

# SOUTH CAROLINA LAW ENFORCEMENT DIVISION

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## SOUTH CAROLINA STATE CONSTABLE PROGRAM POLICIES AND PROCEDURES

**Effective:** January 1, 2016

**Rescinds:** Policy & Procedure Manual of April 1, 2012

**Scope:** Commissioned State Constables

**Purpose:** To state eligibility, method of application, required training, expected conduct, commission restrictions, allowed equipment, required credentials, approved uniforms, and other substantive matters pertaining to the South Carolina State Constable Program.

State Constables are appointed by the Governor of South Carolina. Pursuant to the authority of Executive Orders 90-08 and 99-18, the Chief of the South Carolina Law Enforcement Division (SLED) advises the Governor concerning this program, establishes training requirements, sets standards for conduct, prescribes limits on the use of authority, determines suitability and fitness of applicants, and enforces governing policies.

In order to ensure the uniform provision of professional law enforcement services and conduct by State Constables statewide, ensure compliance with federal and state laws governing law enforcement conduct, and to better serve law enforcement and the public, the policies contained herein must be observed by all State Constables. Violation of any policy, requirement, or standard contained herein is grounds for denial, suspension, or revocation of a State Constable commission. Nothing in these policies negates or supersedes the authority of federal or state law, nor the powers granted the Governor of South Carolina and the Chief of SLED.

This program is not intended, and may not be used, to supplant law enforcement reserve units organized under Chapter 28, Title 23, S.C. Code of Laws.

## STATE CONSTABLE CLASSIFICATIONS

**State Constables for Government Entities (Group I):** Group I constables are employed by government agencies and have a job related need for law enforcement authority. Group I commissions may be utilized only in connection with the official duties of the employing agency, or as may be authorized by the Chief of SLED. These constables must attend training at the S.C. Criminal Justice Academy within one year of being commissioned, or have similar training that is approved by the S.C. Law Enforcement Training Council. Group I constables must complete annual in-service training as approved by the S.C. Law Enforcement Training Council. Government agencies must submit to SLED Regulatory Services written verification upon certification of constables they employ. **Group I constables adhere to the policies and procedures of the employing agency.**

**Retired Police Officers (Group II):** Group II constables consist of those individuals who have served as sworn law enforcement officers in the State of South Carolina and honorably retired in that capacity. No additional basic training is required of these individuals in order to be commissioned. Group II constables must complete annual in-service training approved by SLED, to include firearms requalification and SCCJA Legal Update training. A copy of the in-service training certificate must be submitted to SLED Regulatory Services upon completion of training. Group II constables are permitted to assist local law enforcement on a voluntary basis as long as authorization has been given by SLED and the constable has made arrangements with a local agency to provide assistance. Group II constables who provide voluntary law enforcement assistance must adhere to the policies and procedures herein. Group II constables may perform duties consistent with those of Group III-Advanced State Constables when assisting law enforcement agencies as long as they have not been separated from full-time law enforcement employment for more than three years. Group II constables who wish to voluntarily assist a law enforcement agency must notify SLED which agencies have given approval for the constable to assist. Otherwise, Group II constables may only take law enforcement action when imminent and urgent circumstances exist.

**State Constable Auxiliary (Group III):** Group III constables provide auxiliary law enforcement assistance services to local law enforcement agencies in a voluntary capacity. These constables must complete the basic State Constable Training Program offered through a South Carolina Technical College or complete similar training approved by the S.C. Law Enforcement Training Council. Group III constables are uncompensated and must adhere to the policies and procedures provided herein.

**Advanced State Constable Auxiliary (Group III-Advanced):** Group III constables in good standing with SLED and local law enforcement agencies may apply and complete additional training to obtain classification as a Group III-Advanced State Constable. Application may be

made after one year as a commissioned Group III State Constable unless immediate designation as a Group III-Advanced State Constable is permitted pursuant to Section X of this policy manual. Classification as a Group III-Advanced State Constable confers additional authority and responsibilities than that of a Group III State Constable. Group III-Advanced State Constables must adhere to applicable policies outlined herein.

## STATE CONSTABLE POLICIES AND PROCEDURES

**Unless otherwise specified, the following sections apply to Group III constables, Group III-Advanced constables, and retired law enforcement officers with Group II constable commissions who provide assistance to local law enforcement agencies.**

### SECTION I: ELIGIBILITY

To fully enable the State Constable program to provide maximum service to citizens through state and local agencies, the following standards are established governing issuance of State Constable commissions:

State Constable commissions are available to qualified citizens who request such a commission for the purpose of assisting named law enforcement agencies, to employees of financial institutions whose primary job duties include investigation of criminal offenses and who have a need for inter-county authority, and to employees of utility companies deemed by the Chief of SLED to be essential to public safety and security, who have a job-related need for inter-county law enforcement authority, and whose primary duties include the security of utility company property and services.

Commissioning as a State Constable confers certain law enforcement authority and responsibilities upon the State Constable and enables the State Constable to participate in highly visible and significant law enforcement activities with full-time on-duty certified police officers. Public trust, public safety, and accountability by law enforcement agencies demand that persons commissioned as State Constables be of good character and reputation and have no significant criminal record or other unsuitable background. For those reasons, the following qualifications are established for commissioning as State Constables.

Renewal of State Constable commissions is required upon the appointment or re-appointment of the Governor of South Carolina.

- A. SLED may approve an application for commissioning of a person who submits all of the following:
  1. A complete application package as required by SLED.
  2. A high school diploma or equivalency certificate recognized and accepted by the South Carolina Department of Education.
  3. All new and renewal State Constable applications must have approved medical forms included in the application completed by a physician showing an appropriate physical examination has been conducted. *Note: A Group II State Constable who is not assisting local law enforcement is not required to have a physical upon renewal.*
  4. Evidence satisfactory to SLED that the applicant has not been convicted of any criminal offense that carries a sentence of one year or more, or of any criminal

offense that involves moral turpitude. Forfeiture of bond, a guilty plea, or a plea of nolo contendere is considered the equivalent of a conviction.

5. Evidence the applicant possesses a current valid South Carolina Driver's License with no record during the previous five years for suspension as a result of driving under the influence of alcohol or other drugs, driving while impaired, reckless homicide, involuntary manslaughter, or leaving the scene of an accident.

In addition, the applicant must:

6. Be a full-time resident of this state.
  7. Be a United States citizen.
  8. Be at least twenty-one (21) years of age.
  9. Be a registered voter in this state.
  10. Be of good moral character.
  11. Demonstrate, as might be required by SLED, intent to comply with the standards detailed herein.
  12. Have successfully completed and documented to SLED the State Constable Basic Training course at a South Carolina Technical Education College.
  13. Have demonstrated substantive and credible intent to use the commission to assist law enforcement agencies.
- B. SLED will conduct an appropriate background investigation of the applicant's suitability to the State Constable program.

In its determination of favorable character and background of the applicant, SLED will give consideration to all law violations, including traffic and conservation law violations, as possible indicators of a lack of sufficiently good character. SLED will also give consideration to the applicant's prior history, if any, of alcohol and drug abuse, in arriving at a determination of good character. SLED may deny an application for commissioning to a person who has a background that is, for purposes of this program, unfavorable. In addition to the circumstances detailed above, "unfavorable background" means the applicant has a criminal record, or other background circumstances, that are, for purposes of this program, significant. In addition to circumstances detailed above, "significant record" means the applicant:

1. Has been convicted of a significant number of traffic offenses or other misdemeanors so as to demonstrate a willful and continuing disregard for law, poor judgment, carelessness, or
2. Is under indictment for a crime, or
3. Has a pending criminal charge, or
4. Is an unlawful or excessive user of, or addicted to alcohol, marijuana, or any depressant, stimulant, or narcotic drug, or any other controlled substance, or

5. Has been convicted of a crime of violence (S.C. Code Ann. § 16-23-10) or violent crime (S.C. Code Ann. § 16-1-60), or
6. Has been convicted of an offense classifiable as criminal domestic violence, or
7. Has committed acts of violence or harassment, or made verbal or physical threats of violence toward another person, whether or not charged or convicted of a crime in connection with the acts, or
8. Is subject to a court order that restrains the applicant from harassing, stalking, or threatening another, or
9. Has been committed to a mental institution or diagnosed as mentally ill or with a mental or psychological condition which would be inconsistent with serving as a law enforcement officer, or
10. Has been discharged from the armed forces with other than an honorable discharge or honorable retirement, or
11. Is a member of a group, committee, club, league, society, association or combination of individuals whose purpose is the establishment, control, conduct, seizure or overthrow of the government of the United States or any state or political subdivision thereof, by the use of force, violence, espionage, sabotage, threats, or attempts of any of the foregoing, or
12. Has been adjudged unfit to carry or possess a handgun by order of a circuit judge, or
13. Submits an application containing false, misleading, or incomplete information, or
14. Receives a negative recommendation of a physician or mental health counselor, or
15. Has been dismissed or terminated from a law enforcement agency for cause, or
16. Receives a substantiated material negative recommendation from a law enforcement officer, or
17. Is prohibited by law from possessing a firearm.

## SECTION II: TRAINING

- A. SLED-approved basic training for State Constables consists of the State Constable Basic Training School conducted by S. C. Technical Education Colleges. *Note: Group II constables who choose to assist local law enforcement are exempt from attending State Constable Basic Training if they have not been separated from full-time law enforcement service for more than three years.*
- B. Applicants for State Constable commissions may make application, register, or make reservations to attend the State Constable Basic Training School, but may not attend training until written SLED approval is received by the applicant and the Technical Education College.

- C. State Constable commissions will not be issued until the Technical Education College has certified in writing to SLED the applicant's successful completion of the State Constable Basic Training School.
- D. State Constables must complete SLED-approved annual in-service training each year. Such training for State Constables consists of training specifically approved in advance by SLED. Approved training may be provided by a Technical Education College, the S.C. Criminal Justice Academy (SCCJA), law enforcement instructors certified by the SCCJA, or other providers specifically approved by SLED.
- E. Each State Constable is responsible for providing documentation to SLED of successful completion of annual in-service training. Such documentation must be received by SLED before July 1 of each year. The commission of a constable who fails to ensure receipt by SLED of the required documentation by July 1 of each year is automatically suspended effective at 12:01 AM on July 2 of the relevant year, and the commission will be immediately revoked.
- F. No constable will be permitted to take NCIC training without written approval by the Chief of SLED, or his designee.
- G. Group II constables (retired law enforcement officers) can perform the same duties as Group III-Advanced, provided they have not been separated for more than three years from a law enforcement agency.

### **SECTION III: CONDUCT**

- A. State Constable commissions, except as outlined herein, may be used only for the purpose for which they are issued.
- B. State Constables may not be concurrently commissioned as police reserve officers, or hold any other commission, or registration, which confers law enforcement authority.
- C. State Constables are authorized to carry firearms only after successful completion and documentation to SLED of a SLED-approved firearms qualification course.
- D. State Constables may not, except as specifically authorized by the Chief of SLED, utilize commissions in their employment or in any private endeavor, or to make a profit, for personal gain, or to collect debts.

- E. State Constables may not hold ownership of, or be employed by, a private security or private investigation business licensed by SLED, and may not perform private security or private investigation work.
- F. State Constables may not use, or disseminate on a personal or private basis, any privileged information available to them as a result of their position as a State Constable.
- G. State Constables must at all times present themselves in a professional manner and conduct themselves in such a way as to not bring discredit upon the commission, the Governor, SLED, or the State of South Carolina.
- H. A State Constable must report to SLED, within forty-eight (48) hours, his or her arrest for any offense other than a minor traffic violation. The commission of a State Constable charged with or convicted of committing any criminal offense is subject to suspension or revocation.
- I. The commission of a State Constable who misuses or abuses his authority or uses authority in a manner not specifically authorized by this policy is subject to suspension or revocation.
- J. State Constables must, in all activities, comply with federal and state laws and regulations governing actions of law enforcement officers.
- K. State Constables are required to conduct all activities in accordance with requirements and guidelines governing State Constables set forth in state law, by the S.C. Law Enforcement Training Council, and all policies established by SLED. Violation of any policy herein is cause for suspension or revocation of a constable commission.
- L. State Constables must report to SLED, within forty-eight (48) hours, any use of law enforcement authority or actions performed while not performing work pre-approved by SLED.
- M. A State Constable must, immediately, upon notification of suspension or revocation, return his commission certificate and identification card to SLED Regulatory Services.
- N. State Constables must file, on a form approved by SLED, a quarterly report of all activity performed as a law enforcement officer (S.C. Code Ann. § 23-1-80) or any other use of authority involving their commission. Quarters end on March 31, June 30, September 30, and December 31 of each year. Quarterly reports are due within thirty (30) days of the end of each quarter. State Constables must file quarterly reports with SLED Regulatory

Services in a timely manner. A State Constable who does not perform law enforcement activity during a quarter is exempt from filing a report for that quarter. Group III State Constables must perform a minimum of 120 hours of voluntary activity each year to maintain his or her commission. The required 120 hours may consist of a minimum of 20 hours and a maximum of no more than 40 hours of SLED approved training. Group III-Advanced State Constables must perform a minimum of 240 hours of voluntary activity each year to maintain his or her commission. Failure to file a quarterly report constitutes an affirmative statement to SLED that no reportable activity was performed by the constable during the quarter. Qualifying hours consist of:

1. Routine patrol;
2. Special events;
3. Administrative duties at law enforcement agencies;
4. Training attended with local agency law enforcement officers;
5. Annual training; and
6. Commuting to and from duty

#### **SECTION IV: RESTRICTIONS**

A. State Constables performing any law enforcement activity while not affirmatively covered by a law enforcement agency do not have Worker's Compensation or tort liability insurance coverage, and are solely and individually liable and responsible for injuries and damages to themselves, and for torts committed against others. State Constables are not required or expected to independently intervene in law enforcement situations, and should undertake only those actions that may be performed by members of the general public. State Constables may exercise law enforcement authority in the circumstances and manner described below, if encountering a situation meeting the criteria for imminent and urgent circumstances, and intervention is reasonably, clearly, and unmistakably necessary to preserve life or protect public safety, and such intervention may be prudently and safely conducted. Determination as to whether circumstances meet the standard as imminent and urgent, given the totality of the circumstances, is determined by what a reasonable and prudent person with law enforcement training would believe at the time.

1. An imminent, urgent, and continuing threat to public safety:
  - a) State Constables are required and expected to:
    - i. Notify the appropriate local law enforcement agency by the fastest means available,
    - ii. Record appropriate information to assist law enforcement responders,

- iii. Maintain appropriate surveillance until arrival of on-duty law enforcement personnel, and
  - iv. Furnish appropriate and necessary information, and requested assistance, to aid law enforcement personnel in resolving or investigating the situation. A continuing threat is one that, without intervention, will result in imminent and urgent danger to public safety that continues beyond the initial event.
- b) Personal and physical intervention in such an event is not required, or expected, and may be undertaken only when reasonably and demonstrably necessary to preserve life.
  - c) Except as necessary to preserve life, State Constables should take only such actions as might be undertaken by a member of the public.
  - d) State Constables should perform, under the authority of their commission, only those functions for which they have received approved training.
- 2. In an imminent and urgent need for assistance by a police officer:
    - a) State Constables are required and expected to notify the appropriate local law enforcement agency by the fastest means available.
    - b) State Constables may take such immediate, reasonable, appropriate and prudent action as is necessary to mitigate the threat to an officer who is in obvious and imminent danger, or obvious and urgent need of assistance. Such actions must be in compliance with the training taken by the constable and in compliance with law governing law enforcement actions.
  - 3. State Constables may also provide law enforcement assistance as otherwise specifically approved by the Chief of SLED.
- B. Except when assisting a law enforcement agency as specifically approved by SLED, State Constables are prohibited from interceding in traffic violations unless clear, compelling, and articulable circumstances as described in (A)(1) or (A)(2) above are present.
- C. Except as specifically authorized by the Chief of SLED, or his designee, State Constables are prohibited from issuing courtesy summons and/or tickets. Group III-Advanced State Constables may, if authorized by the agency they are assisting, write traffic tickets and other citations as set by state law. Refer to Section X of this policy manual.

D. State Constables assisting law enforcement agencies with routine foot and vehicle patrol activities, after written approval is granted by SLED, are subject to the following requirements:

1. Routine patrol activities:

- a) The constable must at all times be in the company of a full-time, on-duty, certified law enforcement officer in the certified officer's agency jurisdiction. "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.
- b) The constable must remain in compliance at all times with all other requirements of this policy.

2. Special events:

- a) Special event means festivals, fairs, parades, or other scheduled events of limited duration, or emergency or critical incidents.
- b) The constable must, at all times, be in proximate contact with a full-time, on-duty certified law enforcement officer in the certified officer's agency jurisdiction. Proximate contact means within sight and/or radio contact with a certified on-duty officer who is in position to respond immediately to the constable's location. 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, or other approved locations.

E. State Constables are authorized to participate in law enforcement agency activities only when certification is on file at SLED documenting tort liability insurance coverage, except under emergency circumstances as listed in Section A, above.

F. State Constables are authorized to perform only those functions for which they have received SLED-approved training.

G. When performing activities approved by SLED, the constable's territorial jurisdiction is limited to that of the assisted agency.

H. State Constables may perform administrative tasks for law enforcement agencies and assist in the transportation of prisoners while performing routine patrol and traffic duties.

State Constables are not authorized to assist with the transportation of prisoners for extradition purposes, for the movement of prisoners from court or the transfer of prisoners to and from South Carolina Department of Corrections facilities.

- I. State Constables may not accept payment for services. However, constables may accept reimbursement for out-of-pocket expenses only when working SLED-approved assignments.
- J. Persons wishing to donate cash or other items of value to assist State Constables with purchasing equipment may make such donations to a recognized association of constables. Such cash or other items of value may be distributed by the association to its members or other constables. Constables may not personally accept such donations.

## **SECTION V: EQUIPMENT**

- A. State Constables may not possess a blue light or siren in or on a personal vehicle or conveyance of any kind, except as defined in Section C, below.
- B. State Constables may not, except as authorized by, and while accompanied by, an on-duty law enforcement officer during SLED-approved assistance to a law enforcement agency, operate a vehicle of any kind equipped with a visible blue light. This does not apply to circumstances in which constables drive official cars to and from dealerships, garages, etc., for law enforcement agencies, and are not engaging in patrol activities.
- C. State Constables may not operate a personal vehicle equipped with flashing or moving lights of any kind, or other devices or insignia, that might convey the impression to the public or law enforcement officers, the vehicle is an official law enforcement or emergency vehicle. In connection with official duties, constables may operate motorcycles, mopeds, bicycles, golf carts, all terrain vehicles, etc., equipped with blue lights and sirens, while accompanied by a full-time certified officer of the agency they are serving, provided the vehicle is owned by the agency being assisted, and provided the constable has been trained or certified, as applicable, in the operation of the vehicle. Constables, if properly trained, may also ride a horse, either owned by the constable or the agency being assisted.
- D. State Constables may not use badges, insignia, indicia, or credentials, or make statements or representations that convey the impression of employment by SLED, or any other law enforcement agency.
- E. State Constables are authorized to carry firearms, as follows:

1. Revolvers and pistols in the following calibers: .38 Special, .357 Magnum, .357 Sig, 9 mm Luger, .40 S&W, .45 ACP, .45 GAP. Constables may also carry, as a back-up weapon, a handgun in .380 ACP (9mm Kurz) caliber.
  2. Shotguns in 12-gauge, with ammunition approved by the assisted agency, and only when approved by the assisted agency.
- F. State Constables are not authorized to carry handguns unless approved firearms training has been certified to SLED by an instructor certified by the S.C. Criminal Justice Academy (SCCJA), reporting firearm make, model, caliber and serial number for each specific handgun carried, or used. The constable is authorized to carry only those firearms so certified to SLED, and may be carried on or off duty. This does not apply to constables who are carrying a handgun pursuant to their S.C. Concealed Weapons Permit.
- G. State Constables are not authorized to carry or use shotguns, unless approved firearms training has been certified to SLED by a SCCJA certified instructor reporting the make and model of each type with which the constable was trained. The constable is authorized to carry or use only those makes and models certified to SLED.
- H. Firearms carried by State Constables must be concealed from public view unless the State Constable is wearing an approved uniform. This does not apply to training situations or during their attendance at meetings of recognized constable associations.
1. Firearms other than those specifically approved herein may be carried only with written permission from the Chief of SLED, or his designee.
  - J. Nothing in this section is meant to prohibit Constables from possessing, carrying, or transporting their lawfully owned personal firearms not approved by SLED when in a non-official status, as individuals pursuant to their CWP and its respective laws.
  - K. State Constables are prohibited from carrying any firearms not specifically defined in this policy (i.e. patrol rifles, tactical shotguns, less lethal devices, etc.).
  - L. State Constables are prohibited from carrying Electronic Control Devices (ECDs) commonly referred to as Tasers or stun guns.

## **SECTION VI: CREDENTIALS**

- A. State Constables are prohibited from using credentials, identification documents, or badges, except as approved herein, and must have SLED-issued identification cards on their person when performing law enforcement functions.

- B. When requested, State Constables must identify themselves by showing their SLED-issued identification card. A mere display of a badge does not constitute proof of identity.
- C. When armed, State Constables should have their credentials in their immediate possession for immediate display if circumstances warrant.

## **SECTION VII: UNIFORM**

Public and officer safety is best served when uniformed law enforcement officers are immediately recognizable to the public as law enforcement officers. Such recognition is gained by uniformity in dress, professional appearance, and demeanor. Issues of training, experience, and knowledge of departmental policies, procedures, and practices demand State Constables be immediately identifiable to others as State Constables. This policy is intended to ensure, to the maximum extent possible, the safety of State Constables, public law enforcement officers, and members of the public by minimizing risks of constables being inadvertently exposed to situations for which they have not received adequate training and have minimal experience. Such readily identifiable uniforms are particularly necessary at critical incident and other emergency scenes. The policy is also designed to generate maximum public and law enforcement confidence and respect for the State Constable program by allowing constables who present a professional image to be identified as part of the program.

**State Constables are required to be in an approved uniform at all times when assistance is being provided to local law enforcement agencies.**

State Constables are not authorized to wear a uniform, or identifiable parts of a uniform, such as a hat, shirt, jacket, or uniform accessories, except as described herein, and only when working assignments approved by SLED, or when attending official meetings and functions of State Constable associations, or official training. No other uniform or equipment is approved or authorized for use by State Constables. All State Constables participating in the same approved activity, duties, or events should be dressed in matching uniform components as to type and color. When not actively working, training, or attending association meetings, a constable should not wear identifying uniform parts, such as a hat, jacket, or shirt.

Insignia denoting or representing rank may not be worn, or displayed, on the uniform when participating in SLED-approved law enforcement activities.

All uniform components worn by a State Constable while performing public law enforcement duties, except as set forth elsewhere in this manual, must bear the words "State Constable" and "Police" on the back of the uniform component. Uniform components worn for meetings, ceremonial occasions, and training are exempt from this requirement. Shirts and jackets

previously purchased, having the State Constable embroidered emblem or a metal badge displayed on the chest, and having only the word "POLICE" on the back, may be worn until the item is no longer serviceable. Constables are strongly encouraged to wear a ballistic vest while working.

#### **A. Class "A" Uniform**

1. The Class A uniform will consist of the following components:
  - a) Badge: Gold metal, with black or blue lettering, of a style approved by SLED. The approved badge may bear the constable's name on the top banner, the South Carolina State Seal in the center with the words "State Constable" on the surrounding banner, and the letters "SC" on the bottom banner. If preferred, the badge may have the word "POLICE" on the top banner and the constable's identification number (AD #) on the bottom banner, with the seal and wording on the banner surrounding the seal as above. No other badge design is authorized.
  - b) Shirt: Midnight blue long-sleeved or short-sleeved standard uniform shirt with flap pockets. SLED-approved South Carolina State Constable patches will be sewn to each shirt sleeve and must be centered on the end seam and ½-inch from the top of the shoulder seam. The words "Police - State Constable" do not have to be on the back of a shirt worn only for ceremonial purposes, such as funerals or graduations.
  - c) Undershirt: Must match the color of the uniform shirt; may be a turtleneck design and may bear the letters "S.C." in gold on the collar.
  - d) Tie: Must match the color of the uniform shirt; may be clip-on or breakaway type; must be worn unless a matching color turtleneck or crew neck undershirt is worn. A gold color tie-tack or tie-bar may be worn.
  - e) Pants: Matching midnight blue four or six-pocket standard uniform pants. Pants must be hemmed and may not be worn "bloused".
  - f) Insignia: The approved badge is worn over the left breast pocket. A gold nameplate, either plain in style, or bearing the words "Serving Since" and the year of commissioning may be worn over the right breast pocket. Gold insignia consisting of the letters "S.C." may be worn centered one inch from the tip of each collar perpendicular to a line bisecting the angle of the collar. A whistle may be worn at the end of a gold keeper chain on the right side of the uniform with the chain attached to the right epaulet. Constables may wear, if authorized, an Advanced Constable pin centered and 1/2 inch above their nameplate. If constables, either while serving as a full-time law enforcement officer, or having been recognized for special service by the State, a county, or municipality, may wear such ribbons or medals on their uniform above the name plate. In such a

case, the Advanced State Constable pin will be worn 1/2 inch above the ribbons or medals, if applicable.

- g) Shoes: Shoes or boots must be black in color and shall be cleaned and polished.
- h) Hat: Must be a midnight blue baseball-style cap or campaign-style hat, with an embroidered or metal State Constable badge, as described above, no larger than 2¼ inches from top to bottom. The campaign hat may be worn with a rain cover, and may have gold braid and "acorns."
- i) Other: Utility belts, holsters, and other equipment holders must be black. A constable is authorized to carry only the equipment with which he or she has been properly trained and is currently certified to use, and which is approved by the agency being assisted by the constable. Constables may wear or carry the following items: a ballistic vest, handcuff case and handcuffs, standard or collapsible baton, flashlight, extra magazines, speed loaders, holders, protective gloves, pen, paper, cellular telephone, other electronic communication devices, and a radio. Tactical-style holsters (i.e. tactical shoulder holsters, thigh holsters, etc.) and Tasers are prohibited. Pepper spray and batons may be carried only if the agency being assisted by the constable maintains documentation of completion of a SCCJA or SLED-approved training course in the use of such equipment and conducts annual recertification on the use of the equipment. State Constables are prohibited from having in their possession any other law enforcement equipment unless express written permission has been provided to the constable from SLED.

### **B. Class "B" Uniform**

- l. The Class B uniform ("BDU" style<sup>1</sup>) will consist of the components approved for the Class A uniform, with the exception of the following:
  - a) Shirt: Midnight blue, two-pocket or four-pocket "BDU" style shirt, or midnight blue tee-shirt, or midnight blue, grey, or white "polo" style shirt, with approved embroidered State Constable badge over the left breast pocket. The "BDU" style shirt may have an embroidered patch with the constable's name in gold lettering over the right breast pocket and SLED-approved State Constable patches on each sleeve.
  - b) Pants: Midnight blue, four-pocket or six-pocket uniform "BDU" style pants.

### **C. Optional Equipment**

- l. A Constable may wear the following additional items:

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<sup>1</sup> The Battle Dress Uniform (BDU) style uniform components refer to clothing commonly known as fatigues or utility uniforms.

- a) Coat: A black, or navy blue, nylon windbreaker-style jacket with the words "State Constable" and "Police" appearing on the back of the jacket.
- b) Standard police uniform jacket with the approved State Constable badge or embroidered badge worn over the left breast, approved State Constable patches on each sleeve and the SLED-approved patch displaying the words "State Constable" and "Police" on the back of the jacket.
- c) Rain gear with reflective qualities adequate for safety and visibility, and the approved patch displaying the words "State Constable" and/or "Police" on the back of the jacket.
- d) Sweater: A standard black or navy blue "commando"-style sweater with the approved State Constable badge or embroidered badge on the left breast and a name tag on the right breast, and approved State Constable shoulder patches on both sleeves.
- e) Vest: A reflective vest of mesh or other suitable material may be worn when working traffic assignments. The vest must have the words "State Constable", with or without the word "Police" on the back of the vest.

#### **D. Other Attire**

When performing court security functions as requested by the assisted agency, with notification to SLED, a constable may wear a dark "hunter" green colored blazer, slacks, shirt, and tie. While in such attire, the State Constable should wear a suitable name tag identifying him/ herself as a State Constable, or wear the metal badge on the blazer or outer garment.

When performing clerical or administrative functions for an agency, as opposed to general law enforcement duties, a State Constable may, if approved by the assisted agency, wear a golf shirt with an embroidered State Constable emblem on the left breast, with slacks of his/her choosing. State Constables may also, if approved by the assisted agency, wear business casual attire when performing clerical or administrative duties.

As long as the State Constable is readily identified as a law enforcement officer, the sidearm, if worn, need not be concealed. The badge should be worn in front of the holster to assure identification.

**State Constables are prohibited from performing undercover work of any kind, making any type of undercover narcotics or alcohol purchases, or performing law enforcement duties in civilian clothing except as specified above.**

**SECTION VIII: REQUESTS FOR CONSTABLE ASSISTANCE**

- A. An agency request for State Constable assistance must be in writing, signed by the chief law enforcement officer of the agency or his designee, and received by SLED Regulatory Services prior to the beginning of the period for which assistance is requested. Such requests may be for periods up to six (6) months of the calendar year. Such approvals do not extend past the last day of the period specifically approved in writing by SLED, or after expiration of the constable's training certification or commission. Such approvals may be renewed by written request of the designated official in the law enforcement agency.
- B. The written request for assistance must include the full name and "AD" number of each requested State Constable, and the dates for which such approval is sought.
- C. The law enforcement agency must submit to SLED a completed Certificate of Insurance form furnished by SLED, certifying that the State Constable is included in the requesting agency's tort liability insurance coverage while assisting the agency.
- D. SLED assumes no responsibility for supervision of State Constables assisting other law enforcement agencies and assumes no liability for actions by or arising from the activities of a State Constable, whether or not participating in assistance approved by SLED. An agency requesting the assistance of a State Constable is fully liable and responsible for the supervision and actions of the constable and for injuries to, or damages resulting from, actions by the constable. State Constables also assume personal liability for actions taken in connection with their commissions.

**SECTION IX: RECOGNITION OF LONGEVITY; STATE CONSTABLE RETIREMENT**

Any Group III State Constable who has actively served for 10 or more years and does not wish to remain active may apply for "retired" status. The constable must submit a request, in writing, to SLED indicating the desired change in status. Upon being classified as a "Retired" State Constable, the constable must surrender his or her credentials to SLED and will no longer be permitted to assist local law enforcement. If the constable desires to maintain a "retired" commission, he or she will be required to successfully complete an annual legal update and annual firearms requalification by an approved SCCJA firearms instructor. Properly commissioned retired constables may carry a handgun concealed pursuant to the policies and procedures set forth in this manual. Retired State Constables who no longer wish to be commissioned or carry a weapon may apply for "Honorary Retired" status. Commissioned "Retired" or "Honorary Retired" State Constables will be issued an appropriate identification card.

**SECTION X: GROUP III-ADVANCED STATE CONSTABLES**

- A. Classification as a Group III-Advanced State Constable (hereinafter referred to as an Advanced State Constable) confers additional authority and responsibilities and only those designated as Advanced State Constables may represent themselves as such.
- B. For designation as an Advanced State Constable, the candidate must:
1. Be in good standing with SLED and local law enforcement agencies.
  2. Have been commissioned as a Group III State Constable for at least one year.
  3. Have completed a minimum of 240 hours of duty time assisting local law enforcement agencies.
  4. Have completed the Advanced State Constable training program approved by SLED.
  5. Successfully pass the required exam administered by the S.C. Criminal Justice Academy (SCCJA).
  6. Immediate designation as an Advanced State Constable may be permitted for the following and at the discretion of SLED:
    - a. Any currently certified full-time law enforcement officer who, within the previous 12 months, left his or her position under honorable conditions.
    - b. A law enforcement officer, who honorably retired from a public law enforcement agency for reasons other than disability, is receiving retirement payments from the S.C. Police Officer Retirement System (PORS), has successfully completed required recertification training while retired, and has attended the proper Advanced State Constable training approved by SLED and passed the required SCCJA examination<sup>2</sup>.
- C. Advanced State Constables may perform law enforcement activities:
1. During a period that such performance is specifically approved in writing by SLED.
  2. When tort liability and worker's compensation insurance coverage is in force.
  3. As directed by a chief of police or sheriff.
  4. Under the supervision of and in proximate contact with a full-time on-duty law enforcement officer.
  5. For which they have successfully completed training approved by the SCCJA.
  6. During an imminent, urgent and continuing threat to public safety.

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<sup>2</sup> Law enforcement officers who retire and immediately desire classification as an Advanced State Constable may be exempt from Item 6(b) above if continuous certification has been maintained by the officer or as determined in the discretion of SLED.

7. During an imminent and urgent threat to the safety of a police officer.
- D. Advanced State Constables must document at least 240 hours per year of duty time assisting law enforcement agencies. Duty time consists of:
1. Routine patrol and response activities
  2. Special Events
  3. Administrative duties with local agency law enforcement officers
  4. Training attended with local agency law enforcement officers
  5. Other training approved in advance by SLED
  6. Annual training
  7. Commuting to and from duty
- E. Actions taken by Advanced State Constables must be reasonable and prudent according to the circumstances, consistent with their training, compliant with federal and state laws governing such law enforcement actions, and compliant with SLED policy.
- F. Except when engaged in approved activities, Advanced State Constables are prohibited from interceding in traffic violations unless clear, compelling, and articulable circumstances, as described in this policy, are present.
- G. Advanced State Constables who generate criminal charges must cooperate fully in the disposition of those charges, including cooperation as a witness and appearances before investigative bodies and courts.
- H. Advanced State Constables are authorized by SLED to participate in law enforcement agency activities only when certification is on file at SLED documenting tort liability insurance and worker's compensation coverage provided by the State and/or by the agency receiving the assistance, except under emergency circumstances as listed above.
- I. When on duty assisting a department, as approved by SLED, an Advanced State Constable is prohibited from conducting activities outside the territorial jurisdiction of the department being assisted. Emergency circumstances encountered when commuting to and from such duty may be handled by the constable as detailed in policy.

## **SECTION XI: GROUP III-ADVANCED STATE CONSTABLE TRAINING**

A. Advanced State Constable training consists of the following courses and required training hours:

1. Diversity (5 hours)
2. Officer Survival (3.5 hours)
3. Prisoner Control and Transportation (2.5 hours)
4. Tactical Handcuffing (7 hours)
5. Use of Force (2.5 hours)
6. Shooting Decisions (3.5 hours)
7. Handling the Mentally Ill (1.5 hours)
8. Juvenile Procedures (3.5 hours)
9. Sexual Assault (4 hours)
10. Hazardous Materials (4 hours)
11. Child Abuse (3.5 hours)
12. Omnibus Adult Protection Act (2 hours)
13. Emergency Vehicle Operations (2 hours)
14. SLED Policy (2 hours)

Training equates to 46.5 total training hours.

B. Advanced State Constables wishing to complete above listed training are responsible for locating courses, attending and successfully completing such training, providing documentation to SLED as required, and completing any necessary testing required by the SCCJA.

C. Annual recertification training must be successfully completed by Advanced State Constables and must include the following:

1. Firearms qualification
2. Legal update
3. Criminal Domestic Violence update
4. Blood Borne Pathogen (BPP) update
5. SLED Policy update

D. State Constables may not submit to SLED evidence of training intended to meet Advanced State Constable requirements unless such training has been approved in advance, in writing, by SLED.

E. Training intended to meet Advanced State Constable and annual training requirements must be conducted by SCCJA certified instructors approved to conduct the specific course(s) using the approved SCCJA lesson plans.

- F. Advanced State Constables must submit documentation regarding training to SLED in accordance with policy on or before July 1 of each calendar year.
- G. Failure to maintain required training or duty hours may result in loss of classification as an Advanced State Constable.

BY ORDER OF:



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Mark A. Keel  
Chief of SLED

S.C. State Constable Program  
Policies and Procedures  
Revised January 1, 2016