

# Senate Oversight Subcommittee Summary Report on SC Law Enforcement Training Council/Criminal Justice Academy September 2019



The SC Law Enforcement Training Council/Criminal Justice Academy is the state's sole entity providing training for state and local law enforcement agencies. The length of time between the hiring of new officers and enrollment in the Academy and the policy for allocating slots at the Academy is the greatest concern voiced by local law enforcement. The Academy implemented a new training regimen in July 2019 whereby the first four weeks of training are delivered remotely. The agency reported in late August 2019 that this change reduced or eliminated wait times and resulted in slots being allocated in the order requested. Increases in General Fund appropriations by the General Assembly have begun to reduce the agency's reliance on fines and fees for operating revenues. The Academy has also increased the emphasis on pre-screening applicants to improve completion rates.

## *Agency at a Glance*

The stated mission of the SC Law Enforcement Training Council (LETC)/Criminal Justice Academy (CJA) is to foster and uphold prescribed laws and regulations by providing mandated basic and advanced training to criminal justice personnel and maintain a continuous certification process to ensure that only the most qualified persons are sanctioned by the state to serve. Operational governance is provided by the eleven member Law Enforcement Training Council. Six members of the Council serve ex-officio with the remaining five appointed by the Governor to represent specific areas of law enforcement. With 125 FTE's and total revenues of approximately \$14.4 million, the agency relies on a combination of state General Fund appropriations and fines and fees to support the operations of the agency. Most training is conducted at the facility on Broad River Road and is a combination of classroom instruction and practical proficiencies such as driving, firearms and self-defense.

## *Issues*

### *Law Enforcement Training Council Meeting Accessibility*

Although the Academy has indicated that the media is routinely informed of Council meetings, meeting notifications and agendas for the LETC quarterly meetings were not consistently posted. Also, due to the space limitation at the January 2019 meeting, the room where the meeting took place was entirely occupied by committee members, staff and other law enforcement personnel before the meeting began. This left no room for the public or the press to attend meeting.

- **Agency Recommendations** - The Academy should ensure that meeting notifications and agendas are prominently displayed on the agency's website. Upon adoption of the minutes of the preceding meeting, the minutes should also be posted on the website. The agency should also consider a sign up link on the website to allow interested parties to sign up for an email notification of meetings. Finally, the agency should consider utilizing available technology to live stream the meetings thereby facilitating public and media access to the proceedings.

### *Wait Time for Admission*

Local law enforcement voiced concerns about the wait time for trainee slots at the Academy and data from the agency reinforces this concern. During the time frame between hiring officers and training these individuals, they are being paid as active duty officers and can serve in this capacity. This means that either the local departments are forced to accept the financial burden of paying the salary and benefits for an officer that is not serving in that capacity or accept the liability of an untrained officer interacting with the public until they report to the Academy for training.

- **Agency Recommendation:** The Academy should assess the success of their abbreviated class schedule to determine if the wait times for admission have decreased to an acceptable level using this revised model and report this information to the legislative committees with purview over the agency.

### *Policy for Allocation of Slots*

The Academy and the Law Enforcement Training Council Chairman both report that there is no written policy in effect that has been adopted by the Council. This absence of a written policy makes it impossible to assess the agency's method of allocating slots at the Academy and results in ambiguity regarding the methodology among local law enforcement agencies.

- **Agency Recommendation:** The LETC should adopt a formal written policy defining the manner in which vacant slots for recruits are assigned to local law enforcement agencies and promulgate this information on the agency's website. This policy should include the differences in the allocation process between large and small agencies, the reallocation of unused/unfilled slots and the discretionary authority of the director to allocate additional slots.

### *Turnover in Law Enforcement Profession*

The number of law enforcement officers leaving the profession in the early portion of their careers is a complex problem confronting law enforcement agencies throughout the country. Although many of the causes related to turnover are beyond the control of either the state agency or the local agencies, leadership and morale have been cited as key factors affecting attrition rates. Improvements in leadership at the local level might improve attrition rates.

- **Agency Recommendation:** The Law Enforcement Training Council should ensure that leadership classes are available to the executive officers of local law enforcement agencies to disseminate best practices in human resource management and fostering workplace satisfaction.
- **Legislative Recommendation:** The General Assembly may wish to mandate leadership training for individuals leading law enforcement agencies exceeding a minimum number of officers.

### *Completion Rate*

The Academy experiences significant attrition among candidates during training. While the reasons for non-completion vary, many fail to obtain certification, either because they are unprepared for the academy or not sufficiently invested in the training program.

- **Legislative Recommendation:** The General Assembly may wish to provide for a tuition requirement on the part of the local law enforcement agencies and/or candidates as a component of the agency's funding model. This might incentivize local law enforcement agencies to more rigorously prescreen potential candidates. This tuition could be reimbursed for successful candidates if this were deemed too fiscally burdensome on local governments.
- **Agency Recommendation:** The Academy should continue with efforts to prescreen applicants to ensure that candidates accepted have a reasonable opportunity to successfully complete the training and attain certification.

### *Regional v. Centralized Approach*

The current practice of conducting all entry level training at the centrally located Criminal Justice Academy places constraints upon the number of law enforcement officers that can be certified annually and increases wait times. This approach also places the entire financial burden upon the state for training applicants. At least one large metropolitan area has advanced a proposal for conducting training locally utilizing local resources. Based upon the experience of other states, decentralization of training does not appear to negatively affect the quality of training or result in less qualified officers. In July of 2019, the Academy implemented a new curriculum to in which the first four weeks of the twelve week program accessed via the Acadis portal and delivered remotely. In late August 2019, the agency reported that this change decreased the time that students spend training at the Academy and resulted in graduating students at a faster rate, which serves to alleviate the backlog by allowing the Academy to start a new BLE class every two weeks. This will increase the number of students each year to approximately 1,680, which is 560 additional students. The agency also reported that it surveys local law enforcement agencies every two years on ways for the agency to improve its services.

- **Agency Recommendation:** The Agency is encouraged to examine whether other distance learning and/or regional training alternatives may be implemented in the future to improve law enforcement training efforts in the state.
- **Legislative Recommendation:** The General Assembly may wish to amend statute 23-23-20 which currently states that all "basic and advance training must be provided at the training facility" to conform to the agency's practice of providing some training remotely and allow the the Academy greater flexibility in the manner that training is provided.

### *Confusion Regarding Agency Identity*

The enabling legislation for the Law Enforcement Training Council/Criminal Justice Academy is somewhat confusing regarding the identity of the agency. Although the Criminal Justice Academy functions as an agency with the Council operating as the governing body, the enabling legislation and the Appropriations Act seem to identify the Council as the state agency. This can lead to some confusion regarding the distinction between these two entities.

- **Legislative Recommendation:** The General Assembly may wish to revise existing language and references in statute to clarify the distinction between the Council and the Academy to identify the Criminal Justice Academy as the state agency with the Law Enforcement Training Council as the governing body for the Academy.

## *Officers Serving Prior to Training*

Under current law, prospective law enforcement officers must be employed by an agency and once specific requirements are met, can serve as law enforcement officers for up to one year prior to certification. Because of manpower shortages at the local level and the waiting list for training slots at the Academy, some local law enforcement agencies must employ officers for extended time-frames prior to certification. This means that officers may serve without the requisite training and includes those individuals who are ultimately deemed unqualified for certification.

**Legislative Recommendation:** If efforts to reduce wait times for training slots at the Academy are successful, the General Assembly may wish to revise the SC Code §23-23-40 to reduce or eliminate the current one year period during which an individual may be employed as a law enforcement officer prior to receiving certification.

## *Funding Mechanism*

The Law Enforcement Training Council is heavily reliant on fines and fees to support the operation of the Academy. This source of funds is unpredictable and can lead to the public perception that enforcement efforts are used as a funding opportunity instead of the intended purpose of public safety. It also creates a disconnect between the amount of local support provided and utilization of the resource.

- **Legislative Recommendation:** The General Assembly may wish to continue transitioning the funding mechanism for the operations of the Criminal Justice Academy to General Fund appropriations as a source of revenue in lieu of the current model that relies partially on fines and fees. Additionally, the General Assembly could consider a tuition charge for either individuals or employing agencies to offset some of the costs of operating the Academy as an alternative to additional appropriations.

Senate Legislative  
Oversight Committee

Report on the  
Law Enforcement Training Council  
SC Criminal Justice Academy



September 2019

The SC Law Enforcement Training Council/Criminal Justice Academy is the state agency tasked with providing basic and advanced training to state and local criminal justice personnel and certifying the qualifications of the individuals trained. In addition to classroom training, the Academy provides practical training at the agency's headquarters on Broad River Road to promote proficiency in various aspects of law enforcement including firearms training, driving and self-defense. The Academy also provides some training remotely via a mobile training unit and through distance learning. The Academy has a staff of 125 FTEs and combined General Fund and other revenues of approximately \$11.5 million in FY 19. The Law Enforcement Training Council should ensure greater public access to the Council meeting and adopt a policy for allocating training slots at the Academy. The Academy should also continue with efforts to reduce the wait times for training and prescreening of applicants. The General Assembly may wish to continue transitioning the Academy from fines and fees as a large percentage of the agency's revenues to another source. The General Assembly may also wish to consider a more decentralized training model as employed in other states. The General Assembly may also wish to amend the agency's enabling legislation to resolve any confusion regarding the distinction between the Council and the Academy. The General Assembly may also wish to reduce or eliminate the time period in which an individual may serve as a law enforcement officer prior to certification.

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

### *Mission*

The stated mission of the SC Criminal Justice Academy (CJA) is to foster and uphold prescribed laws and regulations by providing mandated basic and advanced training to criminal justice personnel and maintain a continuous certification process to ensure that only the most qualified persons are sanctioned by the state to serve.

### *History*

The South Carolina Police Academy was created in 1968 with a \$30,000 federal Law Enforcement Assistance Program Grant to SLED. Encompassing approximately 300 acres, the South Carolina Criminal Justice Academy commenced operations at the current site on Broad River Road in Columbia in 1972. Over the next several years a number of facilities were added to the campus including the driving range, firing range and additional dormitories to house students. The Academy was made a division of the Department of Public Safety in the Restructuring Act (A 181) of 1993. In Act 317, of 2006, the SC General Assembly established the Law Enforcement Training Council as the governing body of the SC Criminal Justice Academy making the entity an independent state agency.

### *Governing Authority:*

The South Carolina Criminal Justice Academy is governed by the South Carolina Law Enforcement Training Council (LETC). The Council is comprised of eleven members. Six members of the Council are ex officio members. These include the SC Attorney General and the Directors of five law enforcement related agencies. The remaining five members are gubernatorial appointees representing specific areas of the law enforcement community and serve at the pleasure of the Governor. The specified areas are as follows:

- One chief of police from a municipality having a population of less than ten thousand.
- One chief of police from a municipality having a population of more than ten thousand.
- One county sheriff from a county with a population of less than fifty thousand.
- One county sheriff from a county with a population of more than fifty thousand.
- One detention director who is responsible for the operation and management of a county or multi-jurisdictional jail

## **Law Enforcement Training Council**

Statutes: [SC Code §23-23-30](#)

<b>Position</b>	<b>Position Title</b>	<b>Current Members</b>	<b>Appointed By</b>	<b>Appointed Date</b>
Attorney General	Member	Wilson, Alan	Ex Officio	
Chief of SLED	Chmn.	Keel, Mark	Ex Officio	
Director, SC Probation, Parole and Pardon Services	Member	Adger, Jerry	Ex Officio	
Director, SC Department of Corrections	Member	Stirling, Bryan P.	Ex Officio	
Interim Director, SC Department of Natural Resources	Member	Boyles, Robert H.	Ex Officio	
Director, SC Department of Public Safety	Vice-Chmn.	Smith, Leroy	Ex Officio	
Municipal Police Chief	Member	Taylor, Tony	Governor Henry McMaster	05/16/2019
Municipal Police Chief	Member	Thomas, John C.	Governor Nikki R. Haley	1/15/2013
County Sheriff	Member	Foster, James L.	Governor Nikki R. Haley	12/2/2016
County Sheriff	Member	Faile, Barry S.	Governor Nikki R. Haley	12/2/2016
Detention Director	Member	Gallam, Nicholas	Governor Henry McMaster	9/29/2017

The LETC is required to meet a minimum of four times per year and elects officers annually with the current Chairman serving in that role since 2008. A meeting notification and agenda for the October 2018 and January 2019 meeting could not be located on the agency's website. At the January 2019 meeting, the Chairman and Vice-chairman were reelected by acclamation with no other nominees for these offices. Council is vested with nine enumerated powers and duties. These include, developing the courses and standards of training as well as certifying and training qualified candidates and applicants for law enforcement officers and for suspension, revocation, or restriction of certifications. Also included is the authority to make regulations for the administration of the statute, including issuing orders and directing public law enforcement agencies to comply with the statute. Although not included in the section relating to the powers and duties of the Council, the authority to hire the director of the Academy who is responsible to the Council is stated in another section of the law.

Based upon a review of the minutes of the Council meetings and a discussion with the Chairman, the Council is primarily concerned with issues related to certification of law enforcement personnel and few actual votes are taken regarding the policies and operations of the Academy. However, this may be due to the limited need to adopt or revise policies.

In 2018, the General Assembly enacted H. 4479 further outlining the procedures for adjudication of allegations of misconduct by law enforcement personnel, specifying those acts of misconduct that must be reported to the Council, defining the employment status of officers under allegation of wrongdoing and allowing the Council to appoint attorneys employed with the Academy to act as hearing officers. This legislation is expected to streamline the hearing process and substantially reduce the onus on the Council Members for conducting the hearings.

Several of the local police chiefs interviewed during this review expressed the opinion that the structure of the Council placed greater weight on the views of state agencies rather than local law enforcement entities. This perception appears to be based upon the number of state agency heads on the Council, skepticism about the representation from appointed local chiefs and sheriffs, as well as the continued service of the SLED Chief as chairman.

### *Academy/Council Distinction*

Statute clearly defines both the Criminal Justice Academy and the Law Enforcement Training Council as two distinct entities. Chapter 23 of the SC Code of Laws specifically refers to the Law Enforcement Training Council **and** the Criminal Justice Academy. The Academy is headed by the agency director and tasked with providing training to all law enforcement personnel within the state. The Law Enforcement Training Council is a board of eleven members with separate powers and duties including hiring the director of the Academy who is responsible to the Council and for adopting regulations for the administration of Chapter 23 of the Code. While the State Appropriations Act lists the LETC as the funded entity, the agency's budget request refers to the Academy as the requesting entity. In the accountability report, the form lists the agency's name as the Law Enforcement Training Council, while all references within the body of the report are to the Academy. Further complicating the distinction between the two entities, some of the duties ascribed to the Council such as publishing manuals, bulletins and newsletters or training qualified



candidates and applicants, appear to be activities that would normally be performed by the agency staff rather than a separate governing body.

### *Training*

The primary activity of the Criminal Justice Academy is to provide training to potential law enforcement and corrections staff. This is accomplished through a variety of nationally recognized training techniques approved by the Council. The training is delivered via a combination of classroom instruction and structured activities which can be objectively graded as well as immersive ungraded scenarios that seek to simulate realistic situations that students may encounter in the field. These stress inducing exercises are observed and evaluated by training staff and then reviewed with the students to assess the students' performance in managing and de-escalating strenuous situations. Some of the practical training in which students must demonstrate proficiency include handcuffing, self-defense, driving and firearms instruction. Much of the classroom training emphasizes legal issues, police science and behavioral science.

Students are housed in two person rooms on the campus of the Academy. During the twelve weeks of Basic Law Enforcement training, the day begins at 6:30 in the morning with students marching to breakfast in the designated uniform of the day followed by formation and colors at 7:30. Classes commence at 8:00 and continue until lunch at noon and then continue until between 3:00 and 5:00 in the evening depending on the curriculum requirements for that week. On most days, the structured portion of the day ends with dinner at 5:00 p.m. However, it is not uncommon to have additional classes after dinner one to three times per week both to complete the entire curriculum and in weeks 5, 10 and 11 to practice low light exercises. Week five is dedicated to the firearms and driving portion of the curriculum. Students must satisfactorily complete both of these portions of the training in order to be certified.

To the extent practicable, the curriculum is structured to alternate between classroom training and practical/physical portions of the course. This is intended to avoid overtaxing either the mental or physical stamina of the students.

Staff at the Academy express the view that the requirement for students to reside in barracks during the training enhances esprit de corps, reduces outside distractions and eliminates long daily commutes. At the same time, housing and feeding candidates also increases the cost of training and may prevent qualified individuals from pursuing a career in law enforcement if the classes conflict with personal and/or professional demands.

**Update:** Revised training curriculum to Address waiting list

Effective July 1, 2019, the South Carolina Criminal Justice Academy changed the process for acquiring Class 1 Law Enforcement Certification for new hires, previously certified Class 1 officers/out of State Class 1 officers, and Class 3 (Limited Duty) officers.

The Academy developed a new curriculum to assist the field with graduating students at a faster rate, and alleviate the backlog by allowing the Academy to start a new BLE class every two weeks. This will allow enrollment of up to 1,680 students each year. This is an increase of 560 additional

students per year. In February 2019, the Law Enforcement Training Council voted to adopt the new curriculum.

The first four weeks of Academy instruction now occurs online. Videos were recorded in a real-time classroom setting while an Academy instructor was teaching, so the student would have the benefit of hearing other students' questions as well as instructor answers. The student is given access to the Acadis portal for video instruction and tests by his/her Training Officer. Agency proctors are required to be present while material is being shown and during each test.

The blocks of instruction may be viewed in any order, tests may be taken in any order, and there is no required time frame for which either must be completed. The agency is encouraged to supplement the video instruction with training/explanations/examples specific to the department to make the process a greater learning opportunity for the student. At the conclusion of each block of instruction, the student takes a 50-question test, delivered via Acadis. Students must pass all four tests with a minimum score of 70% before moving to the next phase of the program. Students who fail a test must wait 5 business days before being reassigned the test, in order to give the student time to review/remediate the failed material/instruction.

#### *Local Law Enforcement Participation in Curriculum Revision*

In January 2019, a large group of law enforcement executive officials gathered at the Academy to discuss the new curriculum concept developed by the Academy. The group included representatives from the SC Law Enforcement Officers' Association (SCLEOA), SC Police Chiefs' Association, Fraternal Order of Police (FOP), SC Sheriffs' Association, SC Highway Patrol, state agencies, police departments, and sheriff's offices. The group was presented two curricula proposals. During discussions, the attendees preferred that the bulk of the legal training remain at the Academy, and that only three proficiency areas be taught in the field (OC Spray, handcuffing, and firearms), since field instructors were trained in these areas. At the conclusion of the meeting, the attendees voted unanimously to accept the new curriculum.

In early February 2019, a survey was sent to all SC law enforcement agencies detailing the new curriculum. Respondents were asked if their agency would like to keep training as it is currently (all 12 weeks at the Academy), or change to the new concept (4 weeks in the field/8 weeks at the Academy). Agencies were also asked if they would be interested in being a host site for either their agency or others. Eighty percent (80%) of respondents indicated they would like the curriculum change; 89 agencies offered to host. Within the following days, that number grew even larger, and today, 96 agencies are considered hosts for the online training program.

#### *Local Coordination of Field Training*

State agencies, cities and counties have offered to host training for other local agencies and some agencies have partnered with community colleges as a host locale. In the Upstate, local and county agencies have partnered with Clemson University to take turns using training officers to proctor the training. In May, Central Carolina Technical College announced a partnership with six local police agencies to host training.

## *Operations/Programs*

The Academy defines agency's programs by the certification programs offered. There are five basic certification programs with varying requirements. Successful completion of these courses of study allow the student to perform those duties and work in positions which fall under the qualifications specific to that certification.

### Basic Law Enforcement Training Program

The Basic Law Enforcement program provides the officer candidate with the necessary knowledge, skills, and the abilities to perform the duties of a certified law enforcement officer in the state of South Carolina. The Basic Law Enforcement training program is twelve weeks in duration. Upon completion of the training the candidate will be a certified Class 1 Law Enforcement Officer. A candidate must complete training within the first twelve months of employment.

**Update:** Curriculum revision implemented July 2019 (see above)

### Basic Detention Training Program

Completion of the Basic Detention Training program provides the officer candidate with the necessary knowledge, skills, and the abilities to perform the duties of a certified detention officer in the state of South Carolina. This program is three weeks in duration and encompasses those portions of the Basic Law Enforcement Training program deemed necessary for carrying out the role of serving as a detention officer. Upon completion of the training the candidate will be a certified Class 2 Law Enforcement Officer. Like the Class 1 law enforcement certification, a candidate must complete the training within the first twelve months of employment.

### Basic Telecommunications Officer Training Program

The Basic Telecommunications Officer Training program provides training to ensure safe and efficient public safety response to the emergency needs of the community. This training program is an 80 hour program. During the two weeks of training, students reside in the dorm rooms at the Academy. To be eligible for training and/or certification, an applicant must be employed with a public safety answering system within the state of South Carolina, pass a National Crime Information Center and SC criminal history check showing no crimes carrying a sentence of more than one year, provide a legible certificate, transcript, or confirmation of having successfully completed a National Incident Management/Incident Command System (NIMS ICS)-100 level course, participate in the Spanish language training and demonstrate proficiency through participation, homework and quizzes.

**Update:** Training is now one week in duration and the Spanish requirement has been eliminated.

### Limited Duty Basic Training Program

The Limited Duty Basic Training program provides the officer candidate with the necessary knowledge, skills, and abilities to perform limited duties of a certified law enforcement officer in the state of South Carolina. The Limited Duty Basic Training consists of the Legal portions of the Basic Law Enforcement training curriculum. In addition, the officer candidate must qualify in firearms at their agency before registration and submit the Firearms & Emergency Vehicle Operation (EVA) Affidavit at registration.

### Special Basic Class I Training Program

The Special Basic Class 1 program is a recertification program for former Class 1 certified officers in South Carolina who have not held a Class 1 certification for over a year but not more than three years or an abbreviated SC certification program for out-of-state officers holding a police certification in another state and deemed in good standing. Candidates eligible for certification through the Special Basic Class I training must complete the first six weeks of the Basic Law Enforcement Training program

**Update:** The Academy has also changed its process for training those officers who have had a lapse in law enforcement employment for more than 1 year but less than 3 years. Once approved for this special training, these students are given access to online training via the Acadis portal. The training is approximately two weeks in length and focuses on South Carolina state law. Upon completion of the online training, the student can be registered for an Academy class date. The student will be required to pass a 75-question test before attending a week of firearms and driving training at the Academy range. The student will be awarded Class 1 certification upon successful completion of these areas.

### Advanced Classes

The Academy also offers a wide variety of advanced classes based upon demand/need and available funding. Many of these classes develop specific skills to allow officers to supplement the capabilities of the agency in which they are employed including dissemination of best practices within the agency, prepare them for leadership roles and enhance their effectiveness in meeting the challenges encountered in modern law enforcement. Examples of these advanced courses include the following:

**Basic Detective** - This one-week class teaches certified officers investigative functions such as case management, case prioritizing, information sources, case preparation, courtroom procedure, rules of evidence, crime analysis, statement analysis, interview and interrogation techniques, property crimes, handling juvenile offenders, managing informants, and crime scene management

**Fingerprint Recognition and Comparison** - This class is designed to enhance a certified officer's abilities to analyze, compare, and evaluate latent fingerprints for identification or comparison purposes

**Narcotics Undercover Techniques** - Teaches investigative procedures and the narcotics officer's role in undercover operations, case development, informant control, and surveillance

**Advanced Officer Safety and Survival** - Informs trainers such as field training officer or training officers on the current techniques that are being taught during the twelve-week basic law enforcement-training academy. The training will cover high risk car stops, building clearing, shoot/don't shoot training, use of force issues, officer survival deadly errors, stress and cardiovascular disease, and critical incident report writing

**School Resource Officer** - Offers instruction in the job duties of SROs, Juvenile Procedures, special education laws and students, instruction and lesson plans, child abuse, gangs, controlled substances, students with disabilities, Crime Prevention through Environmental Design (CPTED), critical incident response, writing a crisis response manual, interview and interrogation and active shooter

### On-line and Outreach Training

The Academy provides training online and remotely to assist officers in meeting the state's continuing education requirements. This training helps officers meet the minimum continuing education requirements to retain certification and provides additional specialized education as officers gain more law enforcement experience and advance in their careers. This allows them to augment their skills and fill the specific needs of the local law enforcement organization. The specific courses offered are based upon the mandatory requirements and the needs expressed by local law enforcement entities.

### *Allocation of Training Slots*

Due to the capacity limitations at the Academy, a wait period exists between the time a new officer is hired and a training slot becomes available at the Academy. The manner in which these slots are meted out to the local law enforcement agencies is a concern at the local level. The Director of the Academy explained that he takes numerous factors into consideration to ensure that this process is managed in a fair and expeditious manner. However, when the policy was requested, the agency explained that there was no written policy regarding the manner in which applicants were assigned training slots. When asked, none of the local police chiefs queried was able to explain the process used to determine the manner in which training slots were allocated. Some believed that the process unfairly favored larger agencies to the detriment of smaller localities. The lack of a written policy renders a determination of the efficacy of this process untestable.

**Update:** With the curriculum and screening process, class slots are no longer able to be reserved. Students are now registered on a first-come, first-serve basis. Some agencies have deferred taking the next available slot, citing reasons such as needing more remediation time, personal student choice, or preferring to send a group of students together.

## *Waiting List for Training Slots*

State law stipulates that law enforcement officers in SC must receive training within one year of being hired. However, they must meet the firearms qualification requirements within 3 days of being hired in order to perform the duties of a law enforcement officer. Additionally, the employing agency must notify the Criminal Justice Academy of the employment within three days of hiring an officer. During the interval between initial employment and officer certification, once the firearms qualification requirement has been met, an individual employed as a law enforcement officer can perform the duties associated with that position. This includes, controlling/directing members of the public and exercising the powers of arrest.

Best practices dictates that an untrained law enforcement officer not be actively engaged in carrying out these duties and most medium sized and larger agencies refrain from utilizing untrained officers in this capacity. This means that the employing agency must pay these individuals as law enforcement officers until they complete their training while not using them for these functions. Often, smaller law enforcement agencies must use these untrained individuals as active law enforcement officers during the period between when they are hired and when they complete their training. This has the potential for creating a dangerous situation for the public and/or the untrained officer as well as liability for the employing agency. The potential exists that individuals serving in this capacity may not be able to complete the requirements to become a law enforcement officer or choose to leave this career field before ever attending the Academy. The longer the wait time for training the more acute these problems are for local law enforcement agencies.

The basic law enforcement class currently requires 12 weeks of on-site training. A typical class is comprised of approximately 70 candidates. Since classes overlap and the Academy operates on a year round basis, approximately sixteen basic law enforcement classes are offered annually for a total enrollment of approximately 1,120 students. With only one facility for training law enforcement personnel and corrections officers in the state there is a limit to the number of officers that can be certified in a year.

During the training period, these candidates reside at the facility in dormitories Monday through Friday. The agency indicates that this immersive experience enhances the training by eliminating distractions and the need to travel long distances. However, it is probable that the residential requirement also dissuades many potential candidates that have obligations at home or are unwilling for a variety of reasons to spend this much time away from their home and community. The policy of students living in barracks at the school is not the norm in other states and it is unclear that this has a qualitative impact on the officers' training or subsequent performance. This requirement also limits the training capacity of the academy.

The waiting list for class assignment at the Academy varies at any given time. The Academy reports that the average wait between February and August of 2018 was 98 days from registration to start date. In the prior year, from March 2017 to March 2018, the average wait was 126 days. At present, the average wait time reported by the agency is 106 days. Police chiefs stated that new hires submitted for enrollment in September were scheduled for training the following April. This agrees with the Academy which reported a start date of April 14, 2019 for applicants registered in

September. While within the one-year maximum, this delay creates staffing problems for many local law enforcement agencies. Police chiefs have consistently raised the issue of wait times for prospective officers to attend the academy as a significant concern. In response to these concerns, the LETC adopted a revision to the training schedule reducing the length of the training program at the Academy to eight weeks and providing four weeks of training via video tapes that can be viewed by candidates remotely. The Director believes that this change will adequately reduce the waiting -time for training slots by allowing more classes of officers to be trained annually without any erosion in the quality of the training program.

**Update:** The wait time prior to the new curriculum was roughly 106 days. As of July 19, 2019, the wait time is 30 days. Subsequent to implementation of the new curriculum, Basic Law Enforcement Class 700 and 701 began attending the 8 weeks of training at the Academy in July. Class 703 is full and begins Academy training August 5, 2019. Class 704, which begins training August 19th, still has 19 slots open. Wait time for these students will be less than 30 days.

### *Recruitment/Retention of Law Enforcement Officers*

The majority of officers that leave the profession do so within the first five years after attaining certification. This deficit between the number of officers that are certified and the demand for training new officers to replace those leaving is a continuous and costly endeavor. There are numerous barriers to recruiting and retaining qualified law enforcement officers. Surveys of officers have shown that some of the most common reasons for leaving the profession are pay, benefits and working conditions. Additionally, a strong economy with low unemployment and competition from the private sector can make recruitment and retention more difficult.

While many of the factors contributing to this attrition are beyond the ability of the Academy to influence, any actions that can be taken to reduce the attrition rate of certified officers would aid in keeping up with the demand for additional training slots and reduce the cost of continually replenishing the vacancies left by departing officers. Deficiencies in leadership at local law enforcement agencies, lack of appreciation, and difficult working conditions are factors that have been cited in surveys as leading to increased turnover. Classes promoting more effective leadership among police chiefs and sheriffs to address human resource issues may be an area that can be impacted by advanced training at the Academy to reduce officers departing from careers in law enforcement. Also, disseminating best practices in fostering an ethos of appreciation and professionalism could lead to reduced turnover at the local level. Staff and leadership at the Academy cited concerns about being recorded and potentially prosecuted for legal transgressions as disincentives to a career in law enforcement. Instilling in officers the sense that performing their duties in a professional manner will protect them from such outcomes could help to allay these concerns.

### *Attrition*

Although classes typically begin with approximately 70 students, there is considerable attrition prior to completion of the 12-week course. In one particular class examined in 2018, 26.4 percent of the students failed to complete the course of training. The reasons for not completing included voluntary withdrawal, injuries or the release by the employing agency. However, the most

common reason for not completing the course was failure in the academic and/or proficiency portions of the course. In addition to training qualified candidates, the Academy also functions as a screening entity for unqualified candidates. The Director indicates that it is not uncommon for local agencies to send candidates to the Academy that are unable to meet the physical and mental demands of the training. To alleviate the loss from attrition, the Academy has instituted several screening programs including a minimum physical fitness requirement, psychological screening and an academic proficiency test. Currently, since there is no cost to either the candidate or the local law enforcement agency for attendance, no disincentive exists to reduce the number of unqualified candidates from enrolling.

**Update Pre-screening:** Once a student has passed all four field tests, the Training Officer may register the student for a time to take the cumulative test and run the PAT at the Academy. These tests are offered multiple times per month. The test is comprised of 100 questions based on the material from the first four weeks of training. Upon passing the cumulative test, the student will run the PAT (passing time: 2 minutes, 6 seconds or less). If the student successfully passes the PAT, he will move to the Registration table where he will be given the next available class date. From June 5 to July 19, 2019, 351 students have tested. There have been seven (7) academic failures and 19 PAT failures; some of these have subsequently returned, passed, and been given a class date.

### *Comparison to Other States*

Although states take varied approaches to law enforcement training, South Carolina is an outlier in several aspects. Specific states surveyed include Virginia, North Carolina, Georgia and Florida. In none of these states are law enforcement personnel allowed to begin functioning as officers prior to certification. All of these states utilize multiple training sites. The Georgia model most closely approximates SC. They have seven regional training sites directly under the control of the state but also allow some larger municipalities to operate their own training centers. Virginia has eleven regional training sites and twenty-eight independent sites. North Carolina and Florida make extensive use of the technical college system to provide law enforcement training. It is common in some of these states for an applicant to pay the tuition for training and become certified prior to employment by a law enforcement agency. In some instances, the employing agency may reimburse the employee for their training once they have served a prescribed period of time. The twelve weeks of training required in SC is significantly below the national average of 840 hours or 21 weeks, per Bureau of Justice Statistics, with many requiring additional field training prior to graduation. Also, approximately forty-seven percent of all basic law enforcement training was conducted at institutions of higher education. The majority of this was at two-year colleges with some at four-year colleges and technical schools. Nationally, the completion rate was eighty-six percent.

### *Decentralization of Training*

Some localities have requested an option to pilot or begin a locally administered and locally funded officer-training program. The Law Enforcement Training Council has been reluctant to grant this authority and it is unclear if the law would permit the Council to make this decision. Section 23-23-20 of the SC Code states that, “Basic and advance training must be provided at the training



facility”. The context of the section makes it clear that facility refers to the Criminal Justice Academy. This language has been cited as restricting the Academy’s authority to allow local entities to conduct training. However, the Academy currently provides some training remotely. To reduce the waiting time for Basic Law Enforcement Officer training the Council has recently decided to have four of the twelve weeks of basic training recorded at the Academy before a live class which is then made available to the field via the Acadis portal for compliance with the requirements of the revised training curriculum. The Academy has interpreted this delivery methodology to conform to the phrasing of “provided at the training facility”. The General Assembly is aware of these activities and appropriated \$1.2 million in FY 20 for a Mobile Training Team. It appears that while these practices are consistent with legislative intent, they may not conform to relevant statutory language.

Based upon the experience of other states, it appears that expansion of the current training model to allow local governments, with the capacity to provide training that meets or exceeds the standards set by the Academy could address many of the obstacles voiced by local law enforcement and the staff of the Academy. Regional/local training with Academy certified instructors and curricula could reduce the wait times for training slots, allow more intensive training specific to the needs of the employing agency and help the Academy deal with funding constraints. Some police chiefs have also stated that, as the administrators held responsible for the outcomes of police/public interactions, it is appropriate for them to have more control over the training regimen. No evidence was presented to demonstrate that the decentralized models employed in other states produces inferior training results. The Council members expressed concern that if local entities self-funded training they would be reluctant to remit fines and fees revenues in the future. However, this would be a moot issue if the funding model were revised as the Academy has requested. The examples of other states seems to indicate that devolving responsibility for training to the larger local law enforcement agencies does not result in degrading the level of training and can offer several positive aspects.

### *Facilities*

There are numerous buildings located on the campus of the Criminal Justice Academy. These buildings contain the barracks, classrooms, gymnasiums, offices and assorted ancillary spaces. In addition to the enclosed spaces on campus, there is the driving range where candidates learn to maneuver cars at high speeds and under inclement conditions and shooting ranges for pistol, rifle and shotguns. Despite some normal maintenance requirements, the facilities appear to be in good repair and adequate to fulfill the mission of the Academy.

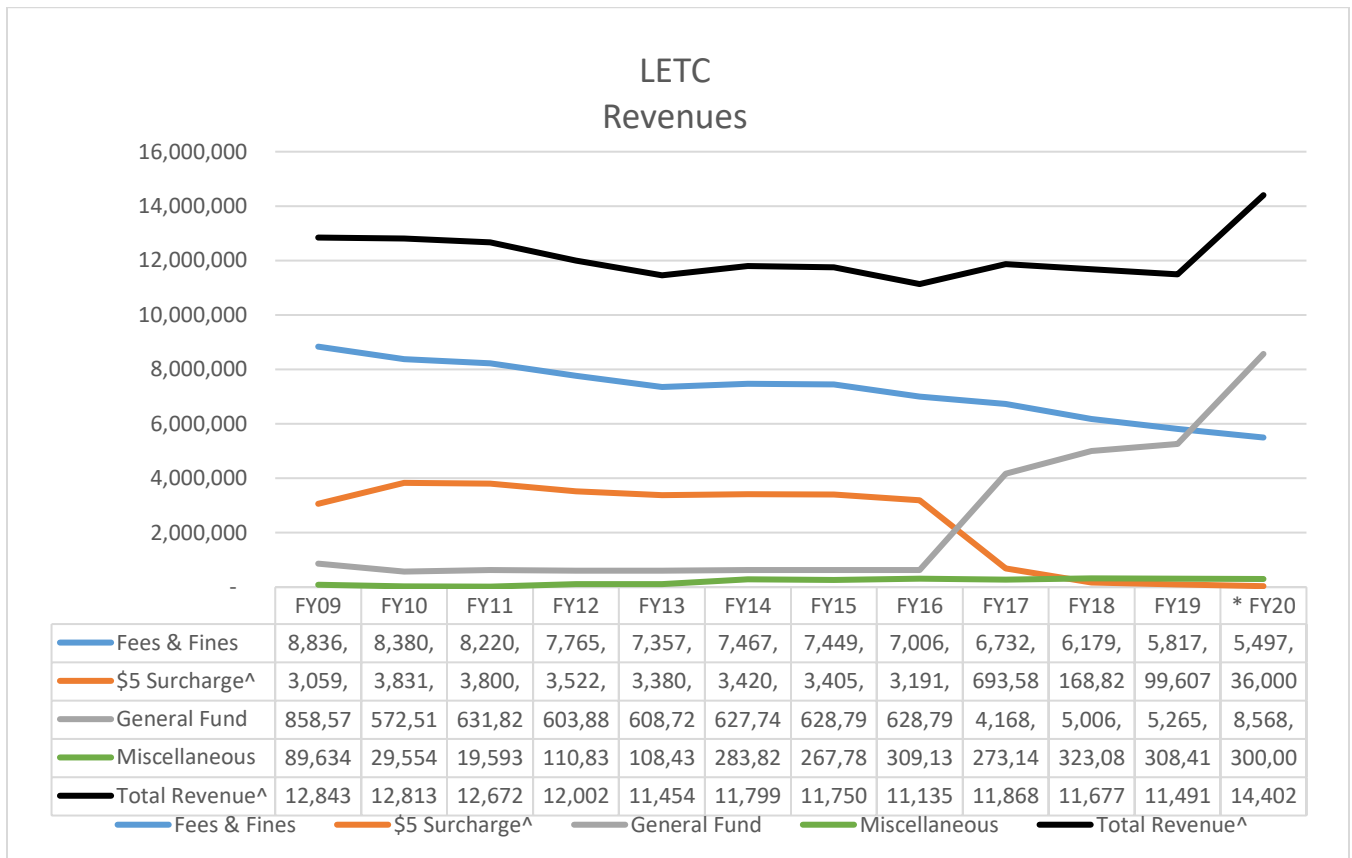
### *Utilization of Prison Inmates*

The Academy makes use of the services of prison inmates for a variety of tasks including meal preparation and service, cleaning, and grounds maintenance. This saves the agency funds that would otherwise be expended on these ancillary services reducing the available operating funds for the agency. The Academy’s proximity to the Broad River Road Corrections facility and the concentration of criminal justice staff employed at the facility to supervise these inmates simplifies this cooperative agreement with the Department of Corrections.

**Finance:**

Appropriations/Allocations

The state appropriation to the SC Criminal Justice Academy grew from \$572,518 in FY 10 to \$768,792 in FY 16. This represents a thirty-four percent increase over the course of six years. This equates to an average growth rate of six percent annually. In FY 16, state appropriations equated to six percent of the agency’s total funds allocation with the balance of the agency’s revenue derived primarily from fees and fines. In FY 17, the Academy was appropriated an increase of \$3.4 million (442% increase) in recurring General Funds to replace revenue lost from the sun-setting of the \$5 surcharge that the agency had been collecting. In the FY 18 Appropriations Act, the Academy received recurring increases of \$550,400 for psychological screenings, \$246,695 for instructor salary increases and \$175,000 in non-recurring funds for lead remediation. In FY 19, the Academy received an additional \$212,980 for instructor salaries. In FY 20, the trend of moving the Academy from fines and fees to General Funds continued with the appropriation of \$2 million to replace fines and fees revenue and \$1.2 million for Mobile Training. Currently, the Academy’s recurring General Fund base appropriation is approximately \$8.6 million.



\* FY 20 projected

## Fines/Fees

The operations of the Academy have traditionally been funded primarily through fines and fees. These include a 14.74 percent allocation from General Session and Family Court Assessment, 13.89 percent allocation from Municipal Court Assessments, and a five-dollar surcharge on certain misdemeanor traffic offenses or non-traffic violations. The five-dollar surcharge which generated an average of \$3.5 million from FY 09 - FY 16 was phased out in 2016 under a sunset provision in the law. The revenues from this source had declined during the last three years that it was in effect. These funds were replaced by an annual appropriation of \$3.6 million from the General Fund. The revenue from court fines has also shown a consistent decline since FY 09 averaging a 3.5 percent decrease annually. This revenue source is susceptible to fluctuations beyond the control of the Academy. A natural disaster or other unexpected occurrence can significantly reduce the revenues generated from this funding stream. Utilization of fines and fees has several consequences. In addition to the difficulty in budgeting for the agency, it skews the financial burden for the operation of the agency to those localities that emphasize traffic enforcement regardless of the utilization of the services at the Academy. It can also lead to the perception by the public that the law enforcement community is encouraged to issue traffic citations to support the Academy.

## *Staffing*

The SC Criminal Justice Academy has 125 authorized Full-time Equivalent (FTE)s. With an average vacancy rate of eight percent over the past three years, the agency does not have a significant problem with turnover. No specific personnel issues were reported during the course of this review.

## *Compliance with Legislative Intent*

The Law Enforcement Training Council adheres closely to the statutory mission of providing training and certifying law enforcement personnel. There is no evidence that the agency has exceeded or expansively construed the authority granted in the enabling legislation. Nor has the agency failed to meet the statutory requirements of the defined mission.

## Class Demographics

FY	Total	Male	Female	American Indian	Asian	Black	Caucasian	Hispanic	Other	Unknown	
18-19	1246	990	256	2	5	297	892	40	6	4	Started
	912	746	166	2	5	157	717	26	5	0	Graduated
	328	241	87	0	0	140	172	14	1	1	Departed
17-18	1451	1139	312	3	7	326	1067	39	5	4	Started
	1084	864	220	1	6	182	860	30	3	2	Graduated
	366	275	91	2	1	143	207	9	2	2	Departed
16-17	1448	1138	310	0	6	375	1009	48	9	1	Started
	1053	852	201	0	4	184	825	33	6	1	Graduated
	395	286	109	0	2	191	194	15	3	0	Departed
15-16	1385	1103	282	1	5	361	969	42	5	2	Started
	1030	857	173	1	5	197	792	30	4	1	Graduated
	354	246	108	0	0	163	177	12	1	1	Departed
14-15	1361	1091	270	1	7	300	1000	47	5	1	Started
	1108	916	192	1	7	202	856	37	5	0	Graduated
	253	175	78	0	0	98	144	10	0	1	Departed

## ***II. Issues***

### ***A. Law Enforcement Training Council Meeting Accessibility***

Although the Academy has indicated that the media is routinely informed of Council meetings, meeting notifications and agendas for the LETC quarterly meetings were not consistently posted. Also, due to the space limitation at the January 2019 meeting, the room where the meeting took place was entirely occupied by committee members, staff and other law enforcement personnel before the meeting began. This left no room for the public or the press to attend meeting.

**Agency Recommendations:** The Academy should ensure that meeting notifications and agendas are prominently displayed on the agency's website. Upon adoption of the minutes of the preceding meeting, the minutes should also be posted on the website. The agency should also consider a sign up link on the website to allow interested parties to sign up for an email notification of meetings. Finally, the agency should consider utilizing available technology to live stream the meetings thereby facilitating public and media access to the proceedings.

**Agency Response:** The Academy has posted the Law Enforcement Training Council Meeting Schedule for the 2019 Meetings on its website. Additionally, the Meeting Agenda is posted on the website prior to each meeting and the Meeting Minutes are posted when they have been drafted.

### ***B. Wait Time for Admission***

Local law enforcement voiced concerns about the wait time for trainee slots at the Academy and data from the agency reinforces this concern. During the time frame between hiring officers and training these individuals, they are being paid as active duty officers and can serve in this capacity. This means that either the local departments are forced to accept the financial burden of paying the salary and benefits for an officer that is not serving in that capacity or accept the liability of an untrained officer interacting with the public until they report to the Academy for training.

**Agency Recommendation:** The Academy should assess the success of their abbreviated class schedule to determine if the wait times for admission have decreased to an acceptable level using this revised model and report this information to the legislative committees with purview over the agency.

### ***C. Policy for Allocation of Slots***

The Academy and the Law Enforcement Training Council Chairman both report that there is no written policy in effect that has been adopted by the Council. This absence of a written policy makes it impossible to assess the agency's method of allocating slots at the Academy and results in ambiguity regarding the methodology among local law enforcement agencies.

**Agency Recommendation:** The LETC should adopt a formal written policy defining the manner in which vacant slots for recruits are assigned to local law enforcement agencies and promulgate this information on the agency's website. This policy should include the differences in the allocation process between large and small agencies, the reallocation of unused/unfilled slots and the discretionary authority of the director to allocate additional slots.

**Agency Response:** With this new process, class slots are no longer able to be reserved. Students are registered on a first-come, first-served basis. Some agencies, however, have deferred taking the next available slot, citing reasons such as needing more remediation time, personal student choice, or preferring to send a group of students together.

#### *D. Turnover in Law Enforcement Profession*

The number of law enforcement officers leaving the profession in the early portion of their careers is a complex problem confronting law enforcement agencies throughout the country. Although many of the causes related to turnover are beyond the control of either the state agency or the local agencies, leadership and morale have been cited as key factors affecting attrition rates. Improvements in leadership at the local level might improve attrition rates.

**Agency Recommendation:** The Law Enforcement Training Council should ensure that leadership classes are available to the executive officers of local law enforcement agencies to disseminate best practices in human resource management and fostering workplace satisfaction.

**Legislative Recommendation:** The General Assembly may wish to mandate leadership training for individuals leading law enforcement agencies exceeding a minimum number of officers.

#### *E. Completion Rate*

The Academy experiences significant attrition among candidates during training. While the reasons for non-completion vary, many fail to obtain certification, either because they are unprepared for the academy or not sufficiently invested in the training program.

**Legislative Recommendation:** The General Assembly may wish to provide for a tuition requirement on the part of the local law enforcement agencies and/or candidates as a component of the agency's funding model. This might incentivize local law enforcement agencies to more rigorously prescreen potential candidates. This tuition could be reimbursed for successful candidates if this were deemed too fiscally burdensome on local governments.

**Agency Recommendation:** The Academy should continue with efforts to prescreen applicants to ensure that candidates accepted have a reasonable opportunity to successfully complete the training and attain certification.

## *F. Regional v. Centralized Approach*

The current practice of conducting all entry level training at the centrally located Criminal Justice Academy places constraints upon the number of law enforcement officers that can be certified annually and increases wait times. This approach also places the entire financial burden upon the state for training applicants. At least one large metropolitan area has advanced a proposal for conducting training locally utilizing local resources. Based upon the experience of other states, decentralization of training does not appear to negatively affect the quality of training or result in less qualified officers. In July of 2019, the Academy implemented a new curriculum to in which the first four weeks of the twelve week program accessed via the Acadis portal and delivered remotely. This decreases the time that students spend training at the Academy and results in graduating students at a faster rate, which serves to alleviate the backlog by allowing the Academy to start a new BLE class every two weeks. This will increase the number of students each year to approximately 1,680, which is 560 additional students.

**Agency Recommendation:** The Agency is encouraged to examine whether other distance learning and/or regional training alternatives may be implemented in the future to improve law enforcement training efforts in the state.

**Legislative Recommendation:** The General Assembly may wish to amend statute 23-23-20 which currently states that all “basic and advance training must be provided at the training facility” to conform to the agency’s practice of providing some training remotely and allow the the Academy greater flexibility in the manner that training is provided.

## *G. Confusion Regarding Agency Identity*

The enabling legislation for the Law Enforcement Training Council/Criminal Justice Academy is somewhat confusing regarding the identity of the agency. Although the Criminal Justice Academy functions as an agency with the Council operating as the governing body, the enabling legislation and the Appropriations Act seem to identify the Council as the state agency. This can lead to some confusion regarding the distinction between these two entities.

**Legislative Recommendation:** The General Assembly may wish to revise existing language and references in statute to clarify the distinction between the Council and the Academy to identify the Criminal Justice Academy as the state agency with the Law Enforcement Training Council as the governing body for the Academy.

## *H. Officers Serving Prior to Training*

Under current law, prospective law enforcement officers must be employed by an agency and once specific requirements are met, can serve as law enforcement officers for up to one year prior to certification. Due to the waiting list for training slots at the Academy, local law enforcement agencies must employ officers for extended time-frames prior to certification. This means that officers may serve without the requisite training and includes those individuals who are ultimately deemed unqualified for certification.

**Legislative Recommendation:** If efforts to reduce wait times for training slots at the Academy are successful, the General Assembly may wish to revise the SC Code §23-23-40 to reduce or eliminate the current one year period during which an individual may be employed as a law enforcement officer prior to receiving certification.

### *I. Funding Mechanism*

The Law Enforcement Training Council is heavily reliant on fines and fees to support the operation of the Academy. This source of funds is unpredictable and can lead to the public perception that enforcement efforts are used as a funding opportunity instead of the intended purpose of public safety. It also creates a disconnect between the amount of local support provided and utilization of the resource.

**Legislative Recommendation:** The General Assembly may wish to continue transitioning the funding mechanism for the operations of the Criminal Justice Academy to General Fund appropriations as a source of revenue in lieu of the current model that relies partially on fines and fees. Additionally, the General Assembly could consider a tuition charge for either individuals or employing agencies to offset some of the costs of operating the Academy as an alternative to additional appropriations.