

SOUTH CAROLINA LAW ENFORCEMENT DIVISION

NIKKI R. HALEY
Governor



MARK A. KEEL
Chief

A handwritten signature in black ink, appearing to read "Mark A. Keel", with the date "1/21/2016" written below it. The signature and date are enclosed within a hand-drawn oval.

January 19, 2016

PROCEDURAL MEMORANDUM

Private Security Officer Use of Radar Speed Measurement Devices (Traffic Radar)

Pursuant to an opinion from the S.C. Attorney General (SCAG) regarding whether private security officers registered under Chapter 18, Title 40, of the S.C. Code of Laws could utilize radar speed measurement devices on the properties they are hired to protect, the S.C. Law Enforcement Division (SLED) has established the following policies governing the use of such devices by registered private security officers.

As a matter of background, the SCAG opinion clarified that private security officers cannot be certified as traffic radar operators through the S.C. Criminal Justice Academy (SCCJA); however, because some private security officers have the authority, granted by SLED, to enforce state traffic laws on properly certified private roadways, the use of radar speed measurement devices is permitted; although proper training for use of such devices is required.

Registered private security officers who have been granted authority by SLED to enforce state traffic laws on protected private property, and desire to use radar speed measurement devices as part of traffic enforcement responsibilities, must successfully complete training adequate to ensure the proper, accurate, and safe use of the device (See Section R73-421, S.C. Code of Regs.).



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Initial training as a speed measurement device instructor or operator must be received from a recognized or accredited organization that regularly provides training on speed measurement devices. Properly trained instructors may then train and certify speed measurement device operators. If the certifying organization offers or requires instructor recertification, the instructor must complete recertification at least every three years or as often as is required by the organization. Likewise, instructors must recertify any operators at least every three years or as often as is required by the organization. Proper recertification documentation must be retained by the company and made available to SLED upon request.

Instructors who receive training from an organization that does not offer or require speed measurement device recertification must maintain and properly document adequate and up-to-date knowledge of the speed measurement devices in use by private security officers employed by their company as well as current statutory and case law regarding the use of speed measurement devices for traffic enforcement. The instructors must develop a written lesson plan and certify, at least every three years, that all operators have reviewed the lesson plan and are knowledgeable of adequate and up-to-date information pertaining to the devices in use by the company as well as any change in statutory or case law regarding use of speed measurement for traffic enforcement. Proper documentation certifying speed measurement device operators have received refresher training as described above must be retained by the company and made available to SLED upon request.

Upon approval from SLED for private security companies to utilize traffic radar and following sufficient training, officers who utilize the devices must perform maintenance and calibration on the devices as follows:

1. The private security officer will conduct a diagnostic test of the unit as taught in the approved training course to include utilizing tuning forks or other self diagnostic testing. If the unit fails to pass any diagnostic test, it must be removed from service for repair.
2. The radar unit must be calibrated annually by a certified radar calibration company at the expense of the private security company.

3. All calibration certifications and maintenance records must be retained by the private security company and be made available for inspection by a SLED agent and available for applicable court procedures resulting from use of the radar unit.

Private security companies must retain all training records and certificates of proficiency of officers certified in traffic radar during the entirety of their employment with that company. Private security officers who are not trained in accordance with the above requirements are not permitted to use the devices. Private security companies must make the law enforcement agency head (chief or sheriff) within the jurisdiction of the property aware that speed measurement devices are being used by private security officers.

These procedures are effective immediately and made in accordance S.C. Code Ann. § 40-18-30(A) and Section 73-421 of the S.C. Code of Regulations.