



## PERSONNEL CHANGE IN STATUS REPORT OF SEPARATION FORMS

There are two PCS forms used when an officer and agency separate:

- (1) Notification of Administrative/Routine Separation
- (2) Notification of Separation Due to Misconduct

### Administrative/Routine Separations:

This form is to be used for all separations that do **NOT** involve misconduct as defined by S.C. Reg. 37-025. Examples of administrative / routine separations include, but are not limited to:

Resigned, retired, deceased, new Sheriff, accepted employment with another law enforcement agency, Medical or Military Leave, failed to complete basic training, failed to complete in-service training, or termination for violation of Agency policy **NOT** involving misconduct as defined by S.C. Regulation 37-025 (i.e., substandard performance, excessive absenteeism, failure to follow orders, etc.)

Also, there is a block titled "Other" which can be used to indicate the nature of the separation if one of the above examples is not accurate. Please remember, that the "Other" block should only be used for separations that do **NOT** involve misconduct as defined by S.C. Reg. 37-025.

All Administrative/Routine Separations **must** be accompanied by a Mandatory Retraining Notification (MRN form) indicating in-service training received while the officer was employed with your agency.

All Administrative/Routine Separations must be received by SCCJA within **15 days** of the separation. See S.C. Reg. 37-022.

### Separations Due to Misconduct:

This form is to be used for any separation involving misconduct as defined in S.C. Reg. 37-025. **All Separations Due to Misconduct must fall within the definition of misconduct under S.C. Reg. 37-025.** Examples of Separations Due to Misconduct include, but are not limited to:

Termination or Resignation **INVOLVING MISCONDUCT** as defined in S.C. Reg. 37-025.

S.C. Reg. 37-025 defines misconduct as [with examples in brackets]:

1. Conviction, plea of guilty, plea of no contest or admission of guilt (regardless of withheld adjudication) to a felony, a crime punishable by a sentence of more than one year (regardless of the sentence actually imposed, if any), or a crime of moral turpitude in this or any other jurisdiction [For example, but not limited to: conviction Fraudulent Check, admission of guilt

to shoplifting even if not convicted of shoplifting, etc...]

2. Unlawful use of a controlled substance [For example, but not limited to: Observation of unlawful use of a controlled substance and/or testing positive for use of a controlled substance, etc...];
3. The repeated use of excessive force in dealing with the public and/or prisoners;
4. Dangerous and/or unsafe practices involving firearms, weapons, and/or vehicles which indicate either a willful or wanton disregard for the safety of persons or property [For example, but not limited to: failure to properly secure firearms/weapons, DUI conviction, etc...];
5. Physical or psychological abuses of members of the public and/or prisoners;
6. Misrepresentation of employment-related information [For example, but not limited to: Lying or misrepresenting current or former law enforcement position or reason for separation, etc...];
7. Dishonesty with respect to his/her employer [For example, but not limited to: Lying during an internal affairs investigation, etc...];
8. Untruthfulness with respect to his/her employer [For example, but not limited to: Lying during an internal affairs investigation, etc...].

All separations reported on the Notification of Separation Due to Misconduct form must include both pages of the Notification of Separation Due to Misconduct form. One of the eight categories listed above as misconduct under S.C. Reg. 37-025 **must** be selected on the Notification of Separation Due to Misconduct form. If the behavior does not fall into one of the eight categories listed above as misconduct under S.C. Reg. 37-025, then it is likely the behavior is not misconduct as defined by S.C. Reg. 37-025.

The Notification of Separation Due to Misconduct form **REQUIRES** **detailed** information describing the misconduct behavior to be provided in a narrative format. Additional pages may be attached to the Notification of Separation Due to Misconduct form if needed. The Notification of Separation Due to Misconduct form also **REQUIRES** the reporting agency to indicate if criminal charges have been filed against the officer and, if charges have been filed, to list those charges.

The Notification of Separation Due to Misconduct form also **REQUIRES** the reporting agency to attach **all** investigation report(s), statements, test results, audio/video records, and/or other documentation related to the misconduct. **If the Notification of Separation Due to Misconduct form is received by SCCJA, but does not have the supporting documentation attached the form and report may not be accepted by SCCJA.**

**All Notification of Separation Due to Misconduct forms **must** be signed by the **Agency Head**.**

All Notification of Separation Due to Misconduct forms must be received by SCCJA within **15 days** of the discovery of any event of misconduct which is determined to be **“Founded”** by the reporting agency. See S.C. Reg. 37-023. Please note, however, that if your agency has an internal grievance procedure, you may complete your grievance procedure prior to filing the Notification of Separation Due to Misconduct form. If a grievance is proceeding and you are not going to file the Notification of Separation Due to Misconduct form until the grievance is completed, please submit an Administrative/Routine PCS of Separation, check the other block, and state “Grievance Pending.” If an allegation of misconduct is **NOT** “Founded” by the reporting agency, it does **NOT** have to be reported to SCCJA.

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