

*Chairman Wm. Weston J. Newton*

*First Vice-Chair:  
Laurie Slade Funderburk*

## **Legislative Oversight Committee**



**South Carolina House of Representatives**

*William K. (Bill) Bowers  
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June 15, 2016

VIA EMAIL and U.S. MAIL

Director Leroy Smith  
Department of Public Safety  
P.O. Box 1993  
Blythewood, South Carolina 29016

Dear Director Smith:

The Law Enforcement and Criminal Justice Subcommittee appreciates the agency's partnership in the oversight process. In preparation for the next meeting, scheduled for Wednesday, July 13, 2016, the subcommittee seeks additional information from the agency. To allow the subcommittee time to review the information prior to the meeting, please provide the responses to the questions below on or before Wednesday, June 29, 2016.

*Agency Spending on Legal Services*

- Who is paying for Ms. Autry's private attorney?
- Who was the outside attorney retained by the agency, if any, regarding the issue involving Ms. Autry and the Oversight Committee? How much has this attorney charged the agency? Why did the agency retain an outside counsel at this time?
- According to the update provided by the agency to House Legislative Oversight Staff, the agency's OPR found Ms. Autry used a poor choice of words and a poor method of communicating the need for confidential information to remain confidential. What were the words utilized which OPR found was a "poor choice"? What was the method of communication which OPR found was a "poor method"?
- Please furnish information on all lawsuits, closed and open, involving the agency from 2012 to the present, including the following for each: (1) general allegations (i.e. excessive force, overtime, discrimination, etc.), (2) disposition, (3) total attorneys fees paid and source of funds to pay those fees, and (4) if settlements were paid, the amount of the settlement and source of the funds to pay the settlement.

*Overtime*

- Please furnish the overtime policy, including all changes made during this time, utilized from 2012 to the present, if different than Policy 400.15, which the agency has already provided to the Subcommittee.
- Please furnish all written communication, and summaries of verbal communication, to Troops from 2014 to the present, about changes in how overtime is to be recorded, counted, or compensated.
- Please furnish records of overtime pay, separated by month and Troop, from 2012 to the present in excel format. Please include some type of notation which differentiates between overtime for special assignments such as beach week.
- Please provide a summary of the amount of overtime paid for football games, separate by college/university and year, from 2012-present.

*Discipline /Office of Professional Responsibility*

- Please provide the OPR/DI Case Summaries, which were previously provided, in excel format and updated through the present date. Also, please add the following information to those case summaries: (1) demographics of individual under investigation; and (2) whether investigation began as a result of a citizen complaint.
- What restrictions are there on individuals who have open OPR cases (i.e. not eligible for pay raise; not eligible for promotion; etc.)?
- Why do the OPR file numbers in 2010-2013 not have a “C” or “D” after the case number?
- What does the “C” or “D” after the case number indicate for the OPR files in 2014 and 2015?
- Please furnish a copy of the OPR investigation and personnel file for the following individuals: (1) Sgt. Gerald D. Rothell; and (2) Corporal Brian E. Kyzer. If these materials are subject to confidentiality rules due to ongoing investigations, please provide as much non-confidential information as possible, including, but not limited to, information in the OPR/DI Case summaries.

In your responses to these questions, please provide the subcommittee with any relevant, necessary context information. If the agency has any concerns about the format of these questions yielding answers that do not provide an accurate reflection of the agency, please express those concerns, prior to responding to the question, in a written letter to me with a copy to committee staff. Please retain your working papers for these responses in the event the subcommittee would like to view those.

Sincerely,

Signature Redacted

Kirkman Finlay III  
Subcommittee Chair

cc: The Honorable Wm. Weston J. Newton  
The Honorable William K. Bowers  
The Honorable Raye Felder  
The Honorable Edward R. Tallon Sr.