



South Carolina Criminal Justice Academy

May 4, 2021

South Carolina Law Enforcement Agency Heads

Re: Class 3 Officers

Dear Agency Heads:

Please allow this letter to serve as an update on the authority of Class 3 officers. After an extensive study, the South Carolina Law Enforcement Training Council (LETC) unanimously voted to create two classes of Class 3 officers: Basic Class 3 and Advanced Class 3. Basic Class 3 officers are governed by Order 2021-LETC-001 and Advanced Class 3 officers are governed by Order 2021-LETC-002, both of which are attached for your review.

Basic Class 3 officers are authorized to perform only the following duties:

1. Service of lower risk or administrative civil process while in proximate contact with a Class 1 certified law enforcement officer;
2. Crime scene, evidence collection/processing, and forensic services;
3. Victims' services;
4. Administrative duties including but not limited to duty/desk officer;
5. Supervision of Class 1, Class 2, and Class 3 Officers performing administrative duties;
6. Service of Arrest Warrants and Uniform Traffic Tickets upon persons in custody at a detention facility or in the company of a Class 1 Officer; and
7. Service of Search Warrants in the following circumstances: on third parties, such as cell phone companies or utilities; and on property that is in the custody of law enforcement such as an impounded car, briefcase, or luggage.

Additionally, **Basic Class 3 officers are not authorized to carry a firearm while performing any of the law enforcement duties.** If your current Class 3 officers are going to be a Basic Class 3 officer there is no additional training they would need to complete. All newly hired Basic Class 3 officers will continue with the current "Limited Duty" training, as it currently stands.

Advanced Class 3 officers may perform the duties of a Basic Class 3 officer and are also authorized to perform the following law enforcement duties while in proximate contact with a Class 1 certified law enforcement officer:

1. Courthouse and courtroom security;



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2. Service of lower risk or administrative civil process (service of higher risk civil process requires the Advanced Class 3 Officer to be in the company of a Class 1 certified, on-duty law enforcement officer);
3. Routine foot and/or vehicle patrol at special events such as sporting events, festivals, fairs, parades, or other scheduled events of limited duration, or emergency or critical incidents. Such assignments include, but are not limited to, directing traffic at a fixed point, directing drivers to parking spaces, standing and walking posts on parade routes, standing and walking posts at pageants, fairs, festivals, entertainment shows, and other special events of limited duration;
4. Safety and security patrols on property owned, operated, managed, or maintained by the agency or jurisdiction for which the Class 3 Officer is employed, appointed, or commissioned; and
5. May make a custodial arrest for a crime that occurs in their presence, but only while engaged in their primary duties listed above or in Order 2021-LETC-001; however, they are not authorized to make a custodial arrest while not engaged in their primary duties.

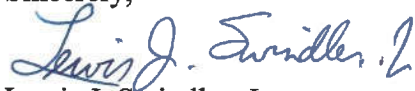
Furthermore, Advanced Class 3 officers may perform the following duties:

1. Litter control pursuant to Section 4-9-145(B)(2)(a) and (b), custodial arrests pursuant to Section 4-9-145(B)(2)(a), and the issuance of Arrest Warrants and Uniform Traffic Tickets for violations of state statutes and ordinances related to litter control;
2. Animal control including the issuance of Arrest Warrants and Uniform Traffic Tickets for violations of state statutes and ordinances related to animal control; and
3. Transport of detainees and prisoners.

Advanced Class 3 officers are authorized to carry a firearm while performing any of the law enforcement duties to which they are authorized to perform. If your current Class 3 officers are going to be Advanced Class 3 officers they will need to successfully complete additional training. The training for Advanced Class 3 officers will be the Reserve Officer training plus de-escalation, duty to intervene, community relationships and policing, crisis communication skills, and fair and impartial policing. The additional training will be provided by CJA via ACADIS, but the practical application, such as DT and firearms will be provided by CJA's mobile training unit. The candidate will still come to CJA to take a cumulative test, which will include all topics from the training. The Reserve Officer training is already available and CJA will assign that to your candidate when you contact Registration. The additional training is currently being filmed and will be available by July 1, 2021 via ACADIS.

If you have any questions, please feel free to contact James M. Fennell, General Counsel, at 803-896-7722.

Sincerely,

A handwritten signature in blue ink that reads "Lewis J. Swindler, Jr." in a cursive style.

Lewis J. Swindler, Jr.

Director

STATE OF SOUTH CAROLINA

SOUTH CAROLINA LAW ENFORCEMENT TRAINING COUNCIL

ORDER
2021-LETC-001

Pursuant to Sections 23-23-40, 23-23-80, and 23-23-100 of the Code of Laws of South Carolina and Sections 37-002 and 37-005 of the Code of Regulations of South Carolina,

IT IS ORDERED that Basic Class 3 Officers are authorized to perform only those functions for which they have received LETC-approved training.

IT IS FURTHER ORDERED that Basic Class 3 Officers are authorized to perform only the following law enforcement duties:

1. Service of lower risk or administrative civil process while in proximate contact with a Class 1 certified law enforcement officer;
2. Crime scene, evidence collection/processing, and forensic services;
3. Victims' services;
4. Administrative duties including but not limited to duty/desk officer;
5. Supervision of Class 1, Class 2, and Class 3 Officers performing administrative duties;
6. Service of Arrest Warrants and Uniform Traffic Tickets upon persons in custody at a detention facility or in the company of a Class 1 Officer; and
7. Service of Search Warrants in the following circumstances: on third parties, such as cell phone companies or utilities; and on property that is in the custody of law enforcement such as an impounded car, briefcase, or luggage.

IT IS FURTHER ORDERED that Basic Class 3 Officers are not authorized to carry a firearm while performing any of the law enforcement duties included in this Order.

For the purpose of this Order, the following term shall have the following meanings:

- A. "lower risk or administrative civil process" means any civil process required by a court of record to be processed by a Sheriff's Office that, when served, is reasonably considered to create a minimal risk to the Class 3 Officer's safety, is administrative in nature, or could be served by a civilian.
- B. "proximate contact" means within sight and/or radio contact with a Class 1 certified, on-duty law enforcement officer who is in position to respond immediately to the Class 3 Officer's location.

IT IS FURTHER ORDERED that utilizing a Class 3 Officer for any law enforcement duty other than those authorized above or allowing a Class 3 Officer to perform any of the law enforcement duties authorized above without the required training specified above might subject the agency employing the officer to a civil penalty of up to \$1,500.00. This Order amends and supersedes Order 2020-LETC-001 dated November 9, 2020, and becomes effective immediately.

IT IS SO ORDERED.

April 30, 2021
Columbia, South Carolina



Chief Mark Keel, Chairman
Law Enforcement Training Council
On Behalf of the Council

STATE OF SOUTH CAROLINA

SOUTH CAROLINA LAW ENFORCEMENT TRAINING COUNCIL

**ORDER
2021-LETC-002**

Pursuant to Sections 23-23-40, 23-23-80, and 23-23-100 of the Code of Laws of South Carolina and Sections 37-002 and 37-005 of the Code of Regulations of South Carolina,

IT IS ORDERED that Advanced Class 3 Officers are authorized to perform only those functions for which they have received LETC-approved training.

IT IS FURTHER ORDERED that Advanced Class 3 Officers are authorized to perform the law enforcement duties of a Basic Class 3 Officer, which are outlined in Order 2021-LETC-001.

IT IS FURTHER ORDERED that Advanced Class 3 Officers are also authorized to perform the following law enforcement duties while in proximate contact with a Class 1 certified law enforcement officer:

1. Courthouse and courtroom security;
2. Service of lower risk or administrative civil process (service of higher risk civil process requires the Advanced Class 3 Officer to be in the company of a Class 1 certified, on-duty law enforcement officer);
3. Routine foot and/or vehicle patrol at special events such as sporting events, festivals, fairs, parades, or other scheduled events of limited duration, or emergency or critical incidents. Such assignments include, but are not limited to, directing traffic at a fixed point, directing drivers to parking spaces, standing and walking posts on parade routes, standing and walking posts at pageants, fairs, festivals, entertainment shows, and other special events of limited duration;
4. Safety and security patrols on property owned, operated, managed, or maintained by the agency or jurisdiction for which the Class 3 Officer is employed, appointed, or commissioned; and
5. May make a custodial arrest for a crime that occurs in their presence, but only while engaged in their primary duties listed above or in Order 2021-LETC-001; however, they are not authorized to make a custodial arrest while not engaged in their primary duties.

IT IS FURTHER ORDERED that Advanced Class 3 Officers may perform the following law enforcement duties in accordance with the law and at the discretion of the Sheriff, Chief, or agency head:

1. Litter control pursuant to Section 4-9-145(B)(2)(a) and (b), custodial arrests pursuant to Section 4-9-145(B)(2)(a), and the issuance of Arrest Warrants and Uniform Traffic Tickets for violations of state statutes and ordinances related to litter control;
2. Animal control including the issuance of Arrest Warrants and Uniform Traffic Tickets for violations of state statutes and ordinances related to animal control; and
3. Transport of detainees and prisoners.

For the purpose of this Order, the following terms shall have the following meanings:

- A. "lower risk or administrative civil process" means any civil process required by a court of record to be processed by a Sheriff's Office that, when served, is reasonably considered to create a minimal risk to the Advanced Class 3 Officer's safety, is administrative in nature, or could be served by a civilian.
- B. "higher risk civil process" means any civil process required by a court of record to be processed by a Sheriff's Office that, when served, may reasonably create a greater risk to the Advanced Class 3 Officer's safety and/or may exceed the Advanced Class 3 Officer's training. Examples of higher risk civil process includes writ of assistance, writ of possession, writ of attachment, and ex parte orders.
- C. "proximate contact" means within sight and/or radio contact with a Class 1 certified, on-duty law enforcement officer who is in position to respond immediately to the Advanced Class 3 Officer's location.
- D. "in the company of" means within sight and normal conversational voice range, except while temporarily separated due to unforeseen circumstances during a service call or incident, and when such separation is necessary for effective handling of the incident, or to ensure officer or public safety.

IT IS FURTHER ORDERED all Class 3 officers holding certification by the LETC prior to the issuance of this order must have completed comparable training to that required herein and approved by the LETC based upon documented training courses as previously approved by the SCCJA and provided by instructors certified by the SCCJA. Any deficiencies in previously received training as identified by the LETC must be addressed through the delivery of specified courses of instruction approved by the SCCJA and delivered by SCCJA certified instructors no later than one year from implementation of SCCJA training, as approved by LETC. Class 3 officers failing to meet this requirement shall not be allowed to hold the certification of Advanced Class 3 Officer until they have met the training requirements as set forth by the LETC.

IT IS FURTHER ORDERED that utilizing an Advanced Class 3 Officer for any law enforcement duty other than those authorized above or allowing an Advanced Class 3 Officer to perform any of the law enforcement duties authorized above without the required training specified above will subject the agency employing the officer to a civil penalty of up to \$1,500.00 and may subject the Advanced Class 3 Officer's certification to be suspended. This Order amends and supersedes Order 2020-LETC-001 dated November 9, 2020, and becomes effective immediately.

IT IS SO ORDERED.

April 30, 2021
Columbia, South Carolina



Chief Mark Keel, Chairman
Law Enforcement Training Council
On Behalf of the Council