



# UPTOWN

a publication of the municipal association of south carolina



Lexington Police Chief Terrence Green recognizes Pfc. Steffonie Cockerill before the Lexington Town Council for her work with the department's child passenger seat program. Photo: Lexington Police Department.

## Bridge the in-house divide

The police chief of the Town of Moncks Corner challenged a roomful of municipal elected officials to show up to their police department's public outreach events.

"In the 80s, you'd have never convinced me that putting up a tent and cooking a hotdog and a hamburger would change the world, but it does — and it has to be done by your police officers," said Moncks Corner Police Chief Rick Ollic, one of three police chiefs who spoke to city council members and mayors during a training session of the Advanced Municipal Elected Officials Institute of Government.

"I'll tell you something else — I'm going to challenge you. You need to be there, too," he told the elected officials. "They need to see their councilman. They need to see their mayor."

"Nothing is more important than seeing an agency doing outreach and seeing elected officials supporting that outreach. It matters."

Local government officials and police officers work hard to build positive relationships with their city or town's residents. But there's another piece to the social capital puzzle, one that is in-house — how to build relationships between a city's staff and its police department.

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Ollic's advice was one point that arose from a panel that also included Lexington Police Chief Terrence Green and Florence Police Chief Allen Heidler. They also suggested mayors and city councilmembers consider going on a ride-along with a police officer from their city's department.

The ride-along can teach elected officials and law enforcement officers a lot about one another's duties and challenges. The experience may give elected officials a different, more close-up view of individual neighborhoods than they're used to. Plus, it also gives councilmembers and mayors a different view of their own city operations.

For instance, elected officials can learn up close what training and equipment their police department has and what it may still need. Green recalled how one drive with an elected official revealed to the councilman that police vehicles were too small to comfortably contain officers' police equipment.

The Lexington police chief pointed to another benefit.

"When you ride with that officer, you see what type of employee you have," said Green, adding that it can reveal an officer's approach to residents. "How is he treating that person?"

Allowing an elected official to accompany a police officer on roadway patrol is also a common approach in the City of Florence.

"We encourage everybody to ride, including council, and we have the citizens' police academy," Heidler said. "If you can get into a car with them (police officers), they're going to tell you their mind."

Ride-alongs by municipal elected officials are just one way to build a working relationship between a city's police department and its city hall, which sometimes operate in relative isolation from one another.

At the same time, Green says councilmembers and mayors should recognize that a municipal police chief has unique knowledge and skills as the city's top law enforcement official.

"The police chief is the expert. You hired him," said Green. "If he advises you on something, and you said, 'No,' and then it comes back in your face ... don't go after the police chief or the police department. Just say, 'We made a mistake. We didn't trust you on your opinion on this.'"

As the Town of Moncks Corner has shown, encouraging department leaders to communicate can help knock down cross-departmental walls.

To that end, the town's department directors have regular luncheon meetings.

"We build relationships," Ollic said. "We go in there with our problems to solve them, not to go and cause trouble. The police chief's role has to be a leader in the town, but it's also to have a relationship with mayor and council, working together."



**MASC** Municipal Association  
of South Carolina™

Tuesday, February 6, 2018 **Hometown Legislative Action Day**

# HLAD 2018 basics

**G**etting ready for Hometown Legislative Action Day, Tuesday, February 6, means knowing where to park and making sure you have the HLAD app.

## The app

The Association's HLAD app puts all things related to this year's Hometown Legislative Action Day on your phone. Create a personalized schedule, take notes, get your legislators' names, access attendees' contact information, and communicate with speakers and patrons all through the app. Download it from the App Store or Google Play by searching for HLAD. For a web version, go to [l.masc.sc/HLAD2018](http://l.masc.sc/HLAD2018). To learn more, contact Sarita Chourey at 803.933.1206 or [schourey@masc.sc](mailto:schourey@masc.sc).

## Where to park

There is limited parking for HLAD participants in the parking garage behind

the Marriott, with entrances on Hampton and Sumter streets, for \$10 per day (cash or credit card). Meeting attendees and hotel guests may not park above level 4-A in this garage, or they will be towed. Additional parking will be available at the Cannon parking garage located at 1200 Taylor St. (one block from the hotel). At the Cannon garage on Taylor Street, a special events attendant will be in the garage from 7 – 11 a.m. Attendees must pay the special events attendant \$5 (cash only) and place a parking ticket on the car dashboard.

## Shuttle service

The Marriott will provide a shuttle from the hotel to the Cannon garage.

- **For HLAD, February 6**  
8 to 10:30 a.m. and 4 to 7:30 p.m.
- **For MEO Institute, February 7**  
8 to 10 a.m. and 4 to 5:30 p.m.

# NEWS BRIEFS

The National League of Cities membership elected **City of Camden** Mayor Alfred Mae Drakeford to its board of directors at the annual City Summit last fall. Kathy Maness, councilmember from the **Town of Lexington**, also serves on the NLC board.

Members of the **SC Association of Stormwater Managers** elected their 2018 officers: President Eric Larson, director of environmental engineering and stormwater manager, Beaufort County; Vice President Sheri Armstrong, stormwater manager, Lexington County; Secretary/Treasurer Bonnie Miley, assistant town engineer, Town of Summerville; Member at Large Brian Bates, project director, Woolpert, Inc.; and Immediate Past President Tim Sherbert, stormwater manager, Spartanburg County.

Members of the **SC Municipal Human Resources Association** selected their 2018 board of directors: President Dora Perry, human resources director, City of Tega Cay; First Vice President Barbara Denny, treasurer, Town of Clover; Second Vice President Rebecca Mejia-Ward, human resources manager, City of Hartsville; Member at Large Deborah Hargis, municipal clerk, Town of Edisto Beach; and Immediate Past President Robin Entekin, director of risk management and human resources, City of Clinton.

## A call for bright ideas

**F**ebruary 14 is the deadline to enter the Municipal Association of South Carolina's Achievement Awards, a program that celebrates excellence in local government programs, shares the ideas with other cities and towns, and highlights their value to residents and businesses.

Municipalities with a population of 20,000 or less can choose to compete in either a population or subject category. Those greater than 20,000 may only compete in one of the five subject categories.

Cities participating in the subject categories must make an oral presentation

to the judges on March 5 or 6 in Columbia at the Municipal Association's office. Association staff will assign presentation times after receiving all entries.

The Association will recognize award winners at the Annual Meeting Awards Breakfast held in Hilton Head Island on July 21, 2018.

The city-designated contact person for each entry will receive a receipt-confirmation email by February 21. For more information about the 2018 Achievement Awards, visit [www.masc.sc](http://www.masc.sc) (keyword: achievement awards) or contact Meredith Houck at 803.933.1215 or [mhouck@masc.sc](mailto:mhouck@masc.sc).



The Municipal Association's legislative and public policy advocate, Scott Slatton, and Deputy Executive Director Reba Campbell, meet with Wayne George (right), who became the Association's executive director in January.

# Former legislator, longtime mayor takes Association helm

There's something unique about serving in local government, says Wayne George, the new executive director of the Municipal Association of South Carolina. Working to improve quality of life at the city and town level is just different because you can quickly see the positive results.

George was mayor of Mullins for 16 years after serving on City Council from 1980 to 1988.

"Generally, you can see light at the end of the tunnel. At the state level, sometimes you can't see things progressing as you'd like it to."

But, of course, it's not easy making decisions that affect the lives of your

next-door neighbors and the people you see at church, the grocery store and your children's school.

Local governments, George said, "are sometimes not completely understood by the general public. But we are the government that's closest to the people."

George succeeds Miriam Hair, who retired in December after 32 years with the Association, the last nine as executive director.

"Wayne's background in local government, experience at the State House, organizational experience as a successful business owner, and years of involvement with the Municipal Association on staff and on the board made him the ideal candidate

for executive director," said Cayce Mayor Elise Partin, the Association's president. "His dedication to the strength of local government, which increases the strength of our state, will continue the positive difference the Association makes."

Before joining the Association, George had a career in insurance after founding his own company. He also worked in the Municipal Association's Risk Management Services division and as a field services representative for the Association from 2004 to 2010. Later, George represented parts of Dillon, Horry and Marion counties in the S.C. House of Representatives for two terms after his election in 2012.

**“Local governments, are sometimes not completely understood by the general public. But we are the government that’s closest to the people.”**

—Wayne George,  
Executive director of the  
Municipal Association of South Carolina

George is particularly attuned to the challenges that rural cities and towns in South Carolina face. In 2004, then-Gov. Mark Sanford named him Rural Innovator of the Year for his idea to locate the Florence-Darlington Technical College satellite campus to downtown Mullins, his downtown revitalization efforts, and his support for the preservation of historic properties.

George attended Coastal Carolina University on a basketball scholarship and earned bachelor's degrees from Coastal Carolina and from Morris College. He founded The George Agency, raised three sons with his wife, Helen, and served on the Coastal Carolina University Board of Trustees from 2006 – 2012.

George says he's particularly looking forward to getting reacquainted with the many municipal officials he has known for years and meeting the new ones.

He'll be busy. The November elections brought substantial changes in city halls across the state.

Together, in the Appalachian, Catawba, Central Midlands and Upper Savannah councils of governments, 54 cities had general elections, council seats had a turnover rate of 41 percent and mayoral seats had a turnover rate of 43 percent — 29 percent of councilmembers did not seek re-election, while 25 percent of mayors did not run again.

In the Berkeley-Charleston-Dorchester, Lowcountry, Lower Savannah, Waccamaw, Santee Lynches and Pee Dee councils of government, 86 cities and towns had general elections, resulting in a turnover rate of 31 percent for council seats and 33 percent for mayoral

seats — 18 percent of councilmembers and 25 percent of mayors did not seek re-election.

But getting to know the hundreds of new and veteran public officials alike — from city halls to the S.C. State House — and across other statewide organizations

is likely to be a pleasure for George, who says he has always worked well with residents from diverse groups. He recalled the best advice he's ever received about working with others, words from his parents.

"Always be fair."



## 10 graduate from Risk Management Institute

The South Carolina Municipal Insurance Trust and South Carolina Municipal Insurance and Risk Financing Fund recognized 10 graduates of the Risk Management Institute. SCMIT provides self-funded workers' compensation coverage to its member cities. SCMIRF provides all lines of property and casualty coverage, including tort liability and automobile coverage for its members. The Municipal Association sponsors both programs.

The institute is a continuing education program for municipal staff who have risk management responsibilities and work for cities and towns that are SCMIT and SCMIRF members. The goal of the institute is to give employees who are responsible for risk management an opportunity to gain an understanding of their responsibilities, broaden their skills, expand their peer network and identify resources to help solve local challenges.

To complete the institute, attendees must take four classes over the course of two years — two core courses and two electives — for a total of eight classes. Each year, the institute offers courses at various locations around the state. Course topics include defensive driving, crisis communications, employment liability, the basics of risk management, public works risk management and leadership.

Classes are offered throughout the year. Based on the complexity of topics, attendees should expect a mix of half-day seminars along with full-day workshops.

Recent graduates are Julie T. Aiken, Laurens Commission of Public Works; Billy Allen, City of Greenwood; Tammy Carter, City of Conway; Denise Dyer, City of Gaffney; Dorian K. Flowers, City of Greer; Ken Holliday, Greer Commission of Public Works; Lex K. Kirkland, City of Aiken; Selena S. Small, City of Conway; Thomas K. Stanford, City of Rock Hill; and Tamra Tootle, City of Newberry.



# Annexing enclaves for efficiency and equity

**D**uring last year's Regional Advocacy Meetings, local government officials expressed their support for changing South Carolina's laws to allow cities and towns to annex enclaves through an ordinance passed by city council in addition to the current methods.

Local officials reported that enclaves — unincorporated areas completely surrounded by a city — disrupt the efficient delivery of services and create confusion among residents. Residents and businesses located in enclaves are completely surrounded by a municipality and often face uncertain public safety response times and inefficient service delivery.

In addition to raising questions over maintenance or zoning issues, enclaves

also provide an element of confusion over essential government services such as water, sewer, garbage, police and fire protection.

While residents within enclaves miss out on reliable services, they do, however, enjoy the enhanced quality of life provided by some municipal services, such as parks, infrastructure and planning. This raises a question of equity. It's the businesses and residents within the incorporated areas that are paying for enclave residents and businesses to enjoy these municipal services.

As a result, the Municipal Association of SC will work to update the state's annexation laws in the 2018 session of the S.C. General Assembly to help municipalities improve service delivery, protect the

public, expand economic development opportunities and meet the demands of growth across the state. Cities and towns work to deliver services to their residents as efficiently as possible and to ensure everyone using those services helps to pay for them.

"City and county garbage trucks driving past one another to serve residents on the same street is an inefficient way to pick up trash," said Scott Slatton, legislative and public policy advocate for the Association.

"And residents living in enclaves adjacent to cities often take advantage of city services like police and fire, but they don't help pay for them, which creates an unfair burden on taxpayers who live in the city limits."

*The City of Aiken offers a webpage for residents living in an unincorporated area of the city, known as a doughnut hole, which explains how to request annexation.*

The City of Aiken is actively promoting annexation of its enclaves to improve efficiency by accurately and transparently demonstrating the costs and benefits of annexation.

The City of Camden recently annexed a dilapidated shopping center in an enclave that had become a haven for problems. Underscoring the difficulty presented by the state's current annexation laws, it took years, and special legislation that was eventually vetoed, to accomplish the annexation. However, the city will now have the authority to abate existing problems, work with the shopping center's owners to help rehabilitate the property and make it an asset for the surrounding community.

### **H3158, the Local Government Efficiency Act**

At least one proposal pending before the S.C. General Assembly seeks to address the challenges enclaves pose to cities and towns. The bill, H3158, prefiled in December, specifies that a city council may annex enclaves by ordinance provided that

- The enclave is 25 acres or less.
- The enclave was surrounded by the city for five years or more.
- The city notifies all property owners of its intent to annex.
- City council conducts a public hearing.
- The city states the services that will be provided, the taxes and fees required for those services, and when the services will be provided.

Last December, the bill's sponsor, Rep. Mandy Powers Norrell (D – York), met with the Association of SC Mayors to outline her approach to getting the bill through the legislative process in the 2018 session. She stressed the importance of identifying a variety of sponsors from both sides of the aisle and from cities of all sizes. She also encouraged the mayors to share with their delegation members their local stories about issues that have arisen because of enclaves.



## **Steps to annexation in current law**

### **100 percent petition method**

1. City receives and accepts petition for annexation from 100 percent of the property owners who own 100 percent of the assessed value of property in the area requesting annexation.
2. City council considers ordinance to annex property.
3. If ordinance passes, the annexation is complete, and city notifies county and state agencies of annexation.

### **75 percent petition method**

1. City receives and accepts petition for annexation from 75 percent of the property owners who own at least 75 percent of the assessed value of property in the area requesting annexation
2. City conducts mandatory cost/benefit feasibility study for area proposed for annexation.
3. City conducts public hearing.
4. City council considers ordinance to annex property.
5. If ordinance passes, the annexation is complete, and the city notifies county and state agencies of annexation.

### **25 percent petition election method**

1. City receives petition from 25 percent of qualified electors within area proposed for annexation.
2. City council accepts petition and certifies petition to county election commission.
3. County election commission conducts special election where all qualified electors in area proposed for annexation may vote to annex or not.
4. If an area votes "yes" on the question of whether to be annexed, current residents of the city then have a chance to reject the annexation if 5 percent of them file a petition with the council.
5. If 5 percent file a petition, then the current city residents vote on whether or not to accept the annexation. But if 5 percent of city residents do not file a petition within the time prescribed by law, then council can accept the annexation.
6. If a majority of the votes cast by city electors is in favor of the annexation, city council gives final reading to the ordinance to annex the property. Otherwise, council tables the proposed annexation ordinance.
7. If ordinance passes, the annexation is complete, and city notifies county and state agencies of annexation.

# Interested in Main Street SC?

## Start planning now

**A** downtown revitalization boot camp called Main Street South Carolina has helped many cities and towns bring their downtown to life. But the three-year program commitment takes work, starting with preparing the application.

Applications will be accepted July 1 through September 1, 2018. “We encourage applicants to go in and start working on it before July 1 because there’s a lot of data they have to gather,” said Beppie LeGrand, Main Street SC manager for the Municipal Association.

“As part of the application, we like for cities to determine the area that they want to start with for revitalization, including information such as the number of nonprofits, vacant buildings, businesses, historic buildings and blocks the area has.”

Applications must be accompanied by letters of support from community stakeholders, such as the local chamber of commerce, school district, historic

foundation, industry leaders or business owners. The application must also include a letter of commitment, signed by all council members and the mayor, stating that the council will support the program during the boot camp phase.

After the Main Street SC staff has received and reviewed the application, a team, led by the Main Street South Carolina manager, will visit the site with the applicant to determine eligibility. Other team members would include a design/architecture professional and an economic development professional or someone with expertise in incentives. Cities and towns that are accepted receive notification within 30 days of their site visit.

Main Street SC was established in 1984 to encourage the revitalization of downtowns. Each year, the program accepts applications and selects cities and towns to join the program. The Town of Kingstree is the newest

member accepted into the program in 2017.

Main Street SC members are eligible to attend a free training event in Manning on February 22. Nonmembers may attend for a registration fee of \$95. Topics include using the arts to promote community development and communicating after a crisis.

For more information, contact Beppie LeGrand at 803.933.1231 or [blegrand@masc.sc](mailto:blegrand@masc.sc) or visit [www.masc.sc](http://www.masc.sc) (keyword: main street).

### Main Street SC cities and towns

- Aiken
- Beaufort
- Bennettsville
- Camden
- Clinton
- Gaffney
- Georgetown
- Hartsville
- Kingstree
- Lancaster
- Laurens
- Manning
- Moncks Corner
- Orangeburg
- Pickens
- Summerville
- Sumter
- Williamston



## Test yourself monthly quiz

### True or False:

In the mayor-council form of government, the mayor can hire a city/town administrator without council’s approval of the position.



**Answer: False**

**T**he mayor and council members collectively are authorized to hire an administrator in the mayor-council form of government. Section 5-9-40 of the S.C. Code of Laws states: “The mayor and council may employ an administrator to assist the mayor in his office.” This section of the law is interpreted by the S.C. Attorney General’s Office to give the council and the mayor (as a voting member of the council) the authority collectively to appoint a city administrator and the incidental power to remove a city administrator.

Want to learn more? The Municipal Elected Officials Institute of

Government offers in-person and online courses. Elected officials who complete all of the required coursework graduate from the institute and are eligible to participate in the Advanced Institute. The next in-person sessions, held February 7, will be Municipal Elected Officials Institute of Government Sessions A and B and Advanced Institute. The Advanced MEO Institute courses offered will be “Municipal Utility Policy and Administration” and “Advanced Advocacy and Intergovernmental Relations.” For more information, visit [www.masc.sc](http://www.masc.sc) (keyword: MEOI).



# Is your council meeting out of order?

**A**n effective presiding officer is one of the most important elements for ensuring a productive council meeting.

The presiding officer has the responsibility to enforce the council's rules of procedure, which often includes using Robert's Rules of Order or other similar guidelines. Understanding which motions are debatable, which motions can be amended and the

number of votes necessary to pass a motion can contribute to a well-run municipal meeting.

The Municipal Association recently updated its *How to Conduct Effective Meetings* guide. The guide provides a sample municipal rules of procedure. *It is available to download for free at [www.masc.sc](http://www.masc.sc) (keyword: conducting meetings).*

## Simplified Chart of Parliamentary Procedure Motions

*based on Robert's Rules*

Motion	Debatable	Amendable	Required Vote
Adjournment	No	No	Majority
Recess	No	Yes	Majority
Lay on Table	No	No	Majority
Close Debate	No	No	2/3
Limit/Close Debate	No	Yes	2/3
Postpone Definitely	Yes	Yes	Majority
Refer to Committee	Yes	Yes	Majority
Amend Amendment	Yes	No	Majority
Amend Main Motion	Yes	Yes	Majority
Main Motion	Yes	Yes	Majority
Point of Order	No	No	None
Inquiry	No	No	None
Objection to Consideration	No	No	2/3
Roll Call	No	No	None
Appeal Decision of Chair	Yes	No	Majority
Divide Question	No	Yes	Majority
Suspend Rules	No	No	2/3



# The push for police resources

Law enforcement officials have sought support from the S.C. General Assembly for a host of changes that would improve officer training and departments' ability to recruit and retain officers.

Here is where things stand:

## A reliable source of funding for the S.C. Criminal Justice Academy

Year after year, the academy faces the challenge of planning and delivering training to law enforcement recruits with little certainty about the amount of revenue the agency will receive for operations.

That's because the academy primarily depends on revenue derived from state-mandated assessments and surcharges, which are tacked on to fines and fees collected by law enforcement agencies throughout the state. And that

means funding for the academy depends on the extent to which individuals break the law, are then caught and convicted of breaking the law, and whether those individuals can pay the assessments levied as the result of their conviction.

Since 2009, this revenue stream has reportedly decreased by more than \$2 million, highlighting its instability. The General Assembly took steps to stabilize this revenue stream. Lawmakers replaced the sunsetting \$5 surcharge on every ticket written in the state with a budgeted \$3.5 million in recurring funds. But the shortfall persists because the lion's share of revenue continues to be generated by the remaining unreliable assessments and surcharges.

The Association supports ending the academy's dependency on fine and fee assessments and surcharges and instead shifting to a funding model based primarily, if not exclusively, on a recurring

budgetary line item tied to a stable source of revenue. A push for stable funding in 2017 was not successful. However, this legislative session, one of the Association's 2018 Advocacy Initiatives is to support the change.

## Getting training to cities

This legislative session, the academy will again need an "all hands on deck" approach in its quest to improve law enforcement training in the state. Academy Director Jackie Swindler will be asking for an additional \$2 million in recurring funds to be added to his budget. With the additional appropriation, the academy would be able to extend the basic law enforcement training class from 12 weeks to 15 weeks and allow the director to hire training staff for regional mobile training teams.

In the proposed three additional weeks of training, basic law enforcement



A recruit goes through the S.C. Criminal Justice Academy obstacle course, which must be completed in 2 minutes and 6 seconds. Photo: Florence McCants.

students will participate in rigorous, scenario-based practical problems — training designed to sharpen their judgment and decision-making skills.

The goal is to improve each officer's ability to respond appropriately to the residents they are sworn to serve, as well as to improve officer safety. This is a win for both the individual officer and residents. The other piece of the proposed training expansion — mobile training teams — would focus on a region of the state and provide supplemental training to every officer in the state during their certification cycle.

These teams will emphasize skills that are easily lost without refresher training, such as handcuffing and retaining control of weapons, including firearms, impact weapons and electronic control devices such as stun guns.

"Some officers never receive this training once they leave the academy," said Tiger Wells, government affairs liaison for the Association. "A regional training approach allows academy instructors to reach more officers than they could with only centralized training at the academy. They would be offering more classes

and reducing the travel requirement for officers, particularly from understaffed departments who have difficulty taking time away from their jurisdiction."

### Psychological Testing

The General Assembly allocated funding to the academy to implement psychological evaluations for all Basic Law Enforcement Class 1 candidates.

"Police officers are held to a high ethical standard, and a psychological exam is just one more tool agencies use to ensure they hire the best candidates for the job," said Todd Williams, public safety loss control consultant for the Association and a former state and county law enforcement officer.

"These narrowly focused screenings serve as one more way to eliminate police officer candidates who may demonstrate unacceptable or undesirable personality traits. Failing to 'pass' the psychological exam simply means the candidate is probably not the right fit for a job in law enforcement because a day in the life of a police officer can be emotionally, mentally and physically taxing"

All candidates registering for Class 1 Basic Law Enforcement certification training after January 1, 2018, must have a valid psychological evaluation before registering. The requirement also applies to all uncertified candidates hired by a law enforcement agency after October 1, 2017.

It works like this: The hiring agency sponsoring a candidate will be responsible for having the evaluation administered during the pre-employment phase of the hiring process. The academy will reimburse the agency up to a maximum of \$300 for each valid evaluation. The academy will only pay for one evaluation to be administered per individual per year and will not pay for evaluations for existing Class 1 certified officers.

During the 2017 legislative session, the Association supported the academy's request for psychological evaluation funding, which the Legislature funded on a recurring basis.

*Learn more about these issues at the Association's 2018 Hometown Legislative Action Day on February 6. Visit [www.masc.sc](http://www.masc.sc) (keyword: HLAD).*



# Opioids put first responders at risk

**A**s opioid abuse surges, so does the risk of harmful exposure to police officers and other first responders.

The danger comes in the form of illicit opioids, including fentanyl, a synthetic opioid 50 times more potent than heroin, and carfentanil, a drug intended as a large-animal tranquilizer, which is 10,000 times more potent than morphine.

Because the substances can take the form of powders, liquids, nasal sprays and pills, exposure routes can include inhalation, mucous membrane contact, ingestion and skin absorption via needle stick or other needles. The result can be life-threatening respiratory suppression and other health dangers.

## How is law enforcement at risk?

Opioid overdose deaths in the U.S. have quadrupled since 1999, and 91 Americans die every day as a result, including from prescription opioids. South Carolina emergency medical services personnel administered naloxone — a drug that counteracts an opioid overdose — 4,600 times in 2015, and 6,400 times in 2016, according to state

health data. That amounts to a 39 percent increase in one year.

The U.S. Centers for Disease Control and Prevention's National Institute for Occupational Safety and Health identified job categories that may bring risks of exposure.

In addition to those mentioned above, those also at risk include: firefighters; investigators and those who handle, transport and store evidence; as well as those who execute search warrants or process crime scenes.

The InterAgency Board for Equipment Standardization and Interoperability, a voluntary panel of emergency preparedness and response practitioners, developed safety recommendations in August 2017.

Among them: Proper training and personal protective equipment are essential for protecting employees. But understand that the gear doesn't completely address the risks.

"Personal protective equipment alone is not sufficient to ensure protection from synthetic opioids," warned IAB.

Further, IAB advises each agency to conduct a risk assessment to determine their employees' or volunteers' specific

risks and to develop standard operating procedures and training on the selection, use and care of personal protective equipment.

IAB recommendations also explain how to assess the level of exposure risk, on-scene functions for each employee, personal protective equipment, and technology to help detect exposure and assess the exposure risk.

Potential risk can be classified from minimal (no visible product) to high (production lab with chemicals). That level of risk combined with a first responder's function (eg. patrol officer) will determine which of the six possible personal protective equipment levels the IAB recommends.

Fortunately, naloxone — administered intramuscularly, intravenously or as a nasal spray — can counteract an opioid overdose. The S.C. Department of Health and Environmental Control's Law Enforcement Officer Naloxone program provides comprehensive training to law enforcement agencies to identify, treat and report overdoses. Accidental exposure may require naloxone, so proper training protects the

lives of civilians and law enforcement personnel, alike.

Medical personnel should further assess the patient or officer and transport him to a medical facility for monitoring and treatment. More than one dose of naloxone or other treatment may be needed.

### K-9s are vulnerable, too

Cities and towns should also follow policies and procedures that address the risk of exposure K-9 officers face.

The dogs' handlers should consult with their treating veterinarian to discuss specific recommendations for preventing and responding to exposure. IAB recommends removing a K-9 from the scene when the presence of synthetic opioids is suspected or determined. Initial signs of a dog's exposure may occur within a few minutes or up to 20 minutes and may include weakness, difficulty standing, drowsiness, staring or failure to respond to commands.

As with humans, dogs exposed to opioids may experience re-narcotization once a dose of naloxone has worn off. So any dog with a suspected or actual exposure should be seen by its treating veterinarian as soon as possible and should be closely monitored for six to 12 hours. Residual drug powder may remain on the dog's body, which poses a continued threat to the dog, handler and others in the area. Therefore, handlers should take proper decontamination measures.

### Training and gear

According to recommended guidelines from NIOSH, *Fentanyl: Preventing Occupational Exposure to Emergency Responders*, employees at risk of exposure should receive special training in conducting an on-site risk assessment and should be able to demonstrate knowledge of the following:

- method to quantify suspected fentanyl and other drugs;
- the limitations of personal protective equipment, as well as when to use it, what pieces are necessary, how to



A Summerville law enforcement officer wears personal protective equipment to enter a fentanyl lab. Photo: Summerville Police Department.

properly maintain it, how to put it on and take it off, and disposal methods for the equipment;

- potential exposure routes of fentanyl and its chemically similar versions;
- signs and symptoms of opioid exposure; and
- when and how to seek medical help.

### NIOSH – recommended standard operating procedures

- Do not eat, drink, smoke or use the bathroom while working in an area with known or suspected fentanyl.
- Do not touch the eyes, mouth and nose after touching any surface potentially contaminated with fentanyl.
- Avoid field testing fentanyl or its chemically similar forms, due to an increased risk of exposure to responders performing field testing. However, if detection and identification of fentanyl is critical to the incident response, agencies should develop an incident-specific plan to perform the field

testing according to agency policies and procedures. Personnel specifically trained to perform the field testing should always wear the appropriate personal protective equipment.

- Avoid performing tasks or operations that may aerosolize fentanyl, which can then travel by air a greater distance. This increases the exposure area and risks. Activities that aerosolize fentanyl require greater personal protective equipment and should be conducted by trained personnel according to agency policies and procedures.
- Avoid contamination. Individuals should wash hands with soap and water immediately after a possible exposure and after leaving a scene where fentanyl was known or suspected to be present. Hand sanitizers or bleach solutions should not be used to clean contaminated skin.

*Learn more about the opioid epidemic during a session at HLAD on February 6 at 3:15 p.m. Visit [www.masc.sc](http://www.masc.sc) (keyword: HLAD).*



# Be aware of K-9 liabilities

**P**olice K-9 officers perform a variety of duties to protect communities and law enforcement officers — from tracking people and deterring crime to detecting explosives, narcotics and cadavers. However, the use of canines must not infringe on the public's civil rights, one of the many issues police departments must be aware of when addressing the risks and liabilities that accompany the use of police dogs.

## Insurance coverage

A department with a K-9 officer should coordinate health and medical care with a local veterinarian, which typically offers health insurance plans for pets, said Todd Williams, public safety loss control consultant for the Municipal Association's Risk Management Services.

The SC Municipal Insurance and Risk Financing Fund offers general liability coverage for K-9s and insures against death by accident, illness or disease but not a natural causes death for any canine older than 8.

Over the course of two years, Williams said RMS has received less than 10 medical claims after an officer was bitten by a police dog during training.

There are some instances when a K-9 bites a suspect, and the suspect sues the police department.

"These cases are very rarely successful for the person suing," said Williams. "They're under arrest and they know that there is some level of force. It's similar if you tase a suspect or pepper spray someone, it's a use of force. We have to make sure the level of force is appropriate."

## Equipment

A law enforcement best practice is for a K-9 handler to have in-vehicle technology that protects the K-9 from accidental heat death, said Williams. There is no state law, however, that requires police cars to be outfitted with the technology. Some department vehicles are equipped to automatically roll down the windows and turn on the fans when an automobile gets too hot.

Additionally, some departments have a system in which an excessively hot vehicle that is used for K-9 transport sets off an alarm and sends the handler and handler's supervisor a text message about the unsafe vehicle conditions.

Another factor to consider is limitations the K-9 and equipment place on the use of the vehicle.

"If you put a K-9 in a patrol car, that limits that police officer from being able to transport a suspect," said Williams. "You don't have room."

## At-home care

If a police department does not kennel the dog at the police station or some other fixed work site, the agency must pay handlers for their time caring for the dog at home, which is typically the arrangement.

Time spent by a police officer to care for a police dog, whether performed at work or at home, is considered compensable time under the Fair Labor Standards Act. Understanding the true cost of purchasing, training and caring for a police dog is a factor that agencies should carefully evaluate when considering or already using police dogs.

The department must evaluate each situation to determine if a handler is being paid properly for time spent feeding, exercising, training, grooming, cleaning up after the dog, administering drugs or medicine for illness and/or transporting the dog to and from an animal hospital or veterinarian. All these activities are considered work time even on days off duty or during vacation periods. A handler need not be compensated while on vacation if the dog is being cared for by a colleague or third-party kennel, said Williams.

A police K-9 handler's Fair Labor Standards Act pay is calculated based on

*A Columbia police officer trains a K-9, which can then detect drugs, apprehend suspects, track missing persons, and search buildings and articles.*

all the time spent performing the K-9 activities that are reasonably related to maintain the police dog for the job. This may vary from handler to handler, dog to dog and job to job. Agencies should always consult a labor attorney determining a handler's compensation for K-9 care.

"Historically, many stipends are not appropriate, because they do not take into account when the officer should be compensated at an overtime rate or time and half," said Williams.

"You always want to risk overpaying instead of underpaying," he said. "If you get a lawsuit, you want to be on the right side of it." Some departments compensate handlers by letting them leave their shift early, for instance, by waiving the last hour of a 12-hour shift.

All time spent on the dog's care or training is work time and must be recorded, said Linda Edwards, an attorney with extensive human resources experience.

"Generally, all training and veterinarian care is done during the officer's regularly scheduled shift. If not, the additional hours must be recorded. Most clients reach an agreement with the officer as to how much time it takes to feed the dog," she said, adding that most departments give ¼ hour per day for feeding the dog.

"The rate paid is the officer's regular rate," said Edwards. "To the extent the training/care time pushes the total work hours into overtime, the employee is paid at his overtime rate."

In *Levering v. District of Columbia*, 30 minutes per day, seven days per week was deemed an appropriate minimum amount of time for compensation. Under that formula, the minimum compensable time per week would be 3 ½ hours.

"However, the time may actually be 45 minutes or an hour," said Williams. "That is why an evaluation of the individual situation is required to make sure the officers are being compensated properly. You should always consult your human resources attorney."



*A K-9 in the Columbia Police Department demonstrates how to apprehend a suspect during the Columbia Citizens Police Academy.*



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# Calendar

For a complete listing of training opportunities, visit [www.masc.sc](http://www.masc.sc) to view the calendar.

## FEBRUARY

**6 Hometown Legislative Action Day.** Marriott Columbia. Sessions include three legislative panels, a lunch address by Agriculture Commissioner Hugh Weathers, and breakout sessions on opioids and law enforcement.

**7 Municipal Elected Officials Institute of Government Sessions A and B and Advanced Institute.** Marriott Columbia. Advanced Institute courses are “Municipal Utility Policy and Administration” and “Advanced Advocacy and Intergovernmental Relations.” Topics for Session A include an overview of local government planning and zoning, how to conduct public meetings, and strategic planning. Topics for Session B include municipal annexation, intergovernmental relations, and ethics and public accountability.

**15 SC Association of Municipal Power Systems Associate Member Lunch.** Seawell’s in Columbia.

**21 – 23 International Institute of Municipal Clerks Region III Meeting/ SC Municipal Finance Officers, Clerks and Treasurers Spring Academy.** Hyatt Regency Greenville. Topics include regional economic development, impact on cities from universities and colleges, and preparing for future capital improvements.

**22 Main Street South Carolina meeting.** Manning City Hall. Topics include natural disaster/crisis communication and using the arts to promote community development.

## MARCH

**1 SC Association of Stormwater Managers First Quarter Meeting.** Columbia Conference Center. Topics include microbial source tracking and procedures for reporting sanitary sewer overflows.

**7 – 9 Municipal Clerks and Treasurers Institute Spring Session – Year 3, Session A.** Hyatt Place Columbia. Topics include the basics of public speaking and media relations, ordinance preparation, employee evaluations and their importance, and human resources records management.

**11 – 13 SC Utility Billing Association Annual Meeting.** Hilton Myrtle Beach. Topics include workplace violence response, meter technology, and the practical, financial, technical and aesthetic implications of solar power.

**20 Municipal Elected Officials Institute of Government: Basic Budgeting and Municipal Finance.** Regional councils of governments’ locations.

**22 Municipal Technology Association of SC Spring Meeting.** Columbia Conference Center. Topics include the U.S. Census and its IT implications, Enhanced 911, and a Criminal Justice Information Services Division update from the State Law Enforcement Division.