

Police, school district defend drug raid

 [cnn.com/2003/US/South/11/07/school.raid/](https://www.cnn.com/2003/US/South/11/07/school.raid/)

(CNN) -- After complaints from parents and students, police in Goose Creek, South Carolina, defended their decision Friday to send a team of officers, some with guns drawn, into a high school earlier this week for a drug raid that turned up no drugs.

The Berkeley School District north of Charleston, South Carolina, also defended its role in the incident, which has triggered outrage among some in the community.

Stratford High School students described Wednesday's incident as frightening.

"They would go put a gun up to them, push them against the wall, take their book bags and search them," Aaron Sims, 14, told CNN affiliate WCSC. "They just came up and got my friend, not even saying anything or what was going to happen. ... I was scared."

Sims said his mother was "a little angry," but his father understood and "thought it was necessary."

Lt. Dave Aarons of the Goose Creek Police Department said the raid, the first the department has done at a school, followed a police investigation into drug activity that began after a student informed school staff about drug sales on school property.

Police monitored video from school surveillance cameras for several days and "observed consistent, organized drug activity," he said. "Students were posing as lookouts and concealing themselves from the cameras."

When the principal saw more of the same suspicious activity on the school surveillance video, he asked for the officers to respond, Aarons said.

On Wednesday, 14 officers went to the school "and assumed strategic positions," he said.

Within 30 seconds, officers had moved to "safely secure the 107 students who were in that hallway," Aarons said. "During that time some of the officers did unholster in a down-ready position, so that they would be able to respond if the situation became violent."

"The school also designated faculty to secure the hallway to keep other students from entering," Aarons said.

Anytime narcotics and money are involved he said there is "the reasonable assumption that weapons will be involved. ... Our primary concern was the safety of the students (and) everyone else involved."

'School had no knowledge that weapons would be drawn'

Aarons said "12 to 14 students" were placed in handcuffs or plastic flexcuffs "due to their failure to respond to repeated police instructions to get on their knees with their hands on their heads," after one of the lieutenants explained to the students what was going on.

A canine unit was brought in and the dog responded positively to 12 book bags, which were then searched by school officials, said David Barrow, secondary school supervisor for the Berkeley School District. But no drugs were found and no arrests were made.

"The school had no knowledge that weapons would be drawn," Barrow said. "We understand students' and parents' and the community's concerns about this particular search. We will work internally and with local law enforcement to be sure these issues are addressed."

Still, he said, the school was concerned about possible drug sales on campus, and believed action was necessary.

Jared Weeks, 14, told WCSC that police were aggressive.

"They kind of pushed us against the wall and started searching us," Weeks said. "I didn't think all that was called for."

Weeks said he was "kind of nervous," but not scared "because I didn't have anything to hide."

He said there are a lot of drugs in the school, but that this sort of raid was unnecessary. "There is certain people that you know sell drugs," he said. "They could have just searched those people."

Aarons said police believe the drug-dealing students were tipped off.

"I don't think it was an overreaction," he said of the raid. "I believe it was one tactical method by which we could safely approach the problem to ensure that everybody was safe."

He said the incident is being reviewed, as is every police operation.

Exhibit 2

Seth Stoughton, Comments to the South Carolina House Equitable Justice System and Law Enforcement Reform Committee, July 28, 2020

'No business being alive': Man paralyzed by cops in Myrtle Beach raid settles civil case

By Jason Lee

Betton awarded \$11.25 Million for injuries from DEU raid

Attorneys for Julian Betton, announced today that a settlement had been reached with the City of Myrtle Beach to award him \$8.5 million in a civil lawsuit and a total \$11.25 million to end his suit over the raid that left him paralyzed. February 27, 2020.

Attorneys for Julian Betton, announced today that a settlement had been reached with the City of Myrtle Beach to award him \$8.5 million in a civil lawsuit and a total \$11.25 million to end his suit over the raid that left him paralyzed. February 27, 2020. By [Jason Lee](#)

Twelve armed police officers, a battering ram, a Myrtle Beach apartment, a suspect, a gun, 29 shots, nine bullet wounds, two investigations, no criminal charges for police, one civil lawsuit.

Now, \$11.25 million.

Julian Betton reached an eight-figure settlement with city and county officials related to the 2015 raid on his Wither Swash Drive apartment. Betton's lawyers announced the figure during a 90-minute presentation on Thursday as they recapped the raid and the [civil case](#).

Attorney Jonny McCoy stressed with no changes to police procedures and the constant defense of the questionable raid that left Betton paralyzed it will happen again.

"I'm scared to death for the citizens of Myrtle Beach and around Horry County," McCoy said. "This is business as usual, this is OK, and not just it's OK, this is what you're supposed to be doing."

The total settlement announcement concludes the five-year saga for Betton that included a criminal investigation and his federal civil lawsuit. Betton sued Horry County, Myrtle Beach and several officials following the raid.

He also provided a video that appears to show officers lied about how they conducted the raid and what happened in the near-deadly encounter inside the apartment.

"He had no business being alive after what they did to him," Bradley Bannon, one of three attorneys for Betton, said.

The raid

The Drug Enforcement Unit was created in the early 2000s, Bannon said. It started

in Myrtle Beach and was later transferred to county jurisdiction using officers from numerous police agencies. Jimmy Richardson, Solicitor for the 15th Judicial Circuit, oversees the unit.

The case against Betton started in November 2014, Bannon said, when a U.S. military veteran was pulled over for a routine traffic violation. When police searched her car, they found a small amount of drugs. They left her with two options, help them or face stiff penalties.

Bettonpic
Julian Betton

Without much choice, the veteran agreed to help and went to her friend Betton to buy drugs, Bannon said. She bought a total of 15 grams of marijuana in two separate purchases.

For comparison sakes, in some states where recreational marijuana remains illegal, less than 15 grams of marijuana is a simple ticket.

Those two drug deals gave officers the pretext to get a warrant for Betton's home, Bannon said. The warrant is required by the [4th Amendment of the U.S. Constitution](#).

"When you get that warrant, you must go to that home, you must knock on the door and you must announce your presence as police, and you must wait a reasonable time before you breach the door," Bannon explained.

Betton lived on Withers Swash Drive for several years after moving to the Grand Strand from Ohio. In Ohio, Betton was previously convicted of cocaine possession. Still, his lawyers said, he could still have guns and had one on him when police raided his home.

There were no violent crimes on Betton's wrap sheet, and Betton hadn't been in trouble in several years, his lawyers said.

The DEU came up with a plan for the April 2015 raid, and Bannon showed a planning document. On it, individual officer's responsibilities during the assault were only listed as to-be-determined.

Around 2 p.m. officers, pulled up at Betton's apartment. That was hours after conducting a similar raid in a separate case. Officers exited the car that had its blue, police lights activated, but was an unmarked police vehicle otherwise.

It's at this point the police and Betton's version of what transpired next diverges.

Officers would tell investigators that they knocked, waited and then entered Betton's apartment. They say Betton pointed a gun at them and they returned fire. Officers fired 29 shots from their AR-15, semi-automatic guns and hit Betton nine times.

"The three shooters who went inside all said Julian Betton shot his weapon at them first," Bannon said.

The South Carolina Law Enforcement investigated the shooting and lab testing

showed Betton's gun was not fired despite the officer's assertions. Even when presented with the evidence, officers said in taped deposition they defended themselves and said Betton fired.

Bannon railed about how [SLED](#) did not interview officers again after the new evidence. He also said the officers were allowed to provide written statements and not interviewed in person the day after the shooting.

DEU agents searched Betton's home after the shooting and found small traces of marijuana.

Doctors put Betton in a weeks-long coma after the shooting, when he awoke he told investigators what happened inside the apartment. He said he was coming out of the bathroom when officers busted down his door, which caused him to reach for his gun.

["He admittedly denied](#) he ever raised his weapon and pointed it at anyone," Bannon said.

Betton also said how he had surveillance cameras at his home. The cameras were installed after a burglary and showed Betton's front porch. In the video, the DEU officers go up the front steps, fan out along the door and one agent smashes the door with a battering ram.

The officers are dressed in street clothes, some with face coverings. They are wearing bullet-proof vests, many in camouflage coloring, as they storm the home. Of the three officers that fired, only David Belue of the Myrtle Beach police has any insignia identifying himself as a police officer.

At no point does it appear the officers knock, announce themselves as police, wait and then enter the home.

A neighbor also told investigators that officers did not wait before entering.

"It looks a lot like a military operation," Bannon said.

The SLED investigation into "Operation Jules" - the nickname DEU called the raid on Betton's home - also showed that officers fired shots with enough force that a bullet hit a nearby home during the middle of a busy afternoon.

AG5LAUCVFO.1

Julian Ray Betton is wheeled from the Horry County Courthouse after he pled guilty Thursday, Mar. 16, 2017, to two drug charges. Five other charges lodged against him, including three counts claiming Betton pointed a gun at the officers who shot him nine times, were dropped in a plea deal. Judge Larry Hyman, Jr., sentenced Betton to five years for each charge, but suspended the sentences for "time served." "Today was an absolute victory for Julian and for the people of South Carolina to know who's watching the watchers," said his attorney, Jonny McCoy. Betton has filed a lawsuit against the 15th Circuit Drug Enforcement Unit and the officers who shot him, claiming the agents entered his home without announcing they were police and gunned him down without him ever firing a weapon. Betton is now paralyzed from the waist down as a result of that raid on April 16, 2015. JASON LEE

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The 16th Judicial Circuit Solicitor decided not to bring criminal charges against the three officers who fired shots. The York County prosecutor supervised the investigation after Richardson recused himself.

Betton's lawyers described that decision as believing the officer's discredited statements over Betton and the witness.

The officer statements were the basis of the DEU filing charges against Betton for pointing a gun at a person and for the drug sales. The South Carolina Attorney General took over prosecution and [dropped the gun charge](#). Betton would later plead guilty to a drug count.

Myrtle Beach Police Department and then-Chief Warren Gall reviewed the raid. Betton's lawyers said Gall found 11 areas of major issues, including the need to train officers on constitutionally protected rights.

Gall later admitted in deposition that he didn't know why officers didn't try to arrest Betton outside the home, which would have been safer.

Not one city, county or state law enforcement official was held accountable for the shooting or the investigation, Betton's lawyer said. He also said they are unaware if any police procedures changed since the shooting.

"We are not going to move on as business as usual," McCoy said.

Civil lawsuit

In November 2015, Betton sued Richardson, then Commander of the drug unit Bill Knowles, and officers Dean Bishop, Chad Guess, Frank Waddell, Chris Dennis and BeLue in federal court over the raid. Horry County and Myrtle Beach [would later be added](#) as defendants.

A [four-year legal saga](#) followed, with a judge saying at one point that it appeared that entering without knocking was commonplace at the DEU. Officer statements also support the idea that they frequently entered without knocking. One officer insisted they knocked on Betton's door despite evidence to the contrary.

"It's not the law to knock and announce," the officer said. "It's officer discretion."

An unnamed, DEU whistleblower who was also part of the raid told Betton's lawyers that no-knock raids were standard practice.

Knowles also testified that no DEU officers faced punishments because of the raid.

"They didn't do anything wrong," Knowles said.

Richardson, the county and its officers settled their portion of a lawsuit for \$2.75 million in January 2018. Myrtle Beach and Belue appealed some court decisions to a Virginia-based [U.S. Appeals court](#). That court ruled against the city.

Late last year, the city settled with Betton to the tune of \$8.5 million, to bring Betton's total settlement to \$11.25 million.

“This was over \$100,” attorney Burton Craige said. “Think about the overkill of a SWAT team of 12 people, armed with AR-15s and battering rams smashing into someone’s home for a \$100 of marijuana.”

Myrtle Beach responds

Myrtle Beach officials provided a statement hours after Betton’s lawyers spoke to the media. Spokesman Mark Kruea said the city’s [insurance company](#) decided to settle the case.

“We believe that reaching this agreement was not only right for the city, but also for Mr. Betton,” the city’s statement reads.

“The city’s officers in this case were part of a multi-officer team under the jurisdiction of the Horry County Drug Enforcement Unit (DEU). As noted by Mr. Betton’s attorneys, retired Police Chief Warren Gall conducted an investigation of the operation and identified a number of deficiencies.

“As a result, the Myrtle Beach Police Department no longer participates in the Drug Enforcement Unit. The Myrtle Beach Police Department has policies and training in place governing search warrants and their execution to protect the Fourth Amendment rights of our citizens. Myrtle Beach also was one of the first departments in the state to equip its officers with body-worn cameras. Our officers are required to wear and activate those cameras for the protection of the public and the city.”

Moving forward

McCoy said the lawyers wanted to highlight the case so the media and the public would question police on whether there have been changes after the raid. He added the settlement “sets the bar” at \$11.25 million if there are other raids similar to Betton’s.

“We told you nothing has been done,” McCoy said. “It’s going on \$11.25 million, \$11.25 million, \$11.25 million and to infinity because guess what? These guys are not going anywhere.”

McCoy also asked how many more future cases there will be as the officers involved still are conducting raids for local police.

In addition to being paralyzed, Betton also faces several medical issues five-years after the shooting. He takes numerous pain pills, rarely sleeps through the night and has frequent hospital visits.

“The only time I don’t feel pain is when I’m asleep,” Betton said in a deposition.

Despite the injuries, McCoy said his client remains thriving and is in good spirits. The Myrtle Beach-based attorney also referenced a movie scene where clients thank their lawyer for settlement money, but ask why there was no apology.

“[There are] 11.25 million ‘I’m sorries,’” McCoy said, taking the scene and comparing it to the Betton case. “Is that enough? I don’t know.”

Exhibit 3

Seth Stoughton, Comments to the
South Carolina House Equitable
Justice System and Law Enforcement
Reform Committee, July 28, 2020

Utah Code Title 77, Chapter 7

§ 77-7-8.5. Use of tactical groups -- Reporting requirements. (Effective 5/13/2014)

<http://ut.elaws.us/code/77-7-8.5>

- (1) As used in this section:
 - (a) (i) "Reportable incident" means:
 - (A) the deployment of a tactical group; or
 - (B) law enforcement officers who serve a search warrant after using forcible entry.
 - (ii) "Reportable incident" does not mean a forced cell entry at a corrections facility.
 - (b) "Tactical group" means a special unit, within a law enforcement agency, specifically trained and equipped to respond to critical, high-risk situations.
- (2) On and after January 1, 2015, every state, county, municipal, or other law enforcement agency shall annually on or before April 30 report to the Commission on Criminal and Juvenile Justice the following information for the previous calendar year:
 - (a) whether the law enforcement agency conducted one or more reportable incidents;
 - (b) the following information regarding each reportable incident:
 - (i) the organizational title of the agency, task force, or tactical group deployed;
 - (ii) the city, county, and zip code of the location where the reportable incident occurred;
 - (iii) the reason for the deployment;
 - (iv) the type of warrant obtained, if any;
 - (v) if a threat assessment was completed;
 - (vi) if a warrant was obtained, the name of the judge or magistrate who authorized the warrant;
 - (vii) the number of arrests made, if any;
 - (viii) if any evidence was seized;
 - (ix) if any property was seized, other than property that was seized as evidence;
 - (x) if a forcible entry was made;
 - (xi) if a firearm was discharged by a law enforcement officer, and, if so, approximately how many shots were fired by each officer;
 - (xii) if a weapon was brandished by a person other than the law enforcement officers;
 - (xiii) if a weapon was used by a person against the law enforcement officers and, if a firearm was used, the number or approximate number of shots fired by the person;
 - (xiv) the identity of any law enforcement agencies that participated or provided resources for the deployment;

- (xv) if a person or domestic animal was injured or killed by a law enforcement officer;
and
 - (xvi) if a law enforcement officer was injured or killed; and
 - (c) the number of arrest warrants served that required a forced entry as provided by Section [77-7-8](#) and were not served in conjunction with a search warrant that resulted in a reportable incident.
- (3) If a warrant is served by a multijurisdictional team of law enforcement officers, the reporting requirement in this section shall be the responsibility of the commanding agency or governing authority of the multijurisdictional team.
- (4) The Commission on Criminal and Juvenile Justice shall develop a standardized format that each law enforcement agency shall use in reporting the data required in Subsection [\(2\)](#).
- (5) A law enforcement agency shall:
- (a) compile the data described in Subsection [\(2\)](#) for each year as a report in the format required under Subsection [\(4\)](#); and
 - (b) submit the report to:
 - (i) the Commission on Criminal and Juvenile Justice; and
 - (ii) the local governing body of the jurisdiction served by the law enforcement agency.
- (6) (a) The Commission on Criminal and Juvenile Justice shall summarize the yearly reports of law enforcement agencies submitted under Subsection [\(2\)](#).
- (b) Before August 1 of each year, the Commission on Criminal and Juvenile Justice shall submit a report of the summaries described in Subsection [\(6\)\(a\)](#) to:
- (i) the attorney general;
 - (ii) the speaker of the House of Representatives, for referral to any house standing or interim committees with oversight of law enforcement and criminal justice;
 - (iii) the president of the Senate, for referral to any senate standing or interim committees with oversight of law enforcement and criminal justice; and
 - (iv) each law enforcement agency.
- (c) The report described in Subsection [\(6\)\(b\)](#) shall be published on the Utah Open Government website, open.utah.gov, before August 15 of each year.
- (7) (a) If a law enforcement agency fails to comply with the reporting requirements listed in Subsection [\(2\)](#), the Commission on Criminal and Juvenile Justice shall contact the law enforcement agency and request that the agency comply with the required reporting provisions.
- (b) If a law enforcement agency fails to comply with the reporting requirements listed in Subsection [\(2\)](#) within 30 days after being contacted by the Commission on Criminal and Juvenile Justice with a request to comply, the Commission on Criminal and Juvenile Justice shall report the noncompliance to the attorney general, the speaker of the House of Representatives, and the president of the Senate.

Exhibit 4

Seth Stoughton, Comments to the
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Law Enforcement Transparency Reporting in Utah

2018 Annual Report

By CCJJ

Background

Utah Code 77-7-8.5, directs all Utah Law enforcement agencies to report anytime they deploy a tactical group or when a forcible entry is made. The Utah Commission on Criminal and Juvenile Justice (CCJJ) is tasked with summarizing these annual reporting requirements.

The Utah Law Enforcement Transparency (LET) reporting interface was added to the Utah Criminal Justice Information System (UCJIS) in 2014. CCJJ paid to build the interface on UCJIS using federal grant funding from the U.S. Department of Justice - Justice Assistance Grant. Law Enforcement agencies throughout the state utilize the UCJIS-LET site to report tactical group deployments and forcible entry incidents as they occur throughout the year. A reportable incident is defined as:

- anytime a forcible entry is made while serving a warrant or;
- anytime a “Tactical Group” is deployed (SWAT, Drug Task Force, etc.) and/or makes a forcible entry with or without a warrant.

All Utah Law Enforcement Agencies are responsible for reporting forcible entry incidents and tactical team deployments through-out the year. As a reminder, CCJJ uses a comprehensive email contact list of Utah law enforcement agencies and task forces directing them to report on the UCJIS-LET site at the end of each year. It should be

emphasized that the information presented in this report is only as accurate and complete as the data reported by each individual law enforcement agency and their willingness to provide it.

Key Findings

There were 195 forcible entries that occurred out of the 424 total incidents reported in 2018 (46%). The remaining 229 incidents involved tactical team deployments without forced entry or warrants served where forcible entry was not necessary. While increasing between 2016 and 2017, the number of reported incidents declined between 2017 and 2018.

Close to 1/3 of these incidents occurred in Salt Lake County, which was followed by Utah and Cache County at 20 and 17 percent respectively. Similar to other years' findings, the majority of the *reason for law enforcement deployment* pertained to drug crimes (76%), followed by "evidence" (10%), property crimes (5%), and person crimes (4%).¹ A threat assessment was completed 84 percent of the time.

Warrants were obtained in 98 percent of the reported incidents (up from 94% in 2017), with tactical groups obtaining warrants at a higher rate than non-tactical and drug-task force groups. The vast majority of all warrants pertained to drug crimes (78%), followed by non-violent persons crimes (8%), violent crimes against persons and property crimes (at 7% respectively).

Similar to previous years, "No-Knock-Night" and "Knock & Announce-Day" warrants were obtained in the majority of all reported incidents (>70%). This was followed by "Knock & Announce-Night" (16%) and "No-Knock-Day" (6%). Evidence was seized in more than 95 percent of the reported incidents, with property being seized 11 percent of the time. The mean number of arrests across all incidents was 1.8 (median=1, min=0, max=11).

Weapons (including non-firearms) were brandished by suspects in 10 of the 424 reported incidents (2%). One incident involved firearms being used by suspects. This incident pertained to forcible entry.

Three of the reported incidents resulted in officer shots, with four civilians being injured and one reported fatality. There were no enforcement officer injuries or deaths associated with the 424 reported incidents. None of the incidents resulted in an animal

being injured or killed.

Selected Figures

Figures 1-4. Trends in Incident Reporting: 2014 - 2018

Figure 1: Number of reported incidents

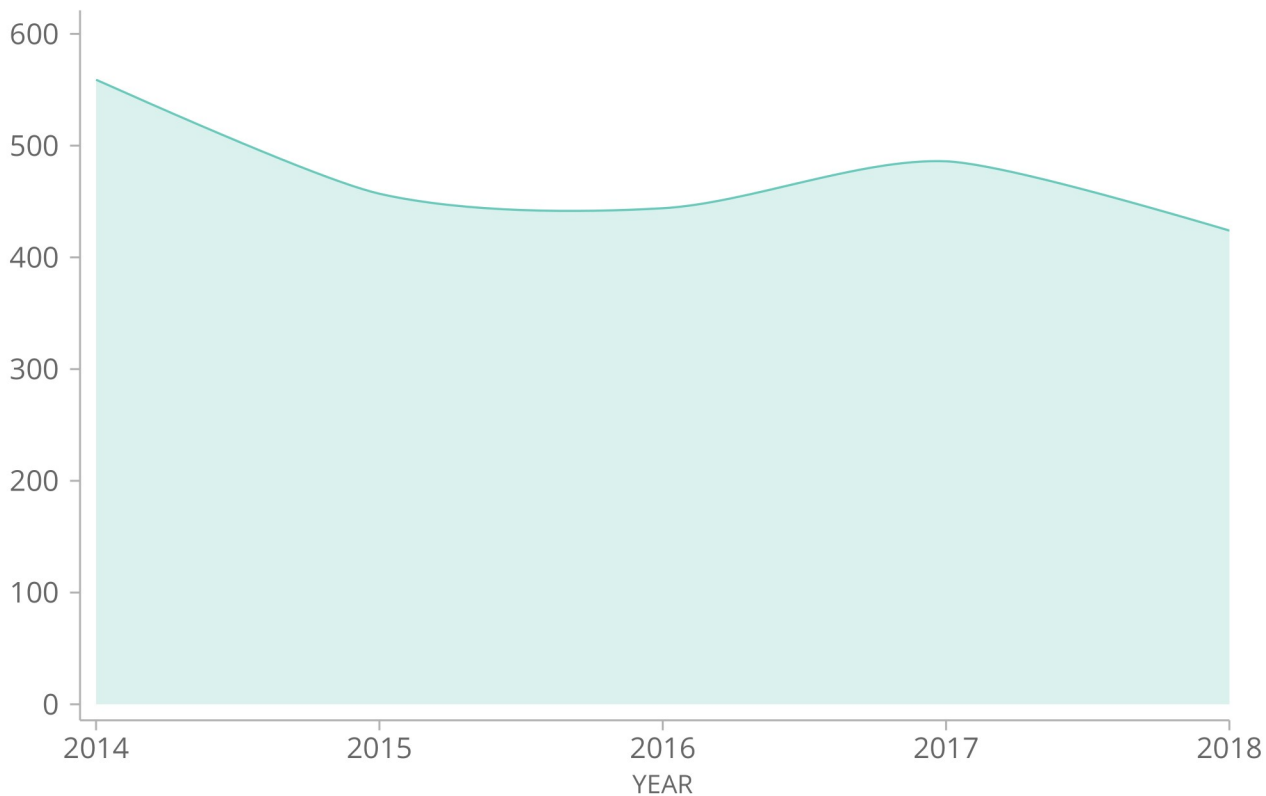


Figure 2: Percent forcible entry

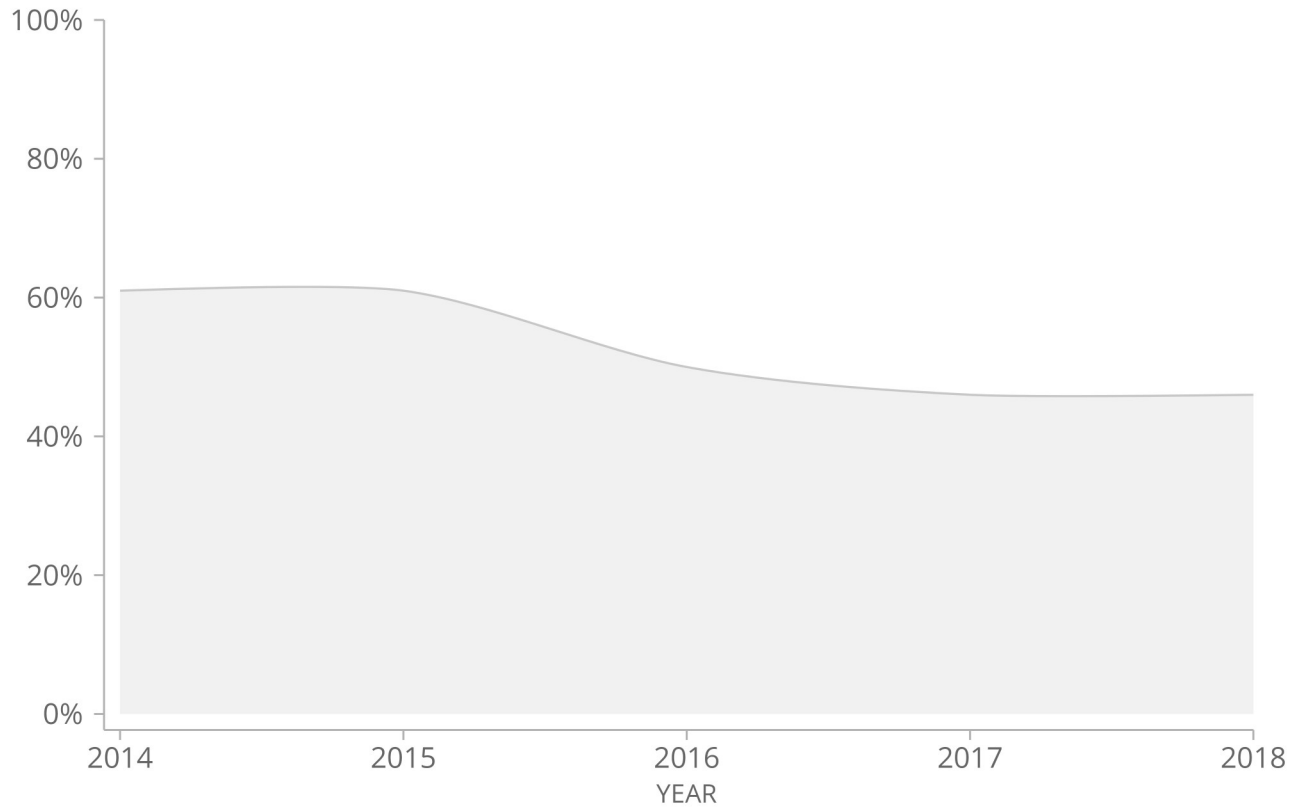


Figure 3: Percent warrant

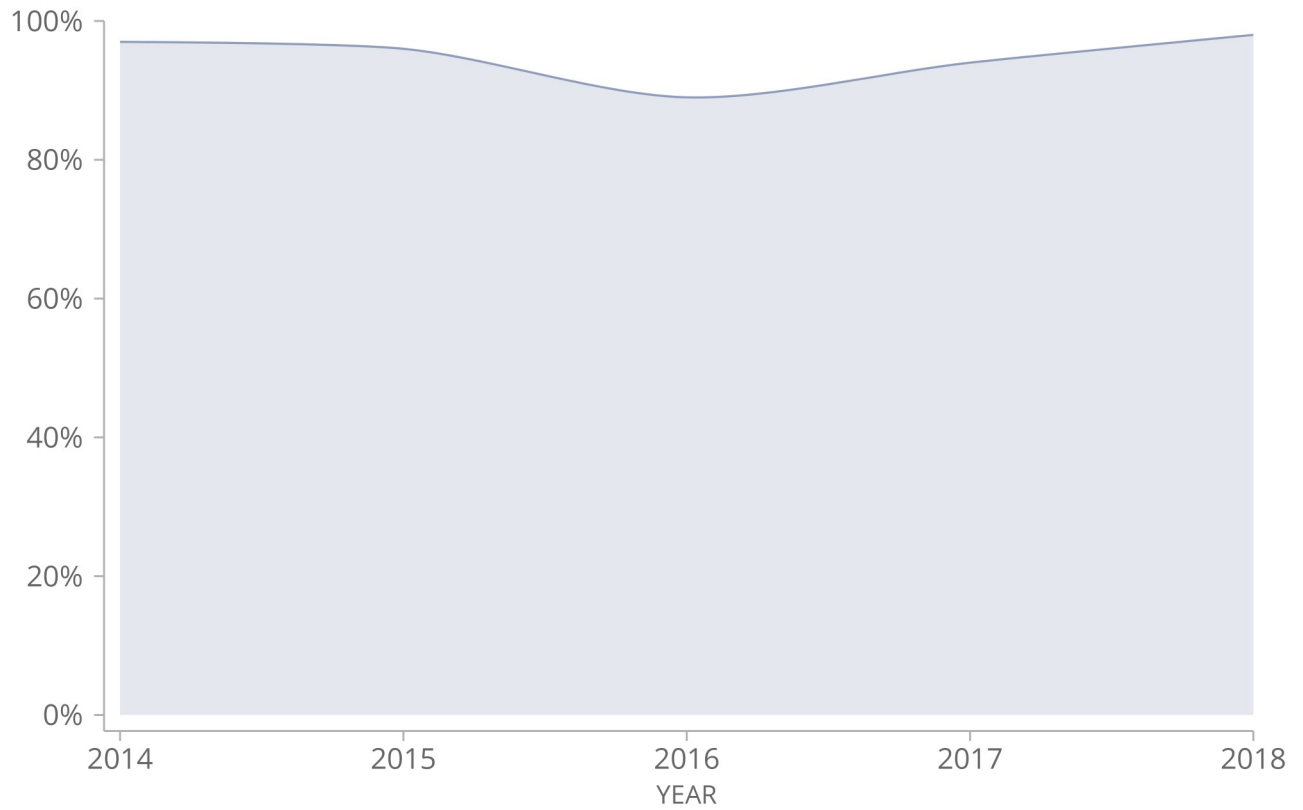


Figure 4: Percent threat assessment

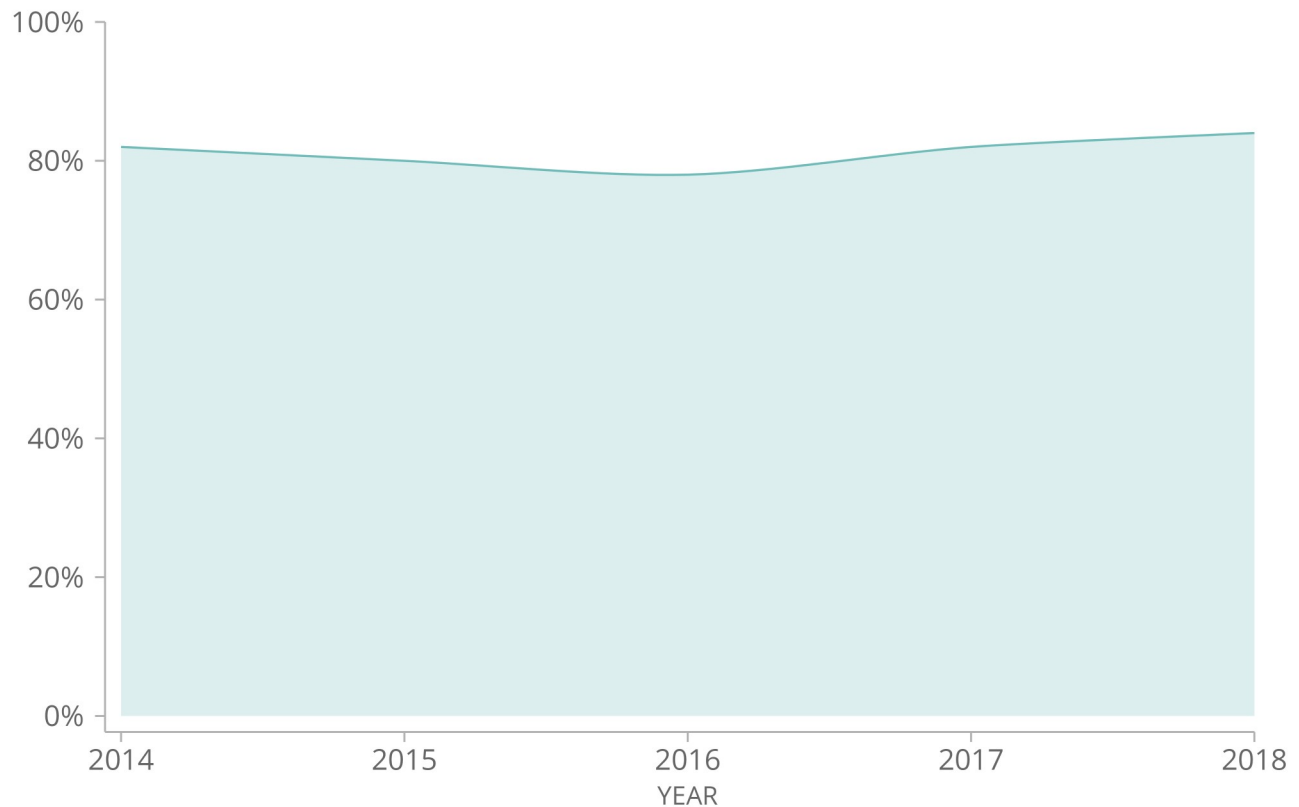
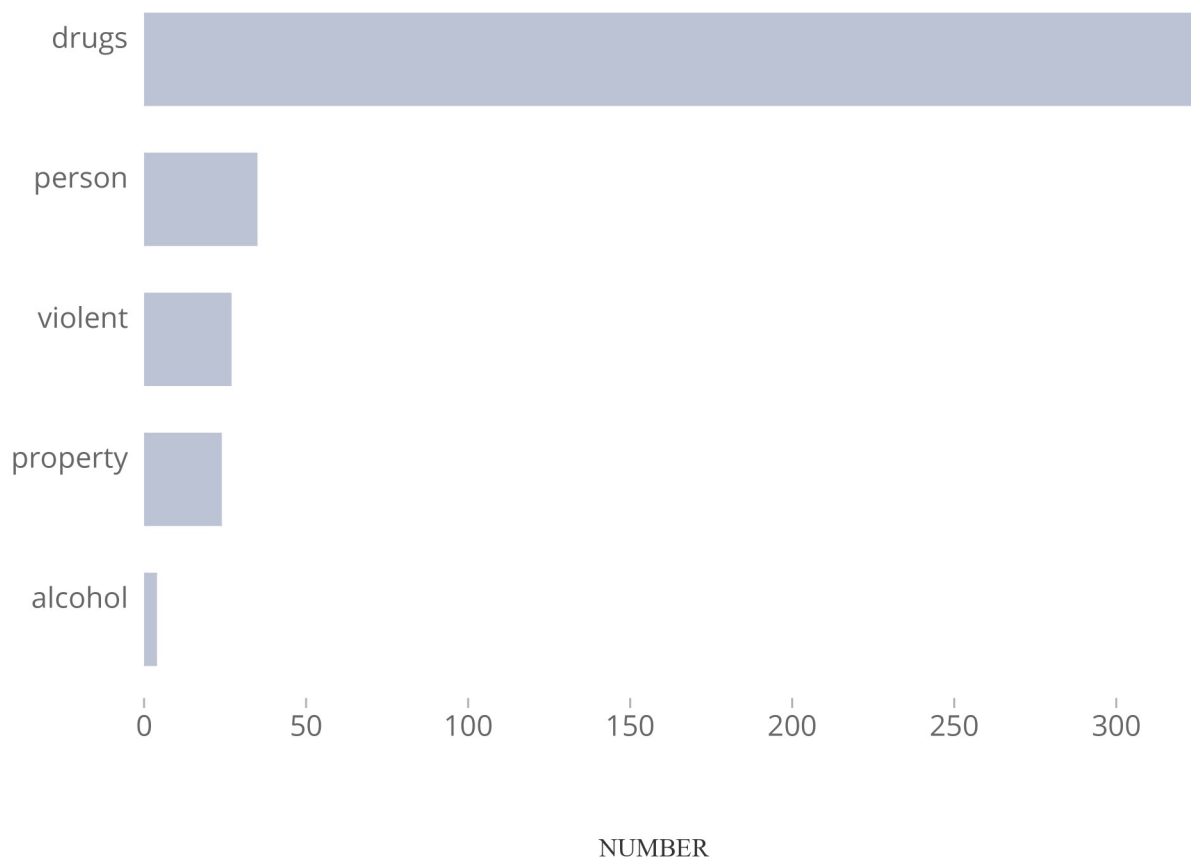


Figure 5. Breakdown of Warrant Nature 2018: The reason that a judge issued a warrant pertained to drugs 78 percent of the time (n=325). Thirty-five (8%) of the reported incidents pertained to person crimes, followed by violent crimes against persons and property (at 7 and 6% respectively).



References

Law Enforcement Transparency Reports: 2014-17. Utah Commission on Criminal and Juvenile Justice. Available at <https://justice.utah.gov/>

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1. The remaining reasons for deployment included felony warrant, alcohol, violent felony warrant, barricaded suspect, hostage, and suicidal subject.↩

Exhibit 5

Seth Stoughton, Comments to the
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Basis Course of Fire

Qualification

- (1) Stage 1 3 yards 6 rounds Timed

From Holster-Shooter's Choice from the holster

2 rounds- 2 Seconds

2 rounds- 2 Seconds

2 rounds- 2 Seconds

- (2) Stage 2 7 yards 8 rounds Timed

From Holster-Natural Point-one hand shooting only

2 rounds Strong hand 2 rounds Weak hand -10 seconds

2 round Strong hand 2 rounds weak hand – 10 seconds

- (3) Stage 3 12 yards 6 rounds Timed

From the Holster

4 rounds (Combat Load) 2 rounds-12 seconds

- (4) Stage 4 12 yards 12 rounds Timed

From the Weaver or Bladed Ready

2 rounds-3 seconds

2 rounds-3 seconds

2 rounds-reload-fires 2 more rounds-12 seconds

2 rounds-3 seconds

2 rounds-3 seconds

- (5) Stage 5 15 yards 12 rounds Timed

From Holster-unsupported barricade

3 rounds strong side standing and 3 rounds weak side standing (10 seconds)

3 rounds speed kneeling strong side and 3 rounds speed kneeling weak side kneeling (12 seconds)

(6) Stage 6 25 yard 6 rounds 30 seconds

From Holster

From behind barricade

2 rounds rollover prone

2 rounds strong side kneeling supported

2 rounds strong side standing supported

Bad Chicago Cops Spread Their Misconduct Like a Disease

 theintercept.com/2018/08/16/chicago-police-misconduct-social-network/

Rob Arthur, Rob Arthur

In partnership with

INVISIBLE INSTITUTE

The Chicago Police Files

Part 5

Because Chicago's police complaints can list multiple officers at once, it's possible to build a giant social network of police interactions.

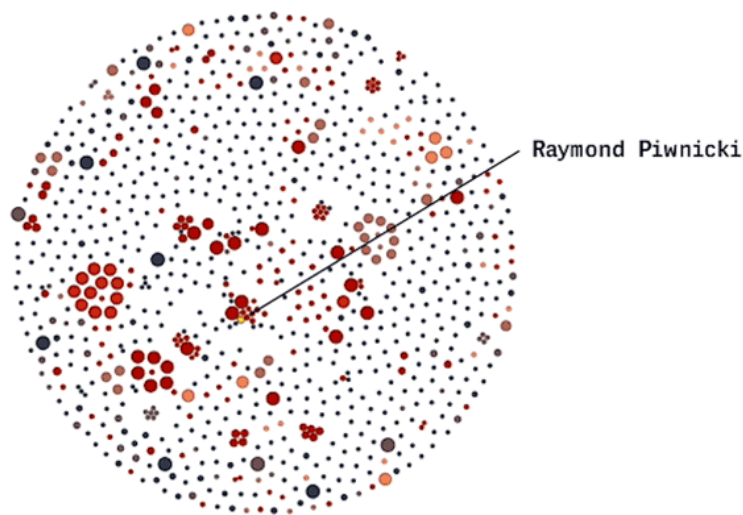
From 1972 to 1991, a Chicago detective named Jon Burge led a group of police officers in torturing confessions out of suspects. They called themselves the "Midnight Crew," and their behavior eventually resulted in the jailing of Burge and the creation of a reparations council to pay the victims. More recently, the Baltimore Police Department's Gun Trace Task Force was found to have planted evidence, assaulted innocent citizens, and committed overtime fraud.

Many of the most egregious examples of police misconduct arise from tightly knit groups of officers like these. That's no accident. Recently released data from the Chicago police department shows that misconduct spreads from officer to officer like an infectious disease. And the same behavior that leads cops to violate the rules often predicts whether they will participate in a shooting.

In 2009, the Invisible Institute sued the city of Chicago to reveal in-depth information on the complaint histories of selected Chicago police officers. After a drawn-out legal battle, the Invisible Institute prevailed and acquired the complaint histories of all officers since

1988. They then processed, standardized, and augmented that data with information on police shootings, uses of force, and a complete duty roster of all officers. In total, the data covers more than 30,000 officers and almost 23,000 complaints between 2000 and 2018.

Because complaints can list multiple officers at once, it's possible to determine that more than one cop was present at the scene at the same time. Complaints listing multiple officers link those cops together, and by assembling thousands of officers across tens of thousands of complaints, it's possible to build a giant social network of police interactions.



2000 2001 2002 2003 2004 2005 2006 2007 2008 2009 2010 2011 2012 2013 2014 2015 2016 2017

Evolving social network of Officer Raymond Piwnicki.

Video: Invisible Institute/The Intercept

The illustration above visualizes such a social network. Dots represent officers, linked by lines of complaints. Most officers register few complaints and sit on the outside of the network. But a small portion of officers at the center of network behave differently than those on the outside.

About 1,300 of Chicago's cops fall into clusters of linked police officers who together have been the subject of at least 100 citizen complaints against them. The list of police within this group reads like a Who's Who of Chicago police misconduct: From Jerome Finnigan, who led a corrupt unit of cops and plotted to kill a fellow officer, to Raymond Piwnicki, who harassed black citizens using racist language. Officers within this group show not only higher rates of complaints, but also participate in more uses of force and even more shootings. On its own, such a pattern could simply mean that these particular officers are more likely to be street cops or assigned to high-crime divisions. But these central officers

are also more than five times as likely to figure in an incident that results in a civil payout by the city for misconduct, according to data on lawsuits involving police officers gathered by the Chicago Reporter

Within police departments, it's often well-known that some cops break the rules. In the Chicago Police Department, it was an "open secret" that Burge and his crew extracted confessions using illegal means. Far less serious conduct, such as a reputation for pushing the boundaries, can also get around. Seth Stoughton, a former police officer turned college professor at the University of South Carolina, said "I learned that some, maybe one or two officers when I was [on the force], tended to do things right at the edge of what is acceptable procedure."

Reputations like Stoughton's colleagues in turn attract or repel other officers. For example, complaints tend to list officers with more similar use of force rates than if you were to pick officers at random from the department. That could be a result of cops seeking out assignments with others like them. Cops at the center of the Chicago network of 1,300 problem officers were about six times more likely than the department at large to work in one of Chicago's gang units. Other cops who transferred to those units showed more use of force and greater total civil suit payouts than randomly selected officers. "It's like magnets. And good officers don't want to work with [bad ones], because they'll get in trouble themselves," said Sam Walker, a professor emeritus of criminal justice at the University of Nebraska and consultant to many police departments. Because high-complaint officers attract like-minded colleagues, they tend to be surrounded within the network by others like them.

Officers prone to misconduct do more than draw in others like them. The data shows that they also may be teaching their colleagues bad habits. Using the Invisible Institute's data I picked out all the more than 12,000 officers with low complaint rates before 2008 (the year the Independent Police Review Authority, a new police oversight board, became operational). Then I split those cops into two segments: the 863 who had been listed on a complaint with officers at the center of the network, and 12,815 who hadn't. The officers who had been exposed to the contagious, misconduct-prone cops at the center of complaint networks went on to show complaint rates nine times higher over the next ten years than those who hadn't.

Their behavior often escalates beyond complaints to more serious violence. The same cops who are exposed to other high complaint officers go on to be listed on four times as many uses of force per year in the next few years. They also commit shootings at rates more than five times higher than their colleagues who weren't exposed to misbehaving officers.

Stoughton credited part of the infectious quality of misbehaving officers to the process of training young cops. While officers learn the rules of policing at the academy, the probationary period provides hands-on training in the first few months on the job. In that

time, many of the procedures they were told to follow in the academy get discarded. “On their first day, every cop hears some variation of ‘Forget everything you learned at the academy,’” Stoughton said.

Bob Verry, a retired police chief and current internal affairs investigator in New Jersey, likened the process of learning misconduct to the “broken windows” theory of policing, in which small violations escalate to larger and larger crimes. “Officers start out with minor things — forgetting their tie clip — and then that becomes forgetting to shine their shoes. ... They get away with one punch during an arrest and it just goes on from there,” Verry said.

The data is rich with examples of young officers whose trajectories bent toward misconduct after exposure to bad influences. One rookie cop joined the department in 2001 and was assigned to the 9th police district, on the South Side of the city, after training. In his first three years, he received two complaints; both times, he was exonerated.

In 2004, just after completing his third year on the job, that officer was accused of using excessive force. He was listed on the complaint with four other officers, two of whom had multiple other complaints to their names. From that point on, his complaint rate skyrocketed. Citizens filed several allegations against him over the next five years. His use-of-force rate increased as well, from less than two per year to six in 2014. That officer was Jason Van Dyke, who shot Laquan McDonald that same year and is now on trial for McDonald’s murder.

In theory, patterns of bad behavior like Van Dyke’s should be detected and corrected by supervisors. Complaints by civilians and other officers should trigger official investigations, and officers beset by numerous allegations should be sent to counseling or suspended. But the departmental investigation process is dysfunctional, and the vast majority of civilian complaints do not yield any discipline for the accused officer. When complaints are filed by other cops, discipline is much more likely, but according to data obtained by the Invisible Institute, officers at the center of the network are less likely than others to have complaints filed against them by other cops. The “blue wall of silence,” the tendency among cops to protect their own, appears to safeguard these officers more than others.

“We know that officers who are more in tune [with] or endorse the code of silence ... are also more likely to use force, and less likely to use communication in interactions with the public,” said Scott Wolfe, a criminologist at Michigan State University, referring to published research. “They’re more likely to pull a gun and more likely to shoot a gun.”

Using the same data from the Invisible Institute, researchers at the University of Southern California, Yale, Harvard, and the Massachusetts Institute of Technology found in a working paper that networks of complaints and shootings can be used to tell that police

violence is contagious. “Violence might spread when officers learn from each other scripts for trying to manage risky civilian encounters or encounters in which they lose control,” said Daria Roithmayr, a professor of law at USC and an author of the paper.

Previous results from two of the researchers had shown that violence behaved in a contagious fashion among citizens of Chicago. Without help or endorsement from those researchers, the Chicago police department used these results as the basis to build an algorithm that would predict which citizens were at higher risk of being involved in a shooting, and then contacted them to try to prevent that violence. The researchers believe that using the contagious nature of violence to target individuals — cops or citizens — is “extremely hard” and “just wouldn’t work well in practice.”

“Once we understand more about contagion, there might be implications for policymakers in terms of how police tasks are assigned or how police units are structured,” Roithmayr said. She cautioned, “There is much more to understand about contagion before we can begin meaningful policy prescription.” Currently, police departments do not formally take an officer’s social history into account when judging whether to reassign an officer or otherwise prevent them from engaging in misconduct. But Verry noted that internal affairs investigators typically look into the other officers on the scene of a complaint.

Illinois Attorney General Lisa Madigan recently filed the draft of a legally binding document that would lay out a series of reforms for the Chicago Police Department to implement in the next few years. In this draft consent decree, one of the required improvements is that the department create a system to pick up on bad behavior before it becomes more serious. A required element for that system is the capacity “to identify group- and unit-level patterns of activity.” The special attention paid to identifying misconduct among cliques within the department suggests that the architects of the consent decree may be aware of the social nature of misbehavior exhibited by groups like Burge’s Midnight Crew.

Top photo: Police officer Jason Van Dyke arrives at the Leighton Criminal Court building in Chicago on Tuesday, Dec. 29, 2015. He plead not guilty in the shooting death of Laquan McDonald.

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South Carolina Criminal Justice Academy

SOUTH CAROLINA LAW ENFORCEMENT TRAINING COUNCIL SPECIAL MEETING MINUTES

February 20, 2019
10:00 a.m.

Exhibit 7

Seth Stoughton, Comments to the
South Carolina House Equitable
Justice System and Law Enforcement
Reform Committee, July 28, 2020

A special meeting of the South Carolina Law Enforcement Training Council (LETC) was held at the South Carolina Criminal Justice Academy (Academy) on Wednesday, February 20, 2019

Chief Mark Keel, Chair of the Law Enforcement Training Council called the meeting to order at 10:03 a.m.

ROLLCALL

Members Present

Chief Mark A. Keel/State Law Enforcement Division (SLED) (Chair)
Director Leroy Smith/ S.C. Department of Public Safety (DPS) (Co-Chair)
Director Bryan P. Stirling/S.C. Dept. of Corrections
Director Alvin A. Taylor/S.C. Dept. of Natural Resources
Jail Admin. Capt. Nick Gallam/ Aiken County Det. Center
Director Jackie Swindler/ S.C. Criminal Justice Academy

Via Conference Call-In

Chief John C. Thomas/North Augusta Department of Public Safety
Director Jerry Adger/ S.C. Probation, Parole and Pardon
Sheriff Lee Foster/ Newberry CO SO

Members Absent

Attorney General Alan Wilson/Attorney General's Office/Represented by Barry Bernstein (proxy)
Sheriff Barry Faile/Lancaster CO SO

Guest Attendees

Executive Director Ryan Alphin/ SC Law Enforcement Officers' Assoc./ SC Police Chiefs' Assoc.
Executive Director Jarrod Bruder/ S.C. Sheriffs' Association (SCSA)
Executive Director Mark Gosnell/ S.C. Troopers' Association (SCTA)
Marcus Gore/ SC Dept. of Public Safety
K.D. Phelps / SC Dept. of Public Safety
Robert McCullough/ SCDNR
Tessie Smth/ SCDC
Daniel Martin
Attorney John O'Leary
Kirsten Glavin/ WSPA-TV
Dustin Martin/WSPA-TV

Cindy Konduros
Annie Wooten

SC Criminal Justice Academy Attendees:

Mike Lanier/ Deputy Director
James Fennell / General Counsel
Lennie Hicks/ Facilities Operations Manager
Florence McCants /Administrative Operations Manager
Lauren Fennell/Standards & Accreditation Manager
Jeanne' Crump /Director's Administrative Assistant
Chris Brumlow/Investigator
Cliff Miller
Tim Plunkett
Debbie Bryant/Human Resources
Justin Miller/IT
Mark Thomas/IT

Chief Keel informed the Council that they will go out of order on the meeting agenda today to handle several misconducts. First, there is an attorney-client matter that the Council needs to address, so he called for a motion to go into an Executive Session at this time.

MOTION: A motion to go into Executive Session was made by Director Smith and seconded by Director Taylor. The motion was approved.

The meeting resumed at 10:18 a.m.

GENERAL COUNSEL

Joshua Clynes – Case Number: 2018-CJA-10-04

General Counsel Summary: This case is an allegation of misconduct with DPS and we are here today with a Motion to Dismiss from Attorney John O' Leary. The Motion to Dismiss is based on the fact that the Council did not find extenuating circumstances to allow the acceptance of the PCS alleging misconduct, after the 30 days. May 8, 2018 is when the allegation of misconduct took place, but approximately one month after the allegation Mr. Clynes' Captain asked the OPR to initiate an investigation, which actually began twelve days later. Mr. Clynes separated from DPS on June 15, 2018. On July 16, 2018 the 30 day statutory window closed. On an unknown date in July 2018 is when the OPR interviews were completed and CJA received the PCS alleging misconduct on September 28, 2018. September 28, 2018 is approximately 105 days after the date of separation and 74 days after the 30 day statute of limitations window closed. In part, the briefs from DPS stated the reason for the delay was that it takes time to complete thorough investigations, as in this situation.

MOTION: Director Adger made a motion to dismiss based on the fact of no extenuating circumstances and asked that the floor be opened for discussion. Sheriff Foster, seconded for discussion purposes.

Chief Keel opened the floor for discussion.

Chief Keel clarified that it came to the attention of DPS around June 8th, prior to the individual's resignation and the department continued the investigation. The investigation began on June 20th and 105 days later, after Mr. Clynes' resignation on September 28th and when the investigation was completed. I now have a motion to dismiss this matter and a second based on the time it took to conduct the investigation.

Captain Gallam: I would like for it to be put in the record that in their initial PCS they stated that the individual resigned pending an OPR investigation.

James Fennell explained that the 30 day window is actually a Statue of Limitations. The language in the statute says that the Council shall not accept a separation alleging misconduct after 30 days of separation unless the Council finds extenuating circumstances. It is actually a statutory bar unless the Council finds extenuating circumstances exist that would allow that PCS.

Chief Keel added that if the Council today finds extenuating circumstances, then Mr. Clynes would be entitled to a hearing before a hearing officer. Again, I think the question for the Council is whether or not, as this case, if there are extenuating circumstance when someone resigns pending an investigation giving the agencies enough time to complete their investigation and provide a PCS to the Academy.

MOTION: Director Adger made a motion to dismiss based on the fact that there are no extenuating circumstances. Sheriff Foster seconded the motion. The motion passed with six (6) votes to accept the motion to dismiss and one (1) no.

Daniel Alonzo – Case Number: 2018-CJA-10-14

General Counsel Summary: This case is being presented today with a Motion to Dismiss from Attorney John O'Leary in that the Council did not find extenuating circumstances in the vote to accept the late PCS. The alleged misconduct happened on April 1, 2018, then on April 12, 2018 Mr. Alonzo announces his intention to DPS to resign effective April 30th. On April 23, 2018 the OPR investigation was requested and opened their investigation on April 27, 2018 prior to April 30, 2018 when Mr. Alonzo separated from DPS. On an unknown date in May the information was sent to SLED to investigate for potential criminal charges, then on June 8, 2018 Sled completed their investigation and notified DPS of their finds. At that time OPR resumed their investigation and completed their investigation on September 17, 2018 which was 101 days after after Sled completed their investigation. The Academy received a PCS alleging misconduct September 28, 2018.

In the briefs from DPS their two issues were that their OPR investigations are placed on hold during outside investigations which in this case was a pending criminal investigation by SLED. Once the SLED investigation was completed DPS reopened their OPR and were trying to do a thorough job in completing their own investigation.

Chief Keel: For the record, since SLED was investigating this matter, I will have no comments or vote, but will still continue to Chair.

Director Adger: I would like to make a motion that there are extenuating circumstances in this case based on the fact that there was an outside agency conducting a their investigation which caused the DPS OPR investigation to be placed on hold. DPS would not have any control in the time frame it took another agency of complete their investigation.

Chief Keel: Just to clarify the motion. We have an outside agency investigating and no agency has control over the other there are extenuating circumstances in this case.

Director Stirling. Seconded the motion.

MOTION: Director Adger made a motion to find extenuating circumstances in this case. Director Stirling seconded the motion. The motion passed with six (6) votes to accept the motion and zero (0) no.

Basic Law Enforcement Program Changes

Chief Keel informed the Council that Director Swindler will give Council the results from the Basic LE Curriculum Proposal survey sent to agency heads and then we will open the floor for discussion and vote.

Director Swindler: We had an overwhelming response to the survey. We had 185 agencies respond to the survey, which is a 63% response rate. Of the 185 respondents, 80% would like to see the curriculum change. This would still be 12 weeks of training, but 4 weeks would be in the field and 8 weeks at the Academy. Out of those responding 48%, 89 agencies, are willing to host the training and invite other agency recruits to participate.

The four weeks of training will be no different than the training here on campus. We will film actual classes of our instructors teaching students here, so they will be getting minute to minute instructional training that would have been here at the Academy. As the students register they will be provided a thumb drive containing those four weeks of CJA instructor video that they will watch out in the field. Each week the students will take a test on that block of training and at the end of the four weeks or however long they want to take, come to the Academy to take an cumulative test. Once they past the cumulative test they can immediately go take the PAT with the same time constraints we used last year. If they pass the PAT then they will register right there on site with Registration personnel who will be prepared to give them their class assignment for the eight weeks of training at CJA. No loss of training and no loss of integrity of training.

Hosting agencies would make sure the students are watching and could also stop the tape and add comments or instruction like writing reports, etc. Those facilitating these classes should be a Class 1 officer, someone who has been through the Academy's instructor development basic skill and understands the teaching process. As far as basic firearms, the instructor will have to be the agency's firearms instructor. When the recruit completes the video training that will also include the training requirements, then the instructor will take them to their range to become proficient. The field training time and amount of ammo used will be based on the time needed to prepare their recruit to successfully qualify at the Academy, so they can move on to all other advanced firearms training.

Once we have everything is in place, the Academy will send agencies a copy of a map that would show the sites providing training along with the training dates, times and contact information. This information will also be available on the CJA Website and updated as needed. The Academy's first class under the new training schedule will be July 8, 2019. We would stop the 12 week class program at the end of April and early May and should have all the filming done in May and June. Once the filming is complete, we will send it out into the field so agencies can be ready to send their new recruits to be registered for slots in July. Currently we have approximately 180 waiting, ready to start, so we have already plugged those in for the next two weeks, two weeks and then continuing forward until we have caught up. The training classes will increase from 16 classes to 24 a year, which will make a big difference and give us somewhere between 300 to 500 additional training slots.

As far as recycling, the only recycle for the Academy is if the student doesn't pass the cumulative test, then they would return to their agency for remediation on their deficiency, then they can come back and retake the cumulative test. Now if the student fails the cumulative test twice they will be then cycled out. We are anticipating cumulative testings maybe every other Wednesday at 2:00 pm, so a couple times a month. As far as the numbers of students tested on those Wednesdays we just need to have the proctors and the numbers of IPADS for testing. We are currently testing approximately 70 students now in the class, but I don't anticipate as many students in the upcoming classes since we will have them a couple times a month.

The Academy will also notify all agencies about the aptitude testing requirements and suggest that they use the court approved Nelson Denny and Standards & Associates test and where they can purchase them.

MOTION: Director Smith made a motion to accept the CJA proposal as presented today to the Council so they can move forward. Director Taylor seconded the motion. The motion passed with eight (8) votes to accept the motion and zero (0) no.

Chief Keel announced that the motion passed and the first classes will begin July 8, 2019

LETC Certification/Misconduct Meetings

Chief Keel recommended that the Council start having monthly public meetings that would allow the Council to address misconduct matters more frequently rather than having cases hang out there for three months waiting for quarterly meetings. He also suggested they use the telephone conference call-in, as in this meeting, for those of Council that aren't available to be present, but still allowing them to vote on these matters.

MOTION: Director Smith made a motion that the Law Enforcement Training Council start having meetings on a monthly basis and the meeting dates and time will be determined by the Academy. Director Taylor seconded the motion. The motion passed with nine (9) votes to accept the motion and zero (0) no.

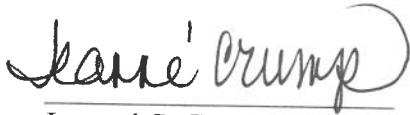
Chief Keel asked the Academy to send out a survey to Council members to determine what would

be the best date and time for the public misconduct monthly meetings. He also stated that the Council will conduct their normal business at the quarterly meetings and the other meetings would be just for misconducts, unless something important came up. As far as the additional monthly meetings, if there aren't any misconducts for the Council address on a particular month, that meeting would be cancelled.

The motion to adjourn was seconded and approved.

The Law Enforcement Training Council meeting adjourned at 11:38 a.m.

Respectfully Submitted by,

A handwritten signature in cursive script that reads "Jeanne S. Crump". The signature is written in dark ink and is positioned above a horizontal line.

Jeanne' S. Crump



South Carolina Criminal Justice

Exhibit 8

Seth Stoughton, Comments to the South Carolina House Equitable Justice System and Law Enforcement Reform Committee, July 28, 2020

SOUTH CAROLINA
LAW ENFORCEMENT TRAINING COUNCIL
MEETING MINUTES
September 16, 2019
10:00 a.m.

A meeting of the South Carolina Law Enforcement Training Council (LETC) was held at the South Carolina Criminal Justice Academy on Monday, September 16, 2019. This meeting was advertised in accordance to the South Carolina Freedom of Information Act.

CALL TO ORDER

Agenda Item 1

Chief Mark Keel, Chair of the Law Enforcement Training Council, called the meeting to order at 10:01 a.m. Chief Keel called for a roll call of the Council members. Scheri Francois called the roll.

Members present at the meeting were Chief Mark A. Keel, State Law Enforcement Division (SLED) (Chair); Director Robert Boyles, S.C. Department of Natural Resources; Director John Thomas, North Augusta Department of Public Safety; Sheriff Barry Faile, Lancaster County Sheriff's Office.

Members present via conference call were Sheriff Lee Foster, Newberry County Sheriff's Office; and Chief Tony Taylor, Williamston Police Department.

Absent members were Attorney General Alan Wilson, Attorney General's Office; Director Leroy Smith, S.C. Department of Public Safety (Co-Chair); Director Bryan Stirling, S.C. Department of Corrections; Director Jerry Adger, S.C. Department of Probation, Parole and Pardon Services; and Captain Nick Gallam, Aiken County Detention Center. Attorney General Wilson, Director Smith, Director Stirling and Director Adger were represented by proxies, Barry Bernstein, Kenneth Phelps, Brian Bolchoz, and Mike Nichols, respectively.

Guest attendees were Former Chief Robert Stewart (SLED); Robert McCullough, S.C. Department of Natural Resources; Bart Vincent, S.C. Department of Corrections; Stephen Lunsford, S.C. Department of Corrections; Tessie A. Smith, S.C. Department of Corrections; Imani Byas, S.C. Department of Public Safety; Octavia Wright, S.C. Department of Probation, Parole and Pardon Services; Jeff Harmon, S.C. Department of Probation, Parole and Pardon Services; Attorney Courtney Atkinson; Attorney John O'Leary; Attorney Chris Lusk.

A full list of guest attendees may be obtained upon request.

SC Criminal Justice Academy attendees were Director Jackie Swindler; James Fennell, General Counsel; Florence McCants, Administrative Operations Manager; Lauren Fennell, Standards &



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Accreditation Manager; Scheri Francois, Director's Assistant; Justin Miller, IT; and Christopher Brumlow, Investigator, Tim Plunkett.

APPROVAL OF AGENDA

Agenda Item 2

Upon a motion made by Director Boyles and seconded by Sheriff Faile, Council voted unanimously to adopt the agenda as presented.

APPROVAL FOR MEETING MINUTES

Agenda Item 3

1. A motion to approve the minutes of the August 19, 2019, meeting was made by Director Boyles and seconded by Sheriff Faile. Council voted unanimously to accept the meeting minutes as recorded.

General Counsel – Certification Issues

Agenda Item 4

2. Misconduct Cases

Kristin Cosby: 2019-CJA-01-01 (SCPPP)

Summary: Allegation that Kristin Cosby had committed misconduct, as defined in S.C. Code Ann. § 23-23-150 (A) (3) (g), by “[w]illfully making false, misleading, incomplete, deceitful, or incorrect statements to a law enforcement officer, a law enforcement agency, or a representative of the agency, except when required by departmental policy or by the laws of this State”. The Hearing Officer made a recommendation of a finding of misconduct and grant the certification with probation or with any additional requirements deemed just and proper.

Ms. Cosby was present to answer any questions Council may have for her in regards to her misconduct case.

Attorney Courtney Atkinson was in attendance to represent Ms. Cosby. Ms. Atkinson gave details of the misconduct allegations against Ms. Cosby.

Attorney Octavia Wright, legal counsel for the S.C. Department of Probation, Parole and Pardon Services, was also in attendance to answer questions and give details of the misconduct allegations against Ms. Cosby.



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Members of Council asked questions of both attorneys and received further details regarding the circumstances surrounding the misconduct allegations against Ms. Cosby.

Upon conclusion of hearing further information about the details of the allegations against Ms. Cosby, Sheriff Faile made a motion to accept the Hearing Officer's recommendation of a finding of misconduct and to permanently deny Ms. Cosby's law enforcement certification. Director Thomas seconded the motion. Council voted unanimously to permanently deny Ms. Cosby's law enforcement certification.

Briana Murphy: 2019-CJA-04-10 (Latta Police Department)

Summary: Allegation that Brianna Murphy had committed misconduct, as defined in S.C. Code Ann. § 23-23-150 (A) (3) (g), by "[w]illfully making false, misleading, incomplete, deceitful, or incorrect statements to a law enforcement officer, a law enforcement agency, or a representative of the agency, except when required by departmental policy or by the laws of this State". Department appeared at hearing, but withdrew its allegation and did not prosecute the allegations. Recommendation that the contested case file be closed and records pertaining to the allegation of misconduct be expunged.

Attorney John O'Leary was in attendance to represent Ms. Murphy and asked that Council accept the recommendation of the Hearing Officer.

Sheriff Foster made a motion to accept the Hearing Officer's recommendation. Director Thomas seconded the motion.

Prior to the voting process, Chief Keel expressed his concerns about and disappointment in agencies either not showing up at the hearings to prosecute misconduct cases or showing up at the hearing but then declining to prosecute such cases. Chief Keel stated that it is bothersome to think that there are officers who have been dishonest in office who are out in the community working because agencies have failed to show up at hearings or decline to prosecute the cases at the hearings. Chief Keel further stated that the continued failure of agencies to appear at hearings or failure to prosecute misconduct cases at hearings is unfair to the law enforcement profession. Finally, Chief Keel stated that there is not much Council can do in cases such as these.

Upon the conclusion of Chief Keel's statements, Council voted unanimously to adopt the Hearing Officer's recommendation that the contested case file be closed and records pertaining to the allegation of misconduct be expunged.

Charity Gurley: 2019-CJA-05-05 (Latta Police Department)

Summary: Allegation of dangerous and/or unsafe practices involving firearms, weapons and/or vehicle which indicated either a willful or wanton disregard for the safety of property; Dangerous and/or unsafe practices involving firearms, weapons and/or vehicle which indicated either a willful or wanton disregard for the safety of persons. The criminal charges surrounding



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this event were dismissed and expunged. Agency declined to prosecute the allegation. Recommendation that the contested case file be closed and records pertaining to the allegation of misconduct be expunged.

There was a brief discussion amongst Council in regards to the agency declining to prosecute the case against Ms. Gurley.

Upon conclusion of this discussion and receiving further information, Director Thomas made a motion to accept the Hearing Officer's recommendation. Sheriff Faile seconded the motion. Council voted unanimously to adopt the recommendation of the Hearing Officer that the contested case file be closed and records pertaining to the allegation of misconduct be expunged.

Antonio Bell: 2017-CJA-07-06 (Darlington County Sheriff's Office)

Summary: Allegation of dishonesty. Agency declined to prosecute the allegation. Recommendation that the contested case file be closed and records pertaining to the allegation of misconduct be expunged.

Sheriff Faile made a motion to accept the recommendation of the Hearing Officer. Director Thomas seconded the motion.

Prior to the voting process, Chief Keel reiterated his earlier statement of disappointment in agencies that do not show up at the misconduct hearings or choosing not to prosecute misconduct allegations against their officers.

Upon conclusion of Chief Keel's statement, Council voted unanimously to adopt the recommendation of the Hearing Officer that the contested case file be closed and records pertaining to the misconduct be expunged.

Jamie Rogers: 2016-CJA-11-10 (Columbia Police Department)

Summary: Due to the criminal charges being dismissed, the agency amended their PCS of Separation to Routine. Criminal charges have been expunged. Request for Reinstatement of Law Enforcement Certification.

There was a brief discussion amongst Council in regards to all circumstances surrounding the initial suspension of Mr. Rogers's law enforcement certification as well as the request for reinstatement of his law enforcement certification.

Sheriff Foster made a motion to reinstate Mr. Rogers's law enforcement certification be reinstated. Sheriff Faile seconded the motion. Council voted unanimously to reinstate Mr. Rogers's law enforcement certification.



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Kurt Stevens: 2019-CJA-03-09 (SC Department of Corrections)

Summary: Two year probationary period and must attend 7.5 hours of ethics each year. Also, must complete anger management, of no less than 8 hours, and receive a psychological examination upon hire from a law enforcement agency. This is to be done at his and/or his agency's expense. Consent Order Request.

Attorney Chris Lusk was in attendance to represent Mr. Stevens.

Stephen Lunsford of the S.C. Department of Corrections (SCDC) was in attendance to speak on Mr. Stevens's behalf.

There was a discussion amongst Council members in regards to the case involving Mr. Stevens.

Director Thomas made a motion to not accept the consent order request. Sheriff Faile seconded the motion.

Prior to the voting process, there was more discussion amongst Council, Director Swindler and General Counsel Jimmy Fennell in reference to the circumstances surrounding the case against Mr. Stevens to gain clarity as to the options available for Mr. Stevens in the future regarding his law enforcement certification.

Upon conclusion of this discussion, Council voted unanimously to deny the consent order request.

Betty Gortman: No Assigned Case Number (Richland County Sheriff's Office)

Summary: The Richland County Sheriff's Office has petitioned the South Carolina Law Enforcement Training Council for a determination on Ms. Gortman's eligibility to attend training as a Class 1 Officer. The Richland County Sheriff's Office has advised that on July 9, 1982, Ms. Gortman was arrested by the Lexington County Sheriff's Office and charged with Fraudulent Check. According to the Richland County Sheriff's Office, Ms. Gortman's NCIC Rap sheet shows an arrest but no disposition. The Richland County Sheriff's Office has advised that the Lexington County Sheriff's Office has no record of the incident. They further advised that the Lexington County Clerk of Court is not able to find any information regarding the aforementioned charges either. According to Ms. Gortman, she paid restitution of \$10.00 dollars, which was the amount of the check, plus court costs. According to the Richland County Sheriff's Office, Ms. Gortman has no other involvements on her NCIC Rap sheet. No further information regarding the facts or circumstances surrounding this incident is available at this time. Eligibility Request.

Sheriff Faile made a motion of a finding of "Good Character" and to allow Ms. Gortman to obtain law enforcement certification. Director Thomas seconded the motion. Council voted unanimously to grant Ms. Gortman eligibility to obtain law enforcement certification.



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NEW BUSINESS

Agenda Item 5

a. Discussion/Vote on Video Training for Basic Telecommunications Operators

The Academy received a request from the Beaufort County Sheriff's Office to receive some outside training for part time telecommunication officers instead of requiring them to come to the Academy for a week for training to become certified.

Director Swindler stated that in order to keep consistency with the Academy's requirements for certification of telecommunications officers, the Academy proposes filming the telecommunication class and making the video available to agencies. Their part time telecommunication officers would view the training through video and then be tested on the material in order to become certified.

Director Boyles made a motion to accept the recommendation from the Academy. Director Thomas seconded the motion. Council unanimously voted to adopt the recommendation of the Academy.

b. Discussion/Vote on Amending Training for Reserve Officers

The Academy received a request to determine how a reserve officer could become a Class I Certified Law Enforcement Officer.

Director Swindler stated that the Academy recommends if a person has passed the test to become a reserve officer, has completed reserve officer training, has met all required hours, has maintained required training and has been a reserve officer for more than two (2) years, that person would be eligible to obtain Class I LEO certification. Candidates meeting the aforementioned requirements would be required to go through the Special Basic training to obtain Class I Law Enforcement Officer certification.

Director Thomas made a motion to accept the recommendation of the Academy. Sheriff Faile seconded the motion.

Prior to the voting process, there was a discussion amongst Council and Director Swindler regarding the requirements for reserve officers to become Class I certified law enforcement officers.

Upon conclusion of this discussion, Director Thomas amended his motion to accept the recommendation of the Academy with added requirements of candidates completing a psychological exam and passing the PAT Course prior to attending Special Basic training. Sheriff Faile seconded the amended motion.



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Upon conclusion of discussion, Council voted unanimously to adopt the recommendation of the Academy with the added requirements of candidates completing a psychological exam and passing the PAT Course prior to attending the Special Basic training.

c. Discussion/Vote on SCDC's Updated Curriculum

Bart Vincent of the SCDC stood before Council requesting retroactive approval of the agency's updated curriculum.

Tessie Smith of SCDC was in attendance to answer questions Council had in regard to the request to retroactively approve the agency's curriculum.

Director Boyles made a motion to retroactively approve the updated curriculum from SCDC. Sheriff Foster seconded the motion.

Prior to the voting process, there was a brief discussion amongst Council and representatives of SCDC.

Upon conclusion of this discussion, Council voted unanimously to retroactively approve the updated curriculum of SCDC.

DIRECTOR'S COMMENTS

Agenda Item 6

Director Swindler gave updates on testing numbers, graduation numbers and the continued success of the new Academy curriculum.

Chief Keel stated that he has been hearing only positive comments in regards to the new Academy curriculum.

Director Swindler gave an update on the FBI Tactical Facility.

CLOSING REMARKS AND ADJOURNMENT

Agenda Item 7

There was a discussion in regards to what could be done to penalize agencies that fail to appear at misconduct cases to prosecute their allegations against their officers.



South Carolina Criminal Justice Academy

Upon completion of discussion, Director Boyles made a motion that proposals be drafted and presented at the next Council meeting to implement civil penalties as per the law against agencies who fail to appear at misconduct hearings against their officers. Sheriff Faile seconded the motion.

Upon conclusion of closing remarks, Director Thomas made a motion to adjourn the meeting. Sheriff Faile seconded the motion.

The meeting was adjourned at 11:17 a.m.

Respectfully submitted by:

A handwritten signature in blue ink that reads "Scheri E. Francois". The signature is written in a cursive style and is positioned above a horizontal line.

Scheri E. Francois
Executive Assistant

Exhibit 9

Seth Stoughton, Comments to the
South Carolina House Equitable
Justice System and Law Enforcement
Reform Committee, July 28, 2020

Analysis of the Minutes of the Law Enforcement Training Council's 2019 Meetings

Date	Agency	Officer & Case	Quotation from Minutes
January 2019	Orangeburg County Sheriff's Office	Devrinn Washington 2018-CJA-08-07	"The hearing officer was Bill Smith. The Orangeburg CO SO alleged the [sic] he willfully made false statements. The agency did not appear to prosecute the allegations."
April 2019	Isle of Palms Police Department	James Taylor 2018-CJA-10-08	"Isle of Palms PD made an allegation of misconduct. The agency did not appear to prosecute the allegation."
April 2019	South Carolina Department of Corrections	Grealin Frazier 2018-CJA-11-08	"SCDC made an allegation of misconduct. The agency did not present evidence at the hearing."
April 2019	Walterboro Police Department	William Ballard 2018-CJA-11-01	"Walterboro PD made an allegation of misconduct. The agency did not appear to prosecute the allegation."
May 2019	Greenville Hospital System	Ernest Barlak 2018-CJA-09-19	"Greenville Hospital System made allegations of misconduct, repeated use and dishonesty against Mr. Darlak. The agency did not appear at the hearing."
May 2019	Aiken County Sheriff's Office	Allen Wooten 2017-CJA-10-11	"Aiken County Sheriff's Office made allegations of misconduct and physical abuse against Mr. Wooten. The agency did not present evidence at the hearing."
June 2019	Darlington County Sheriff's Office	Valerie Freeman 2019-CJA-04-08	"Hearing Officer Recommendation states Darlington County Sheriff's Office made an allegation of misconduct but did not attend to prosecute the case."
June 2019	Greenville County Sheriff's Office	Laura Serrano 2018-CJA-11-10	"Hearing Officer Recommendation states that Greenville County Sheriff's Office made an allegation of misconduct but did not attend to prosecute the case."
June 2019	Anderson County Sheriff's Office	Arles Grasty 2017-CJA-08-10	"Hearing Officer Recommendation states Anderson County Sheriff's Office made an allegation of misconduct but did not attend to prosecute the case."

July 2019	Greenville County Sheriff's Office	Jeremy Jones 2019-CJA-03-07	"Allegation was false, misleading, incomplete, deceitful, or incorrect information. The agency did not appear to prosecute the allegations."
September 2019	Latta Police Department	Briana Murphy 2019-CJA-04-10	"Allegation that Brianna Murphy had committed misconduct, as defined in S.C. Code Ann. § 23-23-150 (A) (3) (g), by '[w]illfully making false, misleading, incomplete, deceitful, or incorrect statements to a law enforcement officer, a law enforcement agency, or a representative of the agency, except when required by departmental policy or by the laws of this State.' Department appeared at hearing, but withdrew its allegation and did not prosecute the allegations."
September 2019	Latta Police Department	Charity Gurley 2019-CJA-05-05	"Allegation of dangerous and/or unsafe practices involving firearms, weapons and/or vehicle which indicated either a willful or wanton disregard for the safety of property; Dangerous and/or unsafe practices involving firearms, weapons and/or vehicle which indicated either a willful or wanton disregard for the safety of persons. The criminal charges surrounding this event were dismissed and expunged. Agency declined to prosecute the allegation. Recommendation that the contested case file be closed and records pertaining to the allegation of misconduct be expunged."
October 2019	Chester Police Department	Kenneth Pitts 2019-CJA-08-09 (Chester PD)	"Allegation that Mr. Pitts willfully made false, misleading, incomplete, deceitful, or incorrect information on a document, record, report, or form, except when required by departmental policy or by the laws of this State. The allegation was withdrawn at the hearing."
November 2019	Summerville Police Department	Kelley Loff 2016-CJA-12-02	"Allegation that Ms. Loff engaged in dangerous and/or unsafe practices involving a firearm or vehicle. Prior to the hearing, the agency declined to appear and prosecute the allegations pursuant to an 'Authorized Agency Representative Acknowledgment' form submitted to CJA."

Exhibit 10
 Seth Stoughton, Comments to the
 South Carolina House Equitable
 Justice System and Law Enforcement
 Reform Committee, July 28, 2020

Home / SBE / State Board of Education / Minutes & Orders / State Board of Education Orders of Disciplinary Action
 / 2019- State Board of Education Orders of Disciplinary Action

2019- State Board of Education Orders of Disciplinary Action

Documents prior to June 2019 are not in an accessible format.

If you require assistance in viewing these documents, please contact [Tracy Moore](#) for an electronic version.

December Orders

Educator	Action
Alexander, Travis Lamont	Order of Suspension
Bailey, Vicky	Order of Suspension
Bowen, Marc Aaron	Order of Suspension
Boyd, Katneshia Alona	Order of Public Reprimand
Galloway, Michael B	Order of Suspension
Gary, Daniel	Reinstatement 12/11/19
Hiller, Richard West	Order of Suspension

Kasik, Julie	Order of Suspension
Lord, Ashley	Order of Suspension
Man, Diana Georgia	Reinstatement 12/11/19
Newton, Alexandria	Order of Suspension
Peterson, Ashton	Order of Suspension
Washington, Anthony Alphonzo	Reinstatement 12/02/19

November Orders

Educator	Action
Andrews, Wanda Luster	Order of Public Reprimand
Berry, Michael Eugene	Order of Suspension
Buchanan, Dorothy Pearl	Order of Suspension
Brazzell, Jonathon Paul	Reinstatement 10/28/19
Burnett, Wendy Ellen	Reinstatement 10/28/19
Cousins, Jeffrey Kyle	Order of Suspension
Gabriel, Alexander G.	Reinstatement 11/15/19
Killingsworth, Lauren B.	Order of Suspension
Patierno, Glenda Ann	Reinstatement 11/13/19
Pulido, Kristin Victoria	Order of Suspension
Rhodes, Standrick J.	Order of Dismissal
Rollins, Michael	Order of Public Reprimand
Salgado, Barbara	Order of Revocation
Torgeson, Angela Marie	Reinstatement 11/13/19

Weathers, Andre Laquan

Order of Summary Suspension

October Orders

Educator	Action
Broughton, Kimberly Donaldson	Reinstated 10/23/19
Drake, Shawn Kyle	Suspension
Freeman, Teresa B. Driscoll	Suspension
Gantt, Thomas Paul	Suspension
Hood, Michael Alexander	Suspension
Izard, Laura Lyn-Ann	Public Reprimand
Luscaleet, Mary E.	Suspension
Rowe, Kelly Hindle	Suspension
Steele, Artis Tion	Public Reprimand
Stott, Sheri Folk	Suspension
Winbush, James E.	Suspension

September Orders

Educator	Action
Inman, Suzette M.	Public Reprimand
Sullivan, Catherine S.	Public Reprimand
Grimes, Alberta Katrina	Suspension
Hawkins, Melissa Leigh	Suspension
Henderson, Jennifer L.	Suspension

Holland, LeeAnn B.	Suspension
Sauret, Belinda Ann	Suspension
Simmons, Sterling	Suspension
Slayman, Agnes M.	Public Reprimand
Veal, Tyran Quante	Summary Suspension
Weddington, Shakira Althea	Suspension

August Orders

Educator	Action
Anderson, Rechel M.	Public Reprimand
Beers, Eric Jeffrey	Public Reprimand
Cochran, Anquinta N.	Suspension
Dean, Ryacus A.	Public Reprimand
Drew, Martha Joan	Reinstated 8/14/19
Griffith, Kayla Brooke	Suspension
Hackett, Michael D.	Suspension
Howard, Norman Christian	Public Reprimand
Johnson, Michelle Davidson	Public Reprimand
Loudermilk, Amanda Justice	Public Reprimand
McCoy, Jessica Ann Zagac	Public Reprimand
Miller, Kyle Joseph	Suspension
Moore, Robert B.	Permanent Revocation
Ornelas, Lauren F.	Suspension

Pangalangan, Rita M. F.	Summary Suspension
Parker, Wright Lindler	Suspension
Rader, Nicole Gabriella	Suspension
Slade, Ariel	Reinstated 8/19/19
Smith, Tracy Lee	Permanent Revocation
Stevens, Raquel D.	Reinstated 8/6/19
White, Floyd Edmund	Permanent Revocation
Whittington, Angela Johnson	Public Reprimand

July Orders

The State Board of Education Did not hold hearings on teacher cases.

Educator	Action
Bellamy, Tonya Starr	Reinstated 7/31/19

June Orders

Educator	Action
Davis, Raymond	Consent Order of Suspension
Duncan, Austin E	Consent Order of Suspension
Fleming, Atrez	Reinstated 7/8/20
Flemings, Atrez	Consent Order of Suspension
Gillespie, Christopher John	Reinstated 6/11/19
Grimsley, Michael	Consent Order of Public Reprimand
Hartley, Eric M	Order of Permanent Revocation
Madigan, Miranda E	Order of Suspension
Mann, Teresa J.	Reinstated 6/4/19

Mickles, Philip N	Consent Order of Public Reprimand
Platt, Terry H Jr.	Consent Order of Suspension
Reed, Davis Carlton	Consent Order of Suspension
Richards, Jonathan M	Consent Order of Public Reprimand
Sheaffer, Jennifer	Order of Public Reprimand
VanBuren, David Andrew	Denial
Whaley, Stephan O	Order of Suspension
Williams, Michael	Reinstated 6/24/19
Wise, Kathleen M	Consent Order of Public Reprimand

May Orders

Educator	Action
Burroughs, Caren L	Consent Order of Suspension
Hines, Samantha L	Order of Suspension
Kirby, John M Jr.	Consent Order of Public Reprimand
Nesmith, Kimberly M	Order of Dismissal
Sherlock, Beth L	Order of Suspension
Smalls, Kevin	Reinstated 5/29/19
Smith, Charles K	Consent Order of Permanent Voluntary Surrender
Wilkins, Whitney B	Consent Order of Public Reprimand
Youngblood, Leslie F	Order of Suspension

April Orders

Educator	Action
Coulter, Artis O	Order of Summary Suspension
Cox, Judy F	Order of Suspension
Davis, Felecia M	Order of Suspension
Diimmler, Dawn M	Consent Order of Permanent Voluntary Surrender
Gabriel, Alexander G.	Reinstatement 11/15/19
Gabriel, Alexander G	Consent Order of Suspension
Hawkins, Patrick J	Order of Suspension
Hogan, Kathryn A	Consent Order of Suspension
Kiser, Dedra H.	Reinstated 4/24/19
LaRue, Paul M Jr.	Order of Permanent Revocation
Laval, Kimberly B	Order of Suspension
Merrill, Lisa A	Consent Order of Permanent Voluntary Surrender
Steffey, Linda M	Order of Suspension
VanBuren, David Andrew	Denial

March Orders

Educator	Action
Blaylock, Marquita Rose	Order of Suspension
Brazzell, Jonathan Paul	Order of Summary Suspension
Carter, Jennie D. aka Beym	Order of Public Reprimand

Marin-Lee, Lisa	Order of Suspension
Millspough, Amy M.	Order of Public Reprimand
Moore, Wanda J.	Order of Suspension
Priester, Ashley Nicole	Order of Suspension
Smalls, Kevin	Order of Suspension
Smith, Tracy Lee	Order of Summary Suspension
Stewart, Jacob Lee Jr.	Order of Summary Suspension
Talbert, Tyrone	Order of Suspension
Washington, Korey Deon	Order of Voluntary Surrender

No

February Orders

Educator	Action
Clayton, Paul R	Order of Suspension
Fries, Stephanie E	Consent Order of Public Reprimand
Hampton, Janelle M	Order of Suspension
Hartley, Eric M	Order of Summary Suspension
Herlong, Joseph H	Order of Suspension
Jackson, April M	Consent Order of Suspension
Moorish, Amanda M	Order of Suspension
O'Nan, Elizabeth A	Consent Order of Public Reprimand
Pitts, Anthony G.	Reinstated 03/24/2020
Pitts, Anthony G	Order of Suspension
Pryor, Marlin P	Order of Permanent Voluntary Surrender

Ringer, Brian L	Order of Suspension
Ritzel, Sarah C	Order of Suspension
Ruby, Alesia A	Order of Suspension
Snelling, Katherine B	Order of Suspension
Valbert, Robert E	Order of Permanent Revocation
Williams, Tiffany E	Order of Public Reprimand

January Orders

Educator	Action
Bateman, James M.	Order of Consent Public Reprimand
Dailey, Jack Garland	Order of Permanent Revocation
Fender, Susan T.	Order of Consent Public Reprimand
Fields, Maria Christine	Order of Suspension
Heiter, Anthony Richard	Order of Summary Suspension
Jackson, Ryan Theron	Order of Suspension
Neal, Wendy	Consent Order of Suspension
Williamson, Kevin L.	Order of Suspension

matching content found.

Exhibit 11

Seth Stoughton, Comments to the
South Carolina House Equitable
Justice System and Law Enforcement
Reform Committee, July 28, 2020

BEFORE THE SOUTH CAROLINA STATE BOARD OF EDUCATION

In the Matter of the
Disciplinary Action of the
Educator Certificate of
Robert B. Moore
Certificate 205291

ORDER OF PERMANENT REVOCATION

SUMMARY OF THE CASE

The South Carolina State Board of Education (State Board) considered this matter on August 13, 2019. On May 21, 2019, the South Carolina Department of Education (SCDE) sent Robert B. Moore a notice via regular and certified mail of his right to a hearing regarding the possible suspension of his South Carolina educator certificate. The SCDE sent Mr. Moore a final notice on June 25, 2019. Public records were utilized to find Mr. Moore's address after the SCDE received notice Mr. Moore failed to update the information used for his educator certification. The SCDE has verified Mr. Moore's address. Under the South Carolina Rules of Civil Procedure 5(b), Mr. Moore has been given fair notice of constitutional due process. Mr. Moore has not contacted the SCDE to request a hearing and is now in default.

After considering the evidence presented, the State Board voted to permanently revoke Mr. Moore's educator certificate 205291, effective August 13, 2019.

FINDINGS OF FACT

Mr. Moore holds a valid South Carolina teaching certificate and has over seventeen years of educator experience. Mr. Moore was employed by the Charleston County School District (District) as visual arts instructor at the Charleston County School of the Arts (School).

Mr. Moore was placed on administrative leave on September 28, 2018, after allegations arose that he engaged in an inappropriate relationship with a student during the 2008-09 school year. Phone records from the time period in question show an extreme number of calls and texts between Mr. Moore and the student. The District was

further able to locate a witness that corroborated the reported allegations of an inappropriate relationship with the student. At the time of the relationship, sexual battery with a student 16 years or older was not a crime in South Carolina.

After considering the evidence presented, the State Board finds just cause exists to permanently revoke Mr. Moore's educator certificate 205291, effective August 13, 2019.

CONCLUSIONS OF LAW

"The South Carolina Board of Education may, for just cause, either revoke or suspend the certificate of any person." S.C. Code Ann. § 59-25-150 (2017); S.C. Code Ann. § 59-25-160 (2017). Just cause includes unprofessional conduct. S.C. Code Ann. § 59-25-160 (2017); 24 S.C. Code Regs. 43-58 (2017). The State Board finds that the evidence presented demonstrates that Mr. Moore engaged in unprofessional conduct as a result of an inappropriate relationship with a student.

Accordingly, the State Board finds that the evidence presented by the SCDE supports its decision that just cause exists to permanently revoke educator certificate 205291, issued in the name of Robert B. Moore, effective August 13, 2019. The permanent revocation of Mr. Moore's educator certificate 205291 shall be reported to the NASDTEC clearinghouse and all South Carolina school districts within thirty days from the date of this order.

AND IT IS SO ORDERED.

South Carolina State Board of Education

s/Del-Gratia Jones
Del-Gratia Jones, Chair

Columbia, South Carolina
August 13, 2019



Criminal Justice Standards and Training Probable Cause and Disciplinary P

July 2019 - September 20

Exhibit 12

Seth Stoughton, Comments to the
South Carolina House Equitable
Justice System and Law Enforcement
Reform Committee, July 28, 2020

Probable Cause Determinations

<i>Statistics (Probable Cause)</i>	LE	Corr	CPO	Con	Inst	Total	%
Determination							
Total							
Age							
Average							
Range							
Gender							
Race							
Education							
Criminal Justice Classification							
Agency Level							
Years Sworn							
Average							
Range							
Training							
Average							
Range							
Number of Employments							
Average							
Range							

Probable Cause Offense Summary

Offense Charge	LE	Corr	CP	Con	Inst	Total	%
(null00)							
Offense Summary Total							

Denial/Disciplinary Matters

<i>Statistics (Disciplinary)</i>	LE	Corr	CPO	Con	Inst	Total	%
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Statistics (Disciplinary)	LE	Corr	CPO	Con	Inst	Total	%
Determination							
Accepted	13	27	1	2		43	13.9 %
Denial		1				1	0.3 %
Dismissed	3	9				12	3.9 %
Hearing Cancelled	20	48	1		1	70	22.6 %
Insuff. Information		2				2	0.6 %
Intervention Program		1				1	0.3 %
Letter of Guidance	1	3				4	1.3 %
No Cause		1				1	0.3 %
Probable Cause	13	52		4	1	70	22.6 %
Rejected	1					1	0.3 %
Revocation	27	58	1	3		89	28.7 %
Suspension		1				1	0.3 %
Suspension/Probation	6	8			1	15	4.8 %
Total	84	211	3	9	3	310	100 %
Age							
Average	42	36	44	41	49	38	
Range	22 - 64	20 - 70	28 - 65	27 - 52	46 - 55	20 - 70	
Gender							
Female	9	83	1	1		94	30.3 %
Male	75	128	2	8	3	216	69.7 %
Race							
American Indian/Native Alaskan		1				1	0.3 %
Asian	1	1				2	0.6 %
Black	10	67		2	1	80	25.8 %
Hispanic	22	16	1	1		40	12.9 %
White	51	124	2	6	2	185	59.7 %
Other		2				2	0.6 %
Education							
High School/GED	25	156		2		183	78.2 %
Associate	8	11		1		20	8.5 %
Bachelor	20	7	2			29	12.4 %
Master	1			1		2	0.9 %

<i>Statistics (Disciplinary)</i>	LE	Corr	CPO	Con	Inst	Total	%
Criminal Justice Classification							
Auxiliary	1					1	0.3 %
Full-Time	62	126	2	7	1	198	63.9 %
Part-Time		2			1	3	1.0 %
Not Employed	21	83	1	2	1	108	34.8 %
Agency Level							
Years Sworn							
Average	12	8	8	14	23	10	
Range	0-37	0-31	2-14	6-24	21-24	0-37	
Training							
Average	869	550	582	1126	1094	659	
Range	40-1567	64-1562	424-840	871-	882-	40-1567	
Number of Employments							
Average	1.2	1.3	1.3	0.8	1.7	1.0	
Range	0-4	0-6	0-3	0-1	0-3	0-6	

Disciplinary Offense Summary

Offense Charge	LE	Corr	CP	Con	Inst	Total	%
Homicide (0900)							
0900 Homicide	1	1				2	0.5 %
0910 Manslaughter	1					1	0.3 %
Kidnapping (1000)							
1000 Kidnapping	1					1	0.3 %
1022 False Imprisonment	2	1				3	0.8 %
Robbery (1200)							
1200 Robbery	1					1	0.3 %
Assault (1300)							
1300 Assault				1		1	0.3 %
1315 Aggravated Assault	3	2				5	1.3 %
1317 Aggravated Battery	1	2				3	0.8 %
1325 Excess Force by LEO	4					4	1.0 %
1350 Excess Force by Corr		8				8	2.1 %
1360 Battery - Domestic Violence	3	14				17	4.4 %
1361 Battery	3	12		1	1	17	4.4 %
1362 Malicious Battery		4				4	1.0 %

Disciplinary Offense Summary

Offense Charge	LE	Corr	CP	Con	Inst	Total	%
Battery-Domestic Violence-Strang. (1300)							
1363 Battery-Domestic Violence-		2			1	3	0.8 %
1364 Battery on LEO		1				1	0.3 %
1376 Aggravated Stalking	1					1	0.3 %
1381 Violation for Injunct. for Protect.	2	3				5	1.3 %
Extortion (2100)							
2100 Extortion		1				1	0.3 %
Burglary (2200)							
2200 Burglary	2	2				4	1.0 %
Larceny (2300)							
2300 Larceny				1		1	0.3 %
2317 Petit Theft	2	9				11	2.8 %
2318 Grand Theft	3	6				9	2.3 %
Vehicle (2400)							
2400 Vehicle		1				1	0.3 %
Forgery (2500)							
2500 Forgery	1	3				4	1.0 %
2504 Pass Forged Instrument	1					1	0.3 %
Fraud (2600)							
2600 Fraud		4				4	1.0 %
2604 Impersonation	1					1	0.3 %
2606 Insuff Funds Check		1				1	0.3 %
2607 False Statement	6	12	1			19	4.9 %
2610 Welfare Fraud	1	1				2	0.5 %
2611 Mortgage Fraud		2				2	0.5 %
2612 Insurance Fraud		1				1	0.3 %
2615 Falsifying Records	2					2	0.5 %
Stolen Property- (2800)							
2800 Stolen Property-	1					1	0.3 %
2801 Sale Of Stolen Prop.	1	1				2	0.5 %
2804 Possess Stln Prop.	1					1	0.3 %
Criminal Mischief (2900)							
2907 Criminal Mischief	1	1				2	0.5 %

Disciplinary Offense Summary

Offense Charge	LE	Corr	CP	Con	Inst	Total	%
Dangerous Drugs- (3500)							
3500 Dangerous Drugs-	2	5		4		11	2.8 %
3512 Heroin-Possess	1					1	0.3 %
3522 Opium or Deriv-Poss	1					1	0.3 %
3530 Cocaine-Sell		1				1	0.3 %
3533 Cocaine-Test Positiv	1	4				5	1.3 %
3542 Synth Narcotic-Poss		1				1	0.3 %
3550 Narcotic Equip-Poss		1				1	0.3 %
3560 Marijuana-Sell		2				2	0.5 %
3562 Marijuana-Possess		9				9	2.3 %
3564 Marij.-Test Positive	1	12				13	3.3 %
3571 Amphetamine-Sell		2				2	0.5 %
3572 Amphetamine-Possess		5				5	1.3 %
3585 Controlled Substance-Sell,	1	1				2	0.5 %
3586 Testing Positive for Controlled		1		1		2	0.5 %
3587 Use or Possession of Drug		4				4	1.0 %
3591 Steroids-Test Positive	1					1	0.3 %
3594 Amphetamine-Test Positive		1				1	0.3 %
3595 Barbiturate-Test Positive		1				1	0.3 %
Sex Offense (3600)							
3600 Sex Offense	1	2				3	0.8 %
3601 Sex Off Agst.Child	1					1	0.3 %
3616 Sexual Battery	3	2				5	1.3 %
3617 Lewd & Lascivious Molestation	1					1	0.3 %
3620 Unlawful Sexual Activity with a	1	1				2	0.5 %
3625 Sexual Harassment	1	2				3	0.8 %
(3700)							
3704 Obsc. Material-Poss	1	1				2	0.5 %
3706 Obsc. Material-Trans		2				2	0.5 %
Contri. Delinq. Minor (3800)							
3805 Contri. Delinq. Minor		1				1	0.3 %
3806 Neglect Child	1			1		2	0.5 %
3809 Child Abuse		2		1		3	0.8 %
Procure for Prostitu (4000)							

Disciplinary Offense Summary

Offense Charge	LE	Corr	CP	Con	Inst	Total	%
Procure for Prostitu (4000)							
4002 Procure for Prostitu	1					1	0.3 %
4004 Prostitution	2					2	0.5 %
Obstruct Police- (4800)							
4800 Obstruct Police-	1					1	0.3 %
4801 Resisting Officer	1	2				3	0.8 %
4804 Evidence-Destroying/Tampering	1	1		1		3	0.8 %
4805 Witness-Dissuading		1			1	2	0.5 %
(4900)							
4903 Aid Prisoner Escape	1					1	0.3 %
Obstruction of Justice (5000)							
5000 Obstruction of Justice	1					1	0.3 %
5003 Perjury	2	3				5	1.3 %
5012 Violation of Commission-	2	9				11	2.8 %
Bribery- (5100)							
5100 Bribery-		1				1	0.3 %
Weapon Offense- (5200)							
5200 Weapon Offense-	1	1				2	0.5 %
5212 Possession of-	1	2				3	0.8 %
5213 Firing-		2				2	0.5 %
5218 Improper Exhibition of		6		1		7	1.8 %
Traffic Offenses (5400)							
5400 Traffic Offenses		1				1	0.3 %
5403 Driv Und Infln Drugs				1		1	0.3 %
5404 Driv Und Infln Liq.	14	30		2	1	47	12.1 %
Civil Rights- (5600)							
5600 Civil Rights-	1					1	0.3 %
Trespassing (5700)							
5707 Trespassing	2	2	1			5	1.3 %
5709 Interception and Disclosure of		1				1	0.3 %
Smuggling- (5800)							
5800 Smuggling-	1					1	0.3 %
5801 Smuggle Contraband	1	6				7	1.8 %

Disciplinary Offense Summary

Offense Charge	LE	Corr	CP	Con	Inst	Total	%
Smug Contra I/T Pris (5800)							
5802 Smug Contra I/T Pris		4				4	1.0 %
Official Misconduct (7300)							
7301 Official Misconduct	1	2		1		4	1.0 %
7302 Sex on Duty	6					6	1.5 %
7303 Unprofessional Relationship		7				7	1.8 %
7305 Unlawful Compensation		2				2	0.5 %
7307 Misuse Of Public Position	2	1				3	0.8 %
7310 Failure to Report Pursuant to		1				1	0.3 %
7314 Willful/Offensive				1		1	0.3 %
7316 Misuse of Electronic Database-	5					5	1.3 %
7317 Misuse of Electronic Database-	3					3	0.8 %
7318 Unprofessional Relationship-		7	2			9	2.3 %
Offense Summary Total	114	250	4	17	4	389	100 %

Exhibit 13

Seth Stoughton, Comments to the
South Carolina House Equitable
Justice System and Law Enforcement
Reform Committee, July 28, 2020

EVALUATING



POLICE

USES

OF FORCE

SETH W. STOUGHTON, JEFFREY J. NOBLE,
AND GEOFFREY P. ALPERT

“This meticulously researched book may be the most comprehensive treatment of police use of force there is. The authors carefully explain how force legally may be used, and how it should be regulated. This should be required reading for all policing leadership. Highly recommended.”

—**BARRY FRIEDMAN**, Jacob D. Fuchsberg Professor of Law and
Director of the Policing Project at NYU School of Law

“These authors are at the forefront of those who probe the complex questions that can arise when an officer shoots a civilian. This book is an indispensable guide for anyone who wants to better understand police use of force. At the *Washington Post* we have relied on Geoff Alpert’s expertise to untangle use-of-force issues. Here, he and his co-authors advance the public discussion of this important topic.”

—**JEFF LEEN**, Investigations Editor at the *Washington Post*

“An informed, in-depth review of one of the most controversial and misunderstood aspects of modern policing: the use of force. Everyone—from police chiefs to judges to community activists—would benefit from the insights this book provides.”

—**ART ACEVEDO**, Chief, Houston Police Department

“No book has offered a full account of the legal standards used to evaluate use-of-force incidents—until now. The authors bring decades of combined academic and practical expertise in law, criminology, and policing to comprehensively lay out not only federal constitutional law, but state law, administrative standards, and tactical considerations that influence the use of force. As a result, every reader—whatever their perspective or experience—will walk away far more knowledgeable about how the use of force by police officers is governed in the United States.”

—**RACHEL HARMON**, University of Virginia School of Law