

SOUTH CAROLINA LAW ENFORCEMENT DIVISION

NIKKI R. HALEY
Governor



MARK A. KEEL
Chief

MEMORANDUM

TO: All Private Security Company Licensees and Security Training Officers

FROM: Mark A. Keel, Chief of SLED

DATE: June 13, 2016

RE: **Procedural Changes to Private Security Licensing, Training, and Regulation**

Because the character of crime is ever changing, there continues to be an increased demand for private security officers to provide quality public safety services in various types of environments throughout our society. South Carolina is somewhat unique in that properly registered security officers are granted certain law enforcement authority pursuant to S.C. Code Ann. § 40-18-110. With such authority comes a tremendous responsibility to the citizens of this State to provide competently trained public safety professionals. Registered private security officers, by state law, are considered part of that group.

The South Carolina Law Enforcement Division (SLED) has the authority, responsibility, and duty, granted under S.C. Code Ann. § 40-18-30(A), to establish and enforce standards governing the safety and conduct of private security officers. To more effectively meet the demands of the private security industry and fulfill SLED's statutory responsibilities, the procedural changes to training, certification, licensing, and regulation of the private security industry listed below are being implemented effective October 1, 2016.

The changes outlined herein will be discussed in more detail during upcoming mandatory training seminars for company licensees and training officers.

TRAINING

Perhaps the most significant change is the development of a more comprehensive private security training program. This program, *SafeguardSC*, was developed as part of a collaborative



An Accredited Law Enforcement Agency

P.O. Box 21398 / Columbia, South Carolina 29221-1398 / (803) 737-9000 / Fax (803) 896-7588

effort by SLED and the SLED Security Advisory Committee, which consists of security industry professionals and Technical Education College (TEC) instructor trainers. *SafeguardSC* will replace any previous versions of SLED-approved training curriculum or any other training curriculum in use by security companies. *SafeguardSC* consists of “Primary Basic” and “Primary Plus” training. The intent of this program is to deliver consistent standardized training to all private security officers statewide. All private security officers seeking registration will be required to complete Primary Basic training through their employing company by a certified Security Training Officer (STO). Additionally, security officers whose assignments include additional duties must complete the appropriate Primary Plus curriculum applicable to their responsibilities. All training must be properly documented and retained by the security officer, training officer, and security company in accordance with S.C. Code Ann. Regs. 73-421. Training standards will be closely monitored and strictly enforced by SLED.

Beginning on the effective date of this program, all currently certified STOs will be required to attend a recertification course offered through a participating TEC prior to the next renewal of their SLED security registration. STOs currently classified as SLED Level II/III instructors will now be referred to as Security Firearms Training Officers (SFTOs) and must attend firearms requalification annually through a participating TEC. Proof of the successful completion of recertification/requalification must be submitted to SLED at the time of renewal application. Security officers who wish to become certified STOs must successfully complete the entire instructor training program at a participating TEC and submit proof of successful completion to SLED. All STOs must attend a recertification course at a participating TEC annually during their registration period. Failure to adhere to these requirements will result in decertification as a training officer.

Also upon the effective date of this program, currently registered security officers must be provided with the *SafeguardSC* curriculum relevant to their specific duties. This must include Primary Basic training and any applicable Primary Plus courses. This training can be delivered by STOs at times determined by the employing company; however training must be delivered during the security officer’s current or next registration period (if registration expires within three months of program deployment). Documentation of completion must be submitted to SLED upon the first registration renewal following receipt of the training.

Security officers granted authority to carry firearms pursuant to S.C. Code Ann. § 40-18-100 must complete SLED-approved firearms training from a certified SFTO prior to initial registration and then requalify annually thereafter. Further, S.C. Code Ann. § 40-18-100 requires security officers to qualify with the “type” of firearm “issued or authorized” by the employer. In this context, firearm “type” is defined as one of the same make, model, and caliber to be carried by the security officer on duty. Security officers must qualify and annually requalify with each “type” of weapon utilized in the performance of their duties. Documentation of each qualification and requalification by each security officer must be submitted to SLED along with the officer’s registration application and retained by the employing company for inspection.

S.C. Code Ann. § 40-18-100 also authorizes SLED to issue Security Concealed Weapons Permits. This special armed security officer registration allows registered security officers to carry firearms concealed whether on-duty or not, or in uniform or not. SLED has complete

discretionary authority regarding the issuance of these permits; and, as such, will begin to more carefully review each request for a “Concealed Armed” registration by security officers.

Requests for this classification must be made annually at the time the officer submits an application for registration. SLED has found, in some cases, this permit status has been abused and occasionally creates a negative impact on public safety. Unless a credible need exists for security officers to possess a “Concealed Armed” registration, these requests will be denied. Should it be determined a justifiable need to possess a “Concealed Armed” registration exists, approved officers will be required to carry a concealed firearm pursuant to the registration only during the performance of security related duties. If a firearm is carried openly while the officer is out of uniform, some other identifying insignia or indicia is required to be worn (i.e. badge, partial uniform, etc.). Anyone found to be in violation of this policy will have their “Concealed Armed” registration revoked.

Any security officers who utilize equipment and devices (chemical weapons, electronic control devices, collapsible batons, speed radar, etc.) must be properly trained on the use of such equipment and devices. This training must be delivered by an instructor properly certified to teach curriculum directly related to the equipment or devices. SLED certified STOs may obtain additional instructor/trainer certifications from either the manufacturer of the equipment or device; or through another vendor properly qualified to certify instructors for the equipment or device. Further, STOs must deliver training to security officers using an approved lesson plan either developed by the STO or the entity that certified them as an instructor. If there are recertification requirements for the particular equipment and devices utilized, both STOs and security officers must maintain those requirements in order to continue using the equipment and devices. Lesson plans, certifications, and other required training documentation must be retained by the employing security company, the STO, and the security officer as described above. Failure to adhere to these requirements constitutes a licensing violation in accordance with S.C. Code Ann. § 40-18-130 and could result in punitive action.

Some security companies have, in the past, requested authorization to utilize alternate training programs. Although the Primary Basic training curriculum will be required for all security officers seeking a registration from SLED, companies wishing to utilize additional alternate training programs may request to do so. In an effort to improve consistency; however, any company currently utilizing an alternate training program must resubmit the request in writing. Prior to rendering an approval decision, SLED will carefully review the proposed alternate training program curriculum. It is strongly suggested security companies submit these requests in advance of the effective date of this program. **Unless express written permission has been given by SLED to the contrary, security companies must deliver training using the approved training materials described herein.**

Additionally, some security companies have, in the past, requested authorization to utilize special equipment, devices, and/or weapons (i.e. blue lights, uniform traffic tickets, shotguns, patrol rifles, etc.). Upon the effective date of this program, all previous authorizations will be rescinded and requests for authorization must be resubmitted as described above for proper review by SLED. Training for special equipment, devices, and/or weapons must be conducted as described above.

During the transition period for officers already registered on the effective date of this program, companies are strongly encouraged to develop a specific training strategy to ensure compliance; and have that strategy available should SLED request it.

Failure to comply with approved training requirements outlined herein constitutes a violation to S.C. Code Ann. § 40-18-130 and may result in a monetary penalty, suspension, revocation, or refusal to renew a company license or officer registration.

Company licensees and training officers are encouraged to contact SLED with questions about training implementation, delivery, or content.

REGISTRATIONS/LICENSES

Along with the new training program being implemented October 1, 2016, SLED will also implement new business rules pertaining to private security registration and licensing. The most significant of these changes is the requirement that security officers must apply for and become registered with each security company they work for. This will eliminate the current method of transfers among various employing companies.

This change will be facilitated through security companies submitting an application and required registration fee for each officer hired. Approved registration requests will result in each officer having an appropriate registration card for each employing company with the employing company identified. Proper registration cards must be in the officer's possession while performing security duties at a specific site for a particular company. Each approved registration will be valid for one year from the date of issue. The current method of termination notifications must still occur within 10 days of the termination pursuant to S.C. Code Ann. § 40-18-80(A)(7). Upon termination, the officer's registration for that particular company will become invalid.

Security officers are prohibited from performing security duties without authorization from the employing security company for a particular property. Company licensees are encouraged to implement and enforce policies preventing officers registered with their companies from "moonlighting" or otherwise working without authorization. Failure of officers to comply with this requirement constitutes a violation of S.C. Code Ann. § 40-18-130 and may result in punitive action against the officer and employing company.

USE OF FORCE

Security company licensees accept any liability resulting from deficiencies in training or improper or unlawful use of force by registered security officers in their employ. Any use of force incidents must be completely, accurately, and thoroughly documented by security companies. Likewise, all instances where force is used must be immediately reported to the law enforcement agency of jurisdiction and full cooperation with any subsequent law enforcement investigation is required.

Further, SLED requires security companies to immediately notify local law enforcement and SLED of any security officer involved shooting incidents or incidents where great bodily injury, as defined in S.C. Code Ann. § 16-3-600, has occurred as a result of security officer

involvement. Security officers involved in shooting incidents must avoid working in an armed capacity until any subsequent investigation is concluded and the officer cleared.

Security companies are strongly encouraged to develop and implement a comprehensive use of force policy and ensure all registered officers are keenly familiar with it. Failure to comply with any of these requirements may result in punitive action against the officer and employing company.

UNIFORMS

Unless otherwise approved in writing by SLED, registered private security officers must wear a uniform while performing security services. Any requests to perform non-uniformed security duties must be submitted to SLED in writing and clearly articulate specific reasons why approval of the request is necessary for each particular client site. SLED will carefully review each request, evaluate its merit, and make a determination. Any existing approvals for non-uniformed security must be resubmitted.

Uniforms worn by registered security officers must not be similar in appearance to tactical uniforms worn by police officers. Ballistic vests which fit over the outer clothing are permitted; however they must clearly identify the wearer as a security officer. Private security officers with an armed registration must be in a proper uniform and must openly carry the firearm in a weapon-specific holster worn on the wearer's belt at waist level. Unless otherwise approved by SLED, private security officers are prohibited from utilizing tactical style holsters or other equipment while in uniform.

In addition to the prohibited wording identified in S.C. Code Ann. Regs. 73-406, security companies and officers are prohibited from using or displaying the word "Agent" or any words or combination of words that could convey affiliation with a law enforcement agency or its personnel.

OTHER

SLED is statutorily responsible for the safety, conduct, training, regulation, and enforcement of the private security industry. The primary goal of SLED in this regard is to ensure regulated industries and individuals maintain compliance with applicable state laws and regulations. Private security training has been updated, and the manner in which officers are registered has been revised to better ensure the best interest of public safety is maintained by security officers who possess law enforcement authority on protected property. These updates and revisions also ensure client customers receive quality security services.

SLED does not now, or in the past, embrace the goal of putting security companies out of business. However, it has the duty and responsibility to enforce standards of compliance. This is facilitated through inspections and investigations. Please know that all complaints received by SLED are thoroughly investigated and any discovered violations are carefully and fairly evaluated to determine whether the violation was willful, intentional, criminal, or simply an oversight. Penalties for violations include verbal warnings, written warnings, monetary penalties, suspension, and/or revocation for both licensed security companies and registered security officers.

It should be noted that considerable efforts were made to minimize the fiscal impact of the new *SafeguardSC* training program. Additionally, SLED is in the process of updating and revising the South Carolina Code of Regulations to more accurately reflect the current climate of the security industry and address some of the most commonly encountered issues. As such, security companies are encouraged to get involved by providing feedback to the SLED Security Advisory Committee, which is tasked with formulating training and other recommendations to SLED's oversight of the private security industry. A listing of SLED Security Advisory Committee members will be made available on request.

Your attention to these matters is encouraged and appreciated.