



HENRY McMASTER  
ATTORNEY GENERAL

August 25, 2009

Hubert F. Harrell, Director  
South Carolina Criminal Justice Academy  
5400 Broad River Road  
Columbia, South Carolina 29212-3540

Dear Mr. Harrell:

In a letter to this office you referenced the provisions of S.C. Code Ann. § 23-23-20 which states in part,

[t]here is hereby created the South Carolina Criminal Justice Academy which shall provide facilities and training for all officers from state, county, and local law enforcement agencies and for other designated persons in the criminal justice system...Basic and Advanced training must be provided at the training facility.

In your letter, you noted as follows:

My staff, from time to time, teaches in the field, actually going to different locations throughout the state to provide training to law enforcement officers. This is done for many reasons, one of the most important being the cost savings to the officers/agencies participating, i.e., it is cheaper and usually more efficient to send one instructor to a location, than to have 30 students drive to the Academy's building in Columbia. When my staff teaches in the field they do so in various buildings, including police departments, sheriffs' offices, detention centers, and other local government buildings. When I send my instructors to locations such as these, would those locations still be considered "the training facility" listed in S.C. Code § 23-23-20? In other words, is "the training facility" wherever I or the Law Enforcement Training Council deem it to be for particular classes, whether at the Academy building in Columbia, or in another building in the field?

I assume you are referring to "refresher" courses or other type courses distinct from the mandatory training required for certification pursuant to S.C. Code Ann. § 23-23-40 which typically is taught at the Academy facilities in Columbia. See also: S.C. Code Ann. § 23-23-20 cited above and S.C. Code Ann. § 23-23-110 "[w]hen a municipality employs only one law enforcement officer and that

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officer is attending law enforcement training at the South Carolina Criminal Justice Academy as required by law....”

In examining your question, other provisions of S.C. Code Ann. §§ 23-23-10 et seq. are also instructive. Section 23-23-10(C) states that

[i]t is the intent of the General Assembly in creating a facility and a governing council to maximize training opportunities for law enforcement officers and criminal justice personnel, to coordinate training, and to set standards for the law enforcement and criminal justice service, all of which are imperative to upgrading law enforcement to professional status. (emphasis added).

Section 23-23-60A) states that

[a]t the request of any public law enforcement agency of this State the council is hereby authorized to issue certificates and other appropriate indicia of compliance and qualification to law enforcement officers or other persons trained under the provisions of this chapter. Members of the council may individually or collectively visit and inspect any training school, class, or academy dealing with present or prospective law enforcement officers, and are expected to promote the most efficient and economical program for police training, including the maximum utilization of existing facilities and programs for the purpose of avoiding duplication. The council may make recommendations to the director, the General Assembly, or to the Governor regarding the carrying out of the purposes, objectives, and intentions of this chapter or other acts relating to training in law enforcement. (emphasis added).

Also, pursuant to Section 23-23-80, the State Law Enforcement Training Council is authorized to

...(3) consult and cooperate with counties, municipalities, agencies, or official bodies of this State or of other states, other governmental agencies, and with universities, colleges, junior colleges, and other institutions, concerning the development of police training schools, programs, or courses of instruction, selection, and training standards, or other pertinent matters relating to law enforcement;...

(8) provide by regulation for mandatory continued training of certified law enforcement officers, this training to be completed within each of the various counties requesting this training on a regional basis. (emphasis added).

When interpreting the meaning of a statute, certain basic principles must be observed. The cardinal rule of statutory interpretation is to ascertain and give effect to legislative intent. State v. Martin, 293 S.C. 46, 358 S.E.2d 697 (1987). Typically, legislative intent is determined by applying the words used by the General Assembly in their usual and ordinary significance. Martin v.

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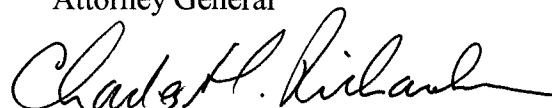
Nationwide Mutual Insurance Company, 256 S.C. 577, 183 S.E.2d 451 (1971). Resort to subtle or forced construction for the purpose of limiting or expanding the operation of a statute should not be undertaken. Walton v. Walton, 282 S.C. 165, 318 S.E.2d 14 (1984). Courts must apply the clear and unambiguous terms of a statute according to their literal meaning and statutes should be given a reasonable and practical construction which is consistent with the policy and purpose expressed therein. State v. Blackmon, 304 S.C. 270, 403 S.E.2d 660 (1991); Jones v. South Carolina State Highway Department, 247 S.C. 132, 146 S.E.2d 166 (1966).

As set forth above, statutory reference is made to efforts to “maximize training opportunities”, the existence of “any training school, class or academy dealing with present or prospective law enforcement officers”, the promotion of “efficient and economical program(s) for police training, including the maximum utilization of existing facilities”, the “development of police training, schools, programs or courses of instruction”, along with mandatory continued training “to be completed within each of the various counties requesting this training on a regional basis.” Consistent with such, in the opinion of this office, it is apparent that the General Assembly while providing for a central State Criminal Justice Academy which would initially train officers from the various law enforcement agencies in this State for certification, also provided for training to be provided at various locations throughout this State. Therefore, a “training facility” may be wherever you or the Law Enforcement Training Council deems it to be for particular classes, whether at the Academy building in Columbia, or in another building in the field.

With kind regards, I am,

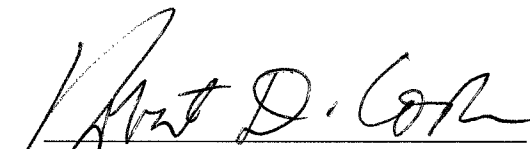
Very truly yours,

Henry McMaster  
Attorney General



By: Charles H. Richardson  
Senior Assistant Attorney General

REVIEWED AND APPROVED BY:



Robert D. Cook  
Deputy Attorney General