

ADM-17.02, "Continuing Law Enforcement Education Standards (CLEE)," February 1, 2007

SCDC POLICY/PROCEDURE

CHANGE 1 to ADM-17.02: 2.2.2

NUMBER:ADM-17.02

TITLE:CONTINUING LAW ENFORCEMENT EDUCATION STANDARDS (CLEE)

ISSUE DATE: February 1, 2007

RESPONSIBLE AUTHORITY: DIVISION OF TRAINING

OPERATIONS MANUAL:ADMINISTRATION

SUPERSEDES:ADM-17.02 (July 30, 1999)

RELEVANT SCDC FORMS/SUPPLIES: NONE

ACA/CAC STANDARDS: 4-4091

STATE/FEDERAL STATUTES: 23-6-400, 23-6-410, 23-6-420, 23-6-430, 23-6-435, and 23-6-440 S.C. Code of Laws, 1976, as amended, and South Carolina Department of Public Safety Regulations, Chapter 38

PURPOSE: To provide an overview of the training requirements of the Continuing Law Enforcement Education (CLEE), South Carolina Code of Laws, 1976, as amended, and to prescribe guidelines for the designation of employees required to comply with the same.

POLICY: In an effort to further ensure public safety and to uphold the professional status of the Agency, the South Carolina Department of Corrections will, in compliance with the South Carolina Code of Laws, 1976, as amended; applicable American Correctional Association Standards; and Agency directives, require all uniformed security personnel, investigators, and any other employee so designated by the Agency Director, to successfully complete a Basic Correctional Officer Certification Program during his/her first six (6) months of employment or assignment to any position/post requiring certification. All certified employees will be required to maintain their certification status during the duration of their employment with the Agency provided that they remain assigned to any position or post requiring the same correctional officer certification. Employees who fail to successfully complete required training necessary to maintain certification may be reassigned or terminated in accordance with all applicable Agency policies/procedures, and with state and federal statutes/regulations regarding personnel and employment practices.

## TABLE OF CONTENTS

1. CONTINUING LAW ENFORCEMENT EDUCATION (CLEE) THREE-YEAR RE-CERTIFICATION REQUIREMENTS
2. CLEE CERTIFICATION/DE-CERTIFICATION REQUIRED ACTIONS
3. EXTENSIONS OF CLEE CERTIFICATION CYCLE DATES
4. CLEE CYCLE EXTENSION REQUESTS
5. DEFINITIONS

### SPECIFIC PROCEDURES:

#### 1. CONTINUING LAW ENFORCEMENT EDUCATION (CLEE) THREE-YEAR RE-CERTIFICATION REQUIREMENTS:

1.1 The CLEE mandates that those employees required to maintain CLEE certification obtain at least 40 hours of CLEE approved training during their three (3) year re-certification cycle. Information concerning CLEE approved training classes will be included in the Division of Training Annual Training Calendar or will be provided to employees by the Division of Training. The Division of Training will ensure that a sufficient number of classes are available and scheduled throughout each year to afford certified employees the opportunity to complete such training.

1.2 Certified employees, for compliance with CLEE, must successfully complete all training classes 45 days prior to the expiration of their three (3) year re-certification cycle.

1.3 During each one (1) year re-certification cycle, all Class 1 Law Enforcement certified employees will be required to attend and successfully complete the following CLEE mandated training classes:

- Criminal Justice Academy (CJA) Legal Update Training;
- Annual Firearms Re-qualification Training;
- Emergency Vehicle Response Training (EVRT);
- Federal Mandates, i.e., OSHA, etc.;
- SCDC Legal Update Training; and
- Other training as determined and announced by the Division of Training.

1.4 During each one (1) year re-certification cycle, all Class 2 - SCO certified employees will be required to attend and successfully complete the following CLEE mandated training classes:

- SCDC Legal Update Training;
- Annual Firearms Re-qualification Training; and
- Other training as determined and announced by the Division of Training. (4-4091)

## 2. CLEE CERTIFICATION/DE-CERTIFICATION REQUIRED ACTIONS:

### 2.1 Failure to Obtain a Passing Score on CLEE Mandated Training:

Required Action: The Division of Training will notify the Law Enforcement Training Advisory Council when any certified employee holding a Correctional Officer Classification (Correctional Officer, Corporal, Sergeant, Lieutenant, Captain, and Major) fails to meet minimum established standards (passing scores) for any CLEE mandatory class and request that the employee's certification be withdrawn. The Division of Training will notify the appropriate Warden, Division Director, or other authorized designee of the employee's failure to obtain a passing score. This responsible person will ensure that the employee is placed on the "No Draw List" and is not allowed to perform duties that involve or require the use of firearms. The appropriate Warden, Division Director, or other authorized designee will, with the approval of the Division of Human Resources, ensure that the employee who fails to obtain a passing score is removed from the certified position within ten (10) days of the receipt of the notice of "Expiration of Law Enforcement Certificate." A certified non-uniformed employee who does not occupy a certified position and who fails to obtain a passing score, will lose his/her certification and will no longer be authorized to perform duties that require the use of firearms.

### 2.2 Current CLEE Mandated Class Standards:

2.2.1 Legal Update: Requires a minimum score of 70% annually. Should any certified employee fail to pass the written test, the employee will be scheduled by an institutional trainer or the Division of Training for remedial training and be re-tested within 30 days. Should the employee fail to attend the scheduled training within 30 days or fail the re-test, the Division of Training will request the employee's certification be withdrawn.

2.2.2 Annual Weapons Re-Qualification: Requires a score of 75%. Any employee who fails to fire a passing score during annual weapons re-qualification will be advised that s/he is no longer to be issued any firearms or perform duties that involve or require the use of firearms. The Division of Training will inform the appropriate Warden, Division Director, or other authorized designee of the employee's failure via memorandum or CRT message. The responsible person will ensure that the employee is placed on the "No Draw List," and is not allowed to perform duties that involve or require the use of firearms until s/he successfully qualifies or until certification is withdrawn. (4-4091) (Changes in RED below are amended by Change 1, dated March 12, 2009)

RANGE EVENT	TRAINING HOURS	NUMBER OF ROUNDS	QUALIFICATION
Annual Re-Qualification Practice (same day)	3-6 hours	50	Yes (1 time)
2nd Re-Qualification	4 hours	61-86	Yes (1 time)
	61-86	Yes (1 time)	Mandatory Practice
4 - 8 hours	60 + 36 (optional qualification)	Student's Option (1 time)	Mandatory Practice

4-8 hours	60 + 36	Student's Option (1 time)	Mandatory Practice
4 - 8 hours	60 + 36 (optional qualification)	Student's Option (1 time)	Mandatory Practice
4 - 8 hours	60 + 36 (optional qualification)	Student's Option (1 time)	TOTAL

Employees who fail firearms re-qualification will receive individual attention from a firearms instructor who will perform at a minimum, a target analysis in an attempt to identify and correct areas of deficiency. Employees who fail annual firearms re-qualification will be scheduled for four (4) mandatory practices by the institutional trainer/training liaison. After completion of each mandatory practice session, the employee will have the option of attempting to shoot for re-qualification. If the employee is successful at attaining a passing re-qualification score after any mandatory practice re-qualification attempt, the employee has completed annual re-qualification. If the employee has not attained a passing score after all attempts, the Division of Training will submit the employee's name to the South Carolina Criminal Justice Academy with a recommendation to withdraw certification. Uniformed employees whose certification has been withdrawn must be removed from their correctional officer position within ten (10) days of notification of de-certification. Employee Relations will be contacted to ensure all applicable policies have been followed and to determine employment status. Employees must complete the above re-qualification program within six (6) months from the date of his/her initial failure to re-qualify. Employees who believe that they will have problems re-qualifying can request voluntary practice sessions. These practice sessions should be scheduled through the appropriate institutional trainer and/or training liaison. The employee must provide his/her own ammunition for voluntary practice sessions.

### 2.3 Failure to Complete CLEE Mandated Training Classes During a One (1) Year Re-certification Cycle:

Required Action: Any Class 2 - SCO certified employee who misses legal update and/or annual firearms re-qualification training during his/her one (1) year re-certification cycle must attend and successfully complete the training prior to classes missed within a 30-day period following the end of his/her CLEE one (1) year re-certification cycle. An employee's supervisor and/or the Division Director of Training may take disciplinary action against an employee who fails to complete mandated CLEE training in these situations. De-certification could result during the employees one (1) year re-certification cycle if the mandated classes are not completed successfully. (NOTE: This applies only to 1st or 2nd year CLEE re-certification cycle.)

### 2.4 Failure to Complete Mandated CLEE Training Classes 45 Days Prior to the End of the Three (3) Year Re-certification Cycle:

2.4.1 The CLEE non-compliance report will inform Wardens and Division Directors of any employees approaching a non-compliance status, no less than 90 days prior to the end of their three (3) year cycle. The employees immediate supervisor must then schedule the employee for the required training prior to 45 days before the end of his/her cycle. Employees who fail to complete the training at least 45 days prior to the end of their cycle will be scheduled (via memorandum) to attend the next available class by the Institutional Trainer. The Division Director of Training/designee may request certification withdrawal of any Class 2 -

SCO officer or non-uniformed employee whose position requires certification and who fail to meet the mandated training requirements of CLEE prior to the end of his/her three (3) year re-certification cycle.

2.4.2 Any employee who fails to meet the CLEE re-certification requirements prior to the end of his/her three (3) year cycle must successfully complete the entire Basic Correctional Officer Certification Training Program or other approved certification program as directed by the Division of Training and pass all prerequisite requirements for compliance with CLEE to maintain his/her certified position.

2.4.3 An employee who fails to complete mandated CLEE training or an immediate supervisor who fails to schedule an employee for mandated CLEE training in a timely manner will be subject to corrective action by that employee's supervisor, the supervisor's supervisor, and/or the Division Director of Training pursuant to SCDC Policy/Procedure ADM-11.04, "Employee Corrective Action."

2.4.4 Employees who fail to meet CLEE re-certification requirements will be placed on the "No Draw List," and are not authorized to perform any duties that involve or require the use of firearms.

2.5 Failure to Complete Mandated CLEE Training Classes Due to a Break in Service Less Than 12 Months:

2.5.1 The employee will be assigned a new certification cycle start date upon clearance of an NCIC check by the Division of Human Resources; upon clearance of the employee's fingerprints; and upon verification that the employee successfully completed Correctional Officer Basic Certification Training.

2.5.2 The employee will be required to successfully complete legal update training and firearms re-qualification Training within 30 days of the employee's new CLEE certification cycle. Failure to meet the 30 day training mandate could result in de-certification/termination.

2.5.3 If the employee is to be assigned to an institution, the employee must, at a minimum, complete institutional orientation training as set forth in SCDC Policy/Procedure ADM-17.01, "Employee Training Standards," within 30 days of the employee's rehire date.

2.5.4 Until such a time that the above action has been completed, the employee will be assigned by his/her immediate supervisor to a position/post that does not require certification.

2.6 Requirements for Reinstatement of Certification Based on Failure to Complete Mandated CLEE Training Classes Due to a Break in Service that EXCEEDS 12 Months: The employee will be considered to be a new hire (Correctional Officer). The new employee must successfully complete SCDC Orientation and the Correctional Officer Basic Certification Training.

3. EXTENSIONS OF CLEE CERTIFICATION CYCLE DATES: A certified employee who is unable to complete the training requirements within the three (3) year period specified may be granted an extension to his/her CLEE cycle date in the following cases:

3.1 Military Leave: Any employee called to active military duty for a period of more than 30 consecutive days will be granted an extension to his/her CLEE cycle date for the duration of the active duty, plus 90 days.

3.2 Medical, Disability, or Administrative Leave: Any employee who is on approved medical leave, disability leave, or administrative leave for a period of 30 consecutive days and is unable to complete the required training will be granted an extension to his/her renewal date for the duration of the leave, provided such an extension does not exceed one (1) year.

(NOTE: An employee under a physicians orders who is unable to participate in required training after one (1) year cannot have his/her CLEE cycle extended. The Division of Human Resources and the South Carolina Criminal Justice Academy will be notified so that all appropriate action can be taken to maintain compliance with applicable state and federal statutes, standards, codes, and regulations. Generally, this employee will be removed from his/her position.)

#### 4. CLEE CYCLE EXTENSION REQUESTS:

4.1 Military Leave (extension): The employee must furnish a copy of his/her military orders to the appropriate training coordinator.

#### 4.2 Temporary Medical Leave:

4.2.1 An employee who fails to complete mandated training requirements to maintain certification due to a temporary medical condition must provide a physicians statement that specifically states the employees limitation and an estimated date of return to full duty, and must submit the statement to the Institutional Training/Coordinator prior to becoming delinquent in any mandated training.

4.2.2 The Institutional Trainer/Coordinator will forward a request for medical extension to the Division of Training for consideration of the extension.

4.2.3 The Institutional Trainer/Coordinator will inform the appropriate Warden, Division Director, or Deputy Director of the extension time frames, any duty restrictions, weapons restrictions ("No Draw List"), physical limitations, and/or any training requirements upon returning to full duty.

#### 4.3 Permanent Medical Conditions:

4.3.1 There are no provisions for granting permanent CLEE extensions for employees who are unable to meet the training standards prescribed by, CLEE and/or SCDC policy/procedure.

4.3.2 The Institutional Trainer/Coordinator will forward the documentation noted above to the Division of Training which will inform the Division of Human Resources so that appropriate action can be taken to maintain compliance with applicable state and federal statutes, codes, and regulations.

4.3.3 The Division of Training will be responsible for informing the South Carolina Criminal Justice Academy of employees who fail to meet re-certification mandates and/or to request CLEE extensions.

## 5. DEFINITIONS:

Certification refers to the successful completion of Correctional Officer C/O Basic Training as outlined in SCDC Policy/Procedure ADM-17.01, "Employee Training Standards."

Class 1 - LE Certification refers to certification for law enforcement officers with full arrest powers (Deputy Sheriff, City Police, Highway Patrol) who have successfully completed a basic law enforcement certification training program as approved by the South Carolina Criminal Justice Academy.

Class 2 - SCO Certification refers to certification for SCDC correctional officers who have successfully completed an approved SCDC pre-service correctional officer training program as approved by the South Carolina Criminal Justice Academy.

De-certification refers to the revocation of any employees certification due to either his or her termination, retirement, resignation, or failure to meet the mandated training requirements/standards prescribed by CLEE.

Institutional Trainer refers to trainers assigned to the Division of Training who work in an assigned institution.

Institutional Liaison refers to an employee assigned to an institution who assists the Institution and/or Institutional Trainer with training needs.

CLEE refers to the Continuing Law Enforcement Education standards.

Medical Reasons refers to a medical condition, certified in writing by a physician, that does not require an employee to take medical leave, but may affect the employees performance of certain duties or tasks required of his or her job assignment.

One Year Re-certification Cycle refers to a one (1) year period within an employees three (3) year re-certification cycle.

Three Year Re-certification Cycle refers to a period beginning with the date an employee was certified and ending three (3) years later, e.g., April 5, 1999, to April 4, 2002. An employee must successfully complete all required training 45 days prior to the expiration of his/her three (3) year cycle in order to be re-certified.

Training Coordinator(Geographical Training Coordinator) refers to trainers assigned to the Division of Training who supervise Institutional Trainers.

SIGNATURE ON FILE

-

s/Jon Ozmint, Director

ORIGINAL SIGNED COPY MAINTAINED IN THE DIVISION OF POLICY DEVELOPMENT.