall have specific and exclusive jurisdiction and authority statewide, on behalf of the State, in matters including but not limited to the following functions and activities:

- (1) the investigation of organized criminal activities or combined state-federal interstate criminal activities, all general criminal investigations, arson investigation and emergency event management pertaining to explosive devices;
- (2) the maintenance and operation of a statewide comprehensive forensic sciences laboratory;
- (3) covert investigation of illegal activities pertaining to and the interdiction of narcotics and other illicit substances;
- (4) operation and maintenance of a central, statewide criminal justice data base and data communication system;
- (5) establishment and operation of highly specialized, tactical response law enforcement units within the division;
- (6) operation and regulation of state polygraph examination services;

- (7) law enforcement, regulation enforcement, and inspections under Title 61;
- (8) the coordination of counter terrorism efforts, including prevention against, preparation for, response to, and crisis management of acts of terrorism, in or affecting this State; coordination of federal grants associated with homeland security; creation of councils appropriate to its mission; and service as the Governor's representative to the United States Department of Homeland Security; and
- (9) other activities not inconsistent with the mission of the division or otherwise proscribed by law.

(B) No other state agency or department having personnel who are commissioned law enforcement officers may engage in any of the activities herein set forth without the express permission of the Chief of the South Carolina Law Enforcement Division. Any state agencies or departments having commissioned law enforcement personnel shall assist the South Carolina Law Enforcement Division at any time the Chief of SLED requests assistance in carrying out the statutory duties of the division.

(C) The South Carolina Law Enforcement Division is responsible for the enforcement of all criminal laws, misdemeanors, and felonies, and civil laws, the violation of which may result in a fine or other penalty being assessed against the violator, which laws are now enforced by law enforcement personnel employed by and under the jurisdiction of the Alcoholic Beverage Control Commission. These civil and criminal laws also include regulations and ordinances pertinent thereto. The duties, functions, and powers of these law enforcement personnel are devolved upon the South Carolina Law Enforcement Division and the law enforcement personnel of this agency on the effective date of this section shall perform their duties and functions under the auspices of the division and shall become a part of the South Carolina Law Enforcement Division in the manner provided by law.

## *Operations/Programs*

SLED has structured its operations in several divisions.

### Investigative Services

Conducts criminal investigations on behalf of the state and provides manpower and technical assistance to local, state, and federal law enforcement agencies. It includes areas such as the regional offices, the behavioral science unit, the polygraph unit, the State Grand Jury, and the forensic art unit.

### Alcohol, Narcotics, and VICE Unit

Assists local, state, and federal law enforcement agencies by providing specialized resources and manpower with coordinated investigation and enforcement of narcotics, alcohol, tobacco, lottery, and human trafficking crimes.

### Counter Terrorism Unit

Operates highly specialized, tactical response law enforcement units for counter-terrorism support and assistance for local, state, and federal law enforcement partners and the citizens of the state. It includes areas such as arson, aviation, bloodhounds, bomb squad, maritime response, protective services, and SWAT unit.

### Office of Homeland Security

Administers grants received from the US Department of Homeland Security and provides statewide active shooter/active threat training to law enforcement, fire, EMS, schools, churches, and businesses. Coordinates statewide Critical Infrastructure/Key Resources services to schools, businesses, industries, and others and 37 statewide Regional Response Teams (SWAT, Bomb, HazMat, Regional Medical Assistance Teams (RMAT), Incident Management Teams (IMT), Urban Search and Rescue Teams (USAR), and Collapse Search and Rescue

Teams (CSAR)). Facilitates statewide Weapons of Mass Destruction (WMD)/Counterterrorism training to First Responders and others and WMD Exercise delivery to the 37 statewide Regional Response Teams.

#### Information and Intelligence Center (Fusion Center)

Utilizes the expertise and resources of governmental and private sector security and intelligence professionals to provide intelligence-specific and analytically-driven products to all segments of law enforcement personnel, first responders, citizens, businesses, and critical infrastructure in South Carolina, with the goal of maximizing the ability to detect, prevent, apprehend, and respond to criminal and terrorist activity. It includes areas such as the Amber Alert program and missing person information center, and state surveillance and intelligence.

#### Forensic Services Laboratory

Provides comprehensive forensic laboratory services to criminal justice agencies throughout the state at South Carolina's only full service crime laboratory. It provides analysis of many different types of evidence including computer crimes, crime scene, DNA, drugs, fingerprints, firearms, toxicology, and trace evidence.

#### Office of Regulatory Services

Oversees the investigative and regulatory enforcement matters pertaining to all licensed private security companies, private investigation businesses, registered private security officers and private investigators, the South Carolina Concealed Weapons Permit programs and instructors, and the State Constable Program. This unit also coordinates the South Carolina Law Enforcement Assistance Program (SCLEAP), maintains the National Instant Criminal Background Check system, and facilitates community relations efforts.

#### Criminal Justice Information Services

Serves as the central state criminal justice information repository responsible for collecting, processing, storing, and disseminating crime data and criminal identification and record information. This unit also assists with crime prevention and the administration of criminal justice by providing information to local, state, and federal criminal justice agencies, civil governmental agencies, and the public as authorized by state and federal law and regulation. The services include automated fingerprint ID system, expungements, and the sex offender registry.

#### Critical Infrastructure Cybersecurity Program

Serves local government and critical infrastructure/key resources (CIKR) by enhancing the cybersecurity posture throughout the state. As the state's central clearinghouse for significant cyber events, this unit provides participating program partners with no-cost cyber intelligence, cybersecurity training, information sharing, and vital law enforcement assistance as needed. The SLED Cyber Monitoring Program, known as South Carolina Security Initiative Operations, serves as a central resource for cyber situational awareness and provides program partners with a voluntary no-cost Intrusion Detection System. This unit provides CIKR participants with near real-time automated identification and alerting on traditional and advanced threats to a network using statewide monitoring and analysis.

#### Internal Operations

Provides internal operational support to SLED by analyzing the needs of the division, coordinating resources to facilitate and fulfill such needs, and supporting the overall operations of the organization. It includes areas such as human resources, accounting, internal auditor, procurement, and asset and facilities management.

**Finance:**

*Revenues and Expenditures*

For FY 19-20 and FY 20-21, SLED had total funds of about \$100 million including state funds of about \$50 million. The other half of the revenues are split at \$25 million each in federal and other funds. The agency has received an increase in state recurring funds over the past three fiscal years.

SLED’s total expenditures have increased from \$83 million in FY 17-18 to \$89 million in FY 19-20. The following table shows the expenditures by program and source of funds.

Program	FY 17-18				FY 18-19				FY 19-20			
	General	Other	Federal	Total	General	Other	Federal	Total	General	Other	Federal	Total
Administration	\$2,789,228	\$799,868		\$3,589,096	\$2,978,856	\$1,158,547	\$4,614	\$4,142,017	\$3,597,067	\$743,711		\$4,340,778
Investigative Services	13,417,792	2,363,930	391,192	16,172,914	10,069,930	1,250,287	669,727	11,989,944	10,529,860	1,166,560	627,869	\$12,324,289
Forensic Services	8,791,730	3,574,553	568,204	12,934,487	7,888,710	2,921,639	971,199	11,781,548	6,358,027	4,147,099	992,701	\$11,497,827
Data Center	4,465,873	2,485,439	1,230,261	8,181,573	5,566,702	3,758,903	539,136	9,864,741	5,326,044	3,723,498	867,918	\$9,917,460
Regulatory	802,301	1,163,993	420,035	2,386,329	737,206	1,681,759	588,292	3,007,257	1,159,088	998,674	171,008	\$2,328,770
Homeland Security	177,866	10,541	8,275,525	8,463,932	221,630	19,238	8,964,348	9,205,216	240,506	14,761	8,738,180	\$8,993,447
CJIS/Fusion Center	3,173,715	2,760,267	654,256	6,588,238	3,035,181	2,354,872	792,257	6,182,310	4,056,762	1,767,745	809,577	\$6,634,084
Counter-Terrorism	4,065,936	2,689,566	173,218	6,928,720	4,693,247	1,735,758	326,038	6,755,043	5,759,926	1,812,730	166,287	\$7,738,943
VICE	Included in Investigative Services				3,796,907	1,463,643	540,561	5,801,111	4,255,800	1,240,938	91,462	\$5,588,200
Employer Contributions	11,229,160	1,495,752	579,859	13,304,771	12,082,596	1,751,853	790,202	14,624,651	13,063,090	1,567,484	772,396	\$15,402,970
Other	1,560,382	1,560,382	1,560,382	4,681,146	767,467	3,035,539		3,803,006	935,456	3,333,051		\$4,268,507
TOTAL	\$50,473,983	\$18,904,291	\$13,852,932	\$83,231,206	\$51,838,432	\$21,132,038	\$14,186,374	\$87,156,844	\$55,281,626	\$20,516,251	\$13,237,398	\$89,035,275

The biggest percentage increase in expenditures was in administration (21%) with the biggest decrease being in forensic services (-11%). According to SLED, expenses vary from year to year due to changes in non-recurring expenses for each program as well as staffing levels.

*Other Funds Accounts*

SLED has 49 separate sources of other funds. For FY 18-19, these funds totaled almost \$21 million. The biggest sources of these funds come from the following:

- \$10,153,668 - Criminal record search fees (49%)
- \$2,650,695 - Alcohol beverage license applications and permit fees (13%)
- \$2,538,265 - Concealed Weapons Permit license or renewal fees (12%)
- \$2,123,844 - Surcharge on monetary penalties imposed by courts for misdemeanor traffic offenses or nontraffic violations (10%)

According to SLED, the other funds account had an uncommitted balance of \$25.6 million on July 30, 2020. The balance, as of April 6, 2021, is almost \$20.8 million after \$8.7 million was transferred to the Forensics Lab project. The agency reports that the annual average amount collected in record search fees is \$9.7 million.

For FY 20-21, SLED had a carry-forward cash balance of almost \$32 million. The agency has plans to use all of those funds from FY 20-21 through FY 22-23 for non-recurring expenses associated with the old and new Forensics Laboratory as well as other projects not funded in their budget requests. In order to ensure that the fees charged for services are appropriate for the cost of the services, SLED should review the fees charged and adjust the fees as needed. If the fee is set by statute or proviso, SLED should work with the General Assembly on the fees to be charged.

- **Agency Recommendation**

SLED should evaluate the fees charged for its services to determine the appropriateness of the amount of the fee and adjust the fees as needed. If the fee is set by state law, SLED should work with the General Assembly to determine the amount of the fee.

### *Budget Request*

For FY 19-20, SLED received about \$2.1 million in recurring and nonrecurring funds for personnel and First Responder PTSD treatment as well as 16 FTEs. The agency also received other funds authorization increase of \$2 million for the lab and technology department. For FY 20-21, SLED requested \$16 million in recurring and nonrecurring state funds and 51 FTEs. Due to the pandemic, it did not receive any additional funds for FY 20-21. For FY 21-22, SLED requested almost \$19 million in recurring and nonrecurring state funds and 65 FTEs which includes the \$16 million requested for FY 20-21. Funding is requested for, among other items, additional FTEs and equipment, rank changes for eligible law enforcement, new forensic lab operating costs, and general tort liability insurance increase.

### *Staffing*

As of January 11, 2021, SLED had 706 employees and 1 contract employee.

Filled FTEs	FT Temps	PT Temps	FT Temp Grant	PT Temp Grant	Total
584	37	41	41	3	706

The agency has 629 authorized FTEs which is below its highest number of authorized FTEs of 649 in FY 07-08. For FY 19-20, the agency's turnover rate was 8.21% which is about half of the statewide state employee turnover rate of 16.07%.

## ***II. Issues***

### **Forensic Laboratory**

The SLED Forensic Services Laboratory is the state's only full-service crime laboratory providing comprehensive forensic laboratory services to criminal justice agencies throughout South Carolina. The laboratory receives over 25,000 cases annually and has an increasing backlog of cases to analyze. The laboratory offers many different types of services including computer crimes, crime scene, DNA casework, DNA database, drug analysis, firearms, implied consent, latent prints, questioned documents, toxicology, and trace evidence. The laboratory has been accredited by the American National Standards Institute (ANSI) National Accreditation Board through February 2023. There are currently 140 employees working in the laboratory and an additional 23 FTEs were requested for FY 21-22.

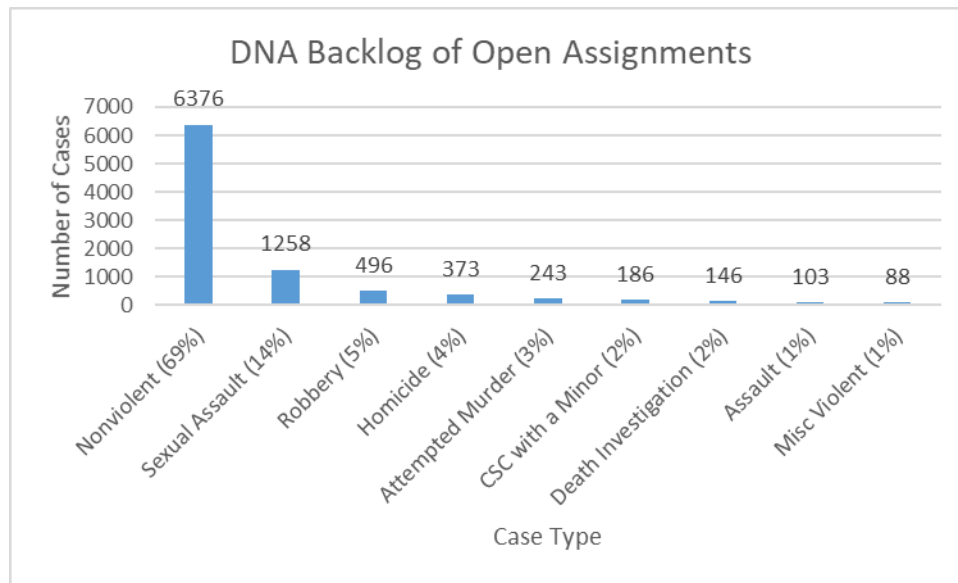
Fifteen local law enforcement entities have forensic labs which provide some services. Five of those labs are accredited and ten of them are not. The five smaller, accredited labs are located throughout the state: Beaufort, Charleston, Columbia, Greenville and York County. SLED reports that approximately 290 agencies use the laboratory for analysis and testimony.



The number of cases received by the lab has increased over the past 5 years which has also caused the backlog to increase. The following table shows the cases received over the past five years and the percentage of backlogs for that year.

	FY 14-15	FY 15-16	FY 16-17	FY 17-18	FY 18-19	% Change
Received	18,061	24,569	24,821	24,781	26,780	48%
Backlog	11,234	12,036	12,295	12,777	17,335	54%
% Backlog	62%	49%	50%	52%	65%	

A total of 9,269 cases for DNA are backlogged. The majority of the DNA assignments that are backlogged are for nonviolent crimes at 69%. Sexual assault cases are next with 14% backlogged. The following chart shows the DNA backlog breakdown by crime type.



The cases received by the lab can contain multiple items which are assigned for analysis to different areas of the lab. Drug analysis has received the most items over the past five fiscal years. The following table shows the number of items received and completed by each of the areas of the lab over the past five fiscal years.

Department	FY 14-15		FY 15-16		FY 16-17		FY 17-18		FY 18-19	
	Received	Completed	Received	Completed	Received	Completed	Received	Completed	Received	Completed
DNA Casework	12,157	11,063	15,448	16,695	14,804	17,932	15,217	16,929	15,468	13,824
DNA Serology	5,787	5,620	8,434	7,245	6,827	9,181	6,260	7,742	6,264	7,904
Drug Analysis	13,017	12,671	12,428	13,707	17,225	19,600	19,862	21,579	22,154	21,110
Firearms	8,193	6,311	6,636	6,265	7,735	6,459	8,350	7,834	8,532	7,920
Latent Prints	6,709	7,040	8,497	8,628	8,953	9,406	9,815	9,590	8,311	9,099
Crime Scene	1,231	1,224	596	679	320	403	335	346	360	387
Photography	962	927	1,292	1,322	1,260	1,265	1,221	1,178	833	920
Questioned Documents	1,140	1,134	1,705	1,774	953	952	1,654	1,678	762	855
Toxicology	9,135	9,579	9,100	10,006	8,948	9,105	9,245	9,400	9,155	9,179
Trace	2,755	3,065	2,734	2,423	2,196	2,279	1,970	1,545	1,833	2,465

In May 2020, S.C. Code §23-3-1300 was passed which requires SLED to create and operate a statewide Sexual Assault Kit Tracking System. The law requires all entities to participate fully in the system by June 1, 2022.

SLED has created a Sexual Assault Kit Task Force which has members from stakeholder groups to ensure that all the needs are identified and addressed. The cost of the system, to be purchased through the state procurement process, is estimated to be \$150,000. An implementation schedule has not yet been developed but will be when funding has been obtained.

### Construction of New Laboratory

SLED is working with the Department of Administration to build the new Forensic Services Laboratory. The current budget for the project is \$62,854,435. The new building is 118,000 square feet and is on property previously owned by the Department of Juvenile Justice and deeded through a property transfer to SLED. According to SLED, the anticipated substantial completion date is February 2022.

The majority of the benchtop equipment and scientific instruments can be moved and used in the new facility. The new building also has an indoor firing range and bullet recovery tank for the Firearms laboratory, two independent vehicle processing bays for Crime Scene Investigations, improved training facilities, and expanded evidence storage capacity. In their FY 21-22 budget request, SLED included \$500,000 in recurring funds for operating costs for the new forensic lab and \$952,000 in non-recurring funds for forensic equipment. Both of these requests were funded in the FY 21-22 appropriations act.

The new laboratory can assist SLED in addressing the backlog of cases. According to SLED:

With more usable space and the ability to accommodate additional forensic scientists, the laboratory will see increased case completions which have the ability to reduce current backlogs. Since the laboratory cannot control or predict the number of case submissions each year, which have an impact on backlogs, SLED has to focus its resources on getting the most efficiency out of its analytical processes and procedures and increasing the total number of cases capable (additional scientists) of being completed each year. The new laboratory will provide SLED with the necessary infrastructure to provide more efficient and timely services for our submitters.

### Tobacco Enforcement

The tobacco unit at SLED conducts inspections of retail stores to ensure compliance and to prohibit counterfeit or untaxed cigarettes as a result of the national tobacco settlement. Agents seize any cigarettes that are not in the Master Settlement Agreement Directory. As required by S.C. Code §11-47-30(b)(3)(D), SLED receives funding from the national tobacco settlement for the employees who work in this area and are limited to enforcing provisions of the settlement. There are two employees currently assigned to this unit with one vacancy.

Although the number of inspections were fewer in 2020, the seizures increased from 2019. The following table shows the tobacco inspections and seizures in 2019 and 2020.

	2019	2020
Inspections	4763	1669
Seizures	4	16
Packs Seized	185	639

The U.S. Food and Drug Administration also does compliance check inspections of tobacco product retailers. For decisions on cases in 2019 and 2020, in South Carolina, 101 retailers were given civil money penalties ranging from \$285 to \$11,698, 430 had warning letters issued, and one had a no tobacco sale order imposed for 30 days.

S.C. Code §16-17-500 *et seq.* prohibits the sale to or purchase of tobacco products or alternative nicotine products by a minor under the age of eighteen. Law enforcement agencies are authorized to test an establishment's compliance with laws relating to the unlawful transfer of tobacco or alternative nicotine products by using a minor under the age of eighteen with the minor's parental consent. DAODAS enforces underage tobacco laws with local law enforcement. SLED does not enforce vaping laws in the state.

## Alcohol Enforcement and Licensing

SLED conducts alcohol inspections and underage compliance checks for more than 14,000 locations with approximately 23,000 individual licenses and writes administrative and criminal violations. The agency also conducts alcohol license application investigations into new and continuing businesses that sell or intend to sell alcohol, including conducting research into owners, managers, and other interested parties to help the SC Department of Revenue determine whether a license should be issued or penalties assessed for violations. It also investigates violations of the three tier distribution and licensing system which has separate licenses for the manufacturer, wholesaler and retailer. There are currently 44 FTEs including 4 Lieutenants and 1 Captain. The agency expressed a need for additional agents who would be used to perform inspections and underage compliance checks more often as well as investigating other alcohol violations.

For businesses selling alcohol or applying to sell alcohol, SLED has conducted inspections and determined violations. The following table shows the inspections conducted and violations issued over the past five years.

	2015	2016	2017	2018	2019
Alcohol Inspections	21,346	19,027	14,720	18,497	16,221
Alcohol Licensing Inspections	2,401	1,780	2,776	2,292	2,149
Alcohol Violations	1,638	1,239	889	962	734
Alcohol Criminal Summons	1,283	1,107	921	820	856
Alcohol Warnings	167	123	111	65	41

In addition to inspecting businesses with alcohol licenses, SLED conducts underage compliance checks to determine if businesses are selling alcohol to underage persons. The following table shows the number of attempts and buys for underage alcohol sales for the past five years.

	2015	2016	2017	2018	2019
UCI Attempts	8,793	9,100	8,602	9,041	7,748
UCI Buys	1,105	878	632	728	522
Percent Buys	13%	10%	7%	8%	7%

The agency also conducts alcohol-related investigations (ARIs) which are investigations of injury or death to a person under twenty-one when the use of beverages containing alcohol is suspected. In 2015, 31 investigations were conducted and 8 investigations were done in 2019.

SLED is the only agency with the authority to write administrative violations. Local law enforcement as well as SLED can write criminal violations. SLED will work together with local law enforcement to address alcohol violations. Those are reported as assisted arrests. In 2015, SLED had 689 assisted arrests and 280 assisted arrests were done in 2019.

For the first six months of 2020, due to the pandemic, the number of alcohol enforcement activities had decreased significantly. The following table shows the monthly activity.

	ARI	Summons	Inspections	Violations	UCI Attempts	UCI Buys	Assisted Arrests	Warnings	Cases Opened
January	2	43	1363	45	644	23	6	1	89
February	4	65	1599	48	788	39	28	8	115
March	0	45	1143	47	604	42	11	18	108
April	0	1	55	7	0	0	2	14	23
May	0	2	104	10	0	0	0	13	12
June	1	3	1341	16	1	1	0	24	40
Total	7	159	5605	173	2037	105	47	78	387

## Gangs Enforcement

SLED conducts criminal investigations which include crimes committed by gangs and gang members. According to SLED: “Gangs and gang members are involved in all types of crime, especially violent crimes, such as: Murder; Attempted Murder; Armed Robbery; and illegal drug trafficking. Rival gang and intra-gang violence has impacted communities across the state. Gangs are also involved in organized crime such as drug trafficking, human trafficking, and dog fighting.” As part of these investigations and enforcement, SLED and other agencies use GangNET, a statewide criminal gang database, to share information and intelligence on gangs and gang members and to link members to specific gangs and other gang members. Gangs often commit crimes across jurisdictional boundaries.

SLED is responsible for maintaining this statewide criminal gang database. S.C. Code Section 16-8-330 states that:

- (A) Pursuant to achieving the intent and purpose of this article, the State Law Enforcement Division must develop and manage a statewide criminal gang database to facilitate the exchange of information between federal, state, county, and municipal law enforcement agencies pursuant to the intent and purpose of this article.
- (B) All state, county, and municipal law enforcement agencies must furnish information they acquire relating to criminal gangs and gang-related incidents to the State Law Enforcement Division to be included in the database.

SLED reports that not all of the local law enforcement agencies furnish gang information to SLED and there is no mechanism to use to require the reporting of information. In March of 2020, of the 282 law enforcement agencies eligible to participate in GangNET, 99 have access to GangNET, and 183 have not acquired access. Of the 99 entities with access, 52 have made an entry into GangNET, and 47 have not made an entry. Of the 52 entities that have made an entry, only 16 made an entry within the six months prior to March 2020. SLED does not know if agencies have an entry that should be made.

Although S.C. Code §16-8-330(B) requires law enforcement entities throughout the state to report information for the statewide criminal gang database, SLED has no means to enforce that provision. SLED has suggested some ways to encourage agencies to report information such as:

- having an incentive of access to or penalty of denial of access to certain grant funding on crime prevention
- having an incentive to document and enter gang members into GangNET by passing a state law adding time as a consecutive sentence (5 to 10 years) for being a gang member involved in a violent crime.

In order to acquire and maintain statewide information on gang activities, SLED may need a method to encourage agencies to report relevant information.

- **Legislative Recommendation**

The SC General Assembly should consider amending state law to grant the State Law Enforcement Division the means to enforce the requirement that law enforcement entities report information for the statewide criminal gang database.

## Weapons Permitting and Violations

Under S.C. Code §23-31-215, SLED is required to issue a permit to carry a concealed weapon to anyone who meets the qualifications in state law and submits the required information. As of December 31, 2020, there were 418,828 active concealed weapons permits (CWPs) in South Carolina. SLED also denies applications for CWPs for applicants who do not meet the qualifications and revokes permits of those people who become prohibited under state law from possessing a weapon or moves out of state and does not own property in the state. The following table shows the number of permits issued, denied, and revoked in 2019, 2020 and part of 2021.

	2019	2020	As of 10/31/21
Issued	76,273	112,723	129,939
Denied	1,699	2,733	3,455
Revoked	1,113	1,221	1,155

SLED states that it does not track out-of-state revocations or denials for CWPs. Out-of-state denials figures would be based on firearm purchase attempts denied due to South Carolina information in the NICS indices.

S,C, Code §16-23-20 states that it is unlawful for anyone to carry handguns except for 16 listed exceptions including law enforcement and CWP holders. S.C. Code §16-23-50(A)(2) states that a person found violating Section 16-23-20 is guilty of a misdemeanor and if convicted, fined not more than \$1,000, or imprisoned not more than a year, or both. There is not a greater penalty for subsequent violations. Additionally, under state law, a person can lawfully possess a firearm in South Carolina if they have not been convicted of a “Crime of Violence” as defined in §16-23-10 or a Violent Crime (§16-23-500) as defined by §16-1-60. There are numerous felony offenses that would prevent someone from legally possessing a firearm under federal law. Both Georgia and North Carolina have state laws with two tiers of penalties for convictions of unlawful carry of weapons with a misdemeanor for the first violation and a felony for subsequent violations. Additionally, those states have laws which prohibit anyone convicted of a felony from possessing firearms with a felony conviction for violators.

SLED states that there are frequent arrests in the state for unlawful carry of firearms, but the penalties are not adequate and some felons cannot be charged with possession of a firearm under state law. Only 1.1% of the prison population in South Carolina is currently incarcerated for weapon offenses. In order to address these violations in this state, state law needs to be amended to add these provisions.

- **Legislative Recommendation**

The SC General Assembly should consider amending state law to include greater penalties for subsequent violations of the unlawful carry of firearms provision and to prohibit anyone convicted of a felony from possessing a firearm.

## Assistance to Counties

Part of the mission of SLED “is to provide quality manpower and technical assistance to law enforcement agencies of political subdivisions of South Carolina.” According to SLED, any local law enforcement entity can request assistance which will be provided at no cost. Because assistance to counties is a large part of SLED’s activities, the agency does not track all the requests for assistance by county. The following table shows the number of requests by county that were recorded in 2020.

County	Number of Requests
Abbeville	7
Aiken	15
Allendale	15
Anderson	23
Bamberg	7
Barnwell	9
Beaufort	16
Berkeley	11
Calhoun	1
Charleston	19
Cherokee	17
Chester	10
Chesterfield	11
Clarendon	7
Colleton	11
Darlington	14
Dillon	12
Dorchester	12
Edgefield	4
Fairfield	5
Florence	25
Georgetown	4
Greenville	43
Greenwood	11
Hampton	10
Horry	25
Jasper	13
Kershaw	13
Lancaster	10
Laurens	20
Lee	8
Lexington	44
Marion	12
Marlboro	14

McCormick	6
Newberry	20
Oconee	5
Orangeburg	23
Pickens	30
Richland	39
Saluda	5
Spartanburg	30
Sumter	12
Union	7
Williamsburg	6
York	22
<b>Total</b>	<b>683</b>

The forensic laboratory also tracks by county the cases it receives for analysis. From January 1, 2017, to January 25, 2021, the lab had received 87,898 cases which required 116,574 assignments.

SLED operates four regional offices around the state :

- Low Country with 12 counties, located in Walterboro
- Midlands with 10 counties, located in Columbia
- Pee Dee with 12 counties, located in Florence
- Piedmont with 12 counties, located in Greenville

SLED agents in the regional offices investigate crimes throughout the state. Six hundred sixty-five cases were opened in 2020 in the regional offices, with the Piedmont region having the most cases opened:

- Low Country - 147
- Midlands - 155
- Pee Dee - 150
- Piedmont - 213

The number of major cases by type investigated by SLED in 2020 in the regional offices is shown below.

<b>Case Type</b>	<b>Low Country</b>	<b>Midlands</b>	<b>Pee Dee</b>	<b>Piedmont</b>	<b>Total</b>
Administrative/Other	11	17	10	15	53
Assault and Battery	4	11	7	16	38
Criminal Sexual Conduct	21	10	14	30	75
Death Investigation	29	21	15	18	83
Officer Involved Shootings	14	9	10	13	46
Official Misconduct	13	15	15	18	61
<b>Total</b>	<b>92</b>	<b>83</b>	<b>71</b>	<b>110</b>	<b>356</b>

In addition to providing assistance to counties, SLED receives information from law enforcement, prosecutors, judges, etc. in the counties. The case management systems are different for all of these entities because the information needed and tracked is different for each entity. SLED states that “the multitude of individual case management systems across the criminal justice system makes it incredibly difficult to integrate and communicate with each other with no centralized data collection point. This leads to gaps, loopholes, missing or incomplete data, and untimely access to information, if at all. However, as long as each entity’s system is web-based and

CJIS compliant, they can be configured to interface with each other for purposes of sharing information and the relevant data for each system statewide can be collected centrally.” A central data warehouse could be created to store the information from these entities which allows access to the data as needed by SLED and the other law enforcement entities.

- **Legislative Recommendation**

The SC General Assembly should consider amending state law to authorize the creation of a central data warehouse with appropriate safeguards for information from law enforcement entities which could be accessed by those entities as needed to perform their responsibilities.