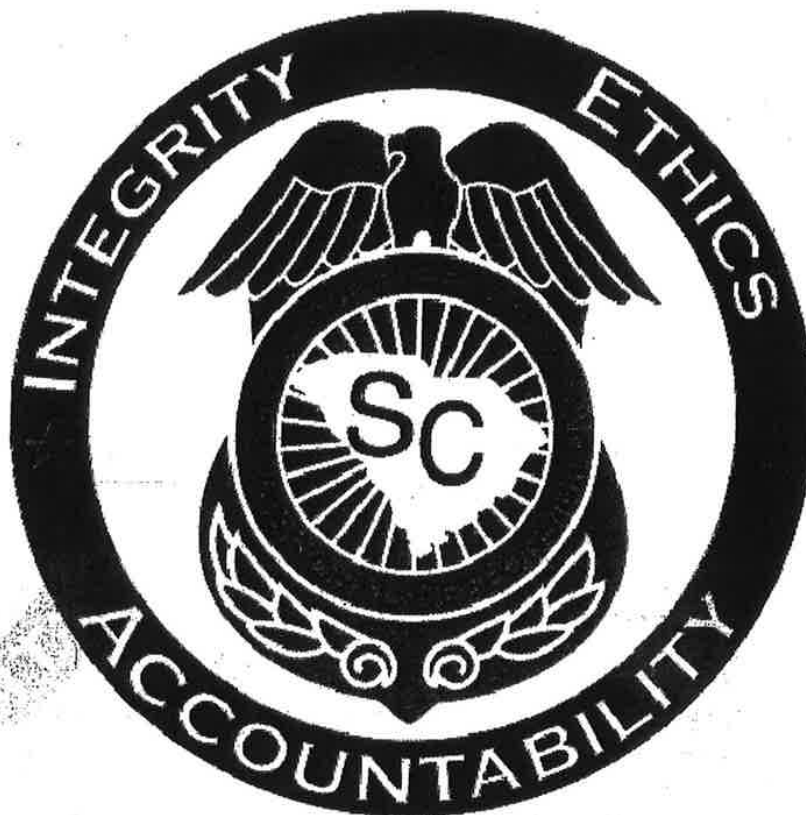


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**OFFICE
OF
PROFESSIONAL RESPONSIBILITY**

OPR File #PR-2101-14-0024-D

Investigated by: Investigator John J. Boehm

Reviewed by: Chief K. D. Phelps

Date: 12-8-2014



South Carolina Department of Public Safety
Office of Professional Responsibility

INVESTIGATIVE REPORT

Case Number: PR-2101-14-0024-D

SUBJECT: Corporal B.E. Kyzer
South Carolina Highway Patrol (SCHP)

COMPLAINANT: Colonel M.R. Oliver
South Carolina Highway Patrol (SCHP)

INVESTIGATOR: Investigator John J. Boehm
Office of Professional Responsibility (OPR)

ALLEGATION: Corporal Kyzer failed to document by chain of custody form that he transferred video 14-1C-0010 to Sergeant Rothell on March 7, 2014.

ALLEGATION: Corporal Kyzer was untruthful with Captain Stephens when he was questioned about the events surrounding Sergeant Rothell's review of Corporal Kyzer's video.

INVESTIGATIVE PREDICATE

On March 13, 2014, Captain C.T. Stephens sent a memorandum to his chain of command detailing discrepancies that he had observed on a chain of custody form and his subsequent conversations with Sergeant G.D. Rothell and Corporal B.E. Kyzer. Captain Stephens alleged that he received a Video Tape Monitor Report on March 10, 2014, which contained several discrepancies. One of the discrepancies on the Video Tape Monitor Report was that Sergeant Rothell indicated he had reviewed a video on February 13, 2014. However, the video in question had not been recorded on until February 21, 2014. When Captain Stephens questioned Corporal Kyzer, whom the video had been issued to, Corporal Kyzer stated that he and Sergeant Rothell had watched the video together while at the office. Corporal Kyzer later admitted to Captain Stephens that he had been untruthful and stated that Sergeant Rothell had asked Corporal Kyzer to lie about having watched the video together at the office. On March 21, 2014, Colonel Oliver forwarded Captain Stephens's memorandum to OPR and requested that a proper investigation be initiated. This case was assigned to Investigator John J. Boehm.

INVESTIGATION



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As part of this investigation, Investigator Boehm reviewed a copy of a memorandum from Captain Stephens (**Exhibit 1**), a copy of a SCHP Video Tape Monitor Report (**Exhibit 2**), and a copy of a chain of custody form for video 14-1C-0010 (**Exhibit 3**). The aforementioned documents revealed the following:

Copy of a Memorandum from Captain Stephens

Investigator Boehm reviewed a copy of a memorandum from Captain Stephens to Major M.S. Wright that was dated March 13, 2014 (**Exhibit 1**). The transcription is as follows:

"On March 5, 2014, I requested Post C (Lexington) to send me a video of Cpl. B.E. Kyzer for my review. The video I requested was 14-1C-0010 which was supposedly reviewed by Sgt. Rothell in February. I received the video on March 10, 2014 and noticed the attached chain of custody indicated it was from Cpl. Kyzer to me. There was no indication of Sgt. Rothell having possession of the video. I sent an email asking why he was not listed and he responded that he watched the video while Cpl. Kyzer was at the Lexington office.

The Video Tape Monitor Report (attached) submitted by Sgt. G.D. Rothell at the end of February indicated he reviewed the video on February 13, 2014. This could not be true because the video in question was not recorded until February 21, 2014. Further review of the Video Tape Monitor Report disclosed more discrepancies. They are listed below:

1. Tape number 14-1C-0074 is assigned to Cpl. K.G. Ginn. The report indicated it was reviewed by Sgt. Rothell on February 12, 2014 but the video, as of this date, has not been used or recorded on.
2. Tape number 14-1C-0114 is assigned to Trp. A.H. Crouch. The report indicated it was reviewed by Sgt. Rothell on February 16, 2014 but the chain of custody of that video does not show Sgt. Rothell in possession of that video either.

While exploring these discrepancies, I spoke with Cpl. Kyzer over the phone on Monday, March 10, 2014. I asked him did he give the video numbered 14-1C-0010 to Sgt. Rothell to review. He stated to me "yes" and the reason the Sergeant was not on the chain of custody was he watched the video while they were both in the office. On Wednesday, March 12, 2014 Cpl. Kyzer reported to my office and explained to me that he had not been honest and Sgt. Rothell did not take possession of the video or watch it until March 7, 2014. The video was returned to Cpl. Kyzer on March 9, 2014 so he could deliver to the Troop Headquarters for my review. He also told me that Sgt. Rothell asked him to tell me he had watched the video while they were at the office and that led him to be untruthful with me over the phone.



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I am forwarding this information for your review and proper handling. Because the Video Tape Monitor Report does not appear to be truthful and the facts surrounding the inquiry were misrepresented, I am requesting a proper investigation into this matter. If you need and further regarding this situation, please let me know."

Copy of a SCHP Video Tape Monitor Report

Investigator Boehm reviewed a copy of a SCHP Video Tape Monitor Report from Sergeant Rothell (**Exhibit 2**). The report was dated February 12, 2014, and stated that Sergeant Rothell had reviewed the listed video tapes and that there were no noted violations for any of them. The video information was:

Date Reviewed	Trooper Assigned	Tape Number
2/12/2014	M.B. Moser	14-1C-0061
2/12/2014	K.G. Ginn	14-1C-0074
* 2/16/2014	A.H. Crouch	14-1C-0114
* 2/13/2014	B.E. Kyzer	14-1C-0010
2/12/2014	K.W. Fowler	13-1C-1065

* Note: Sergeant Rothell's Video Tape Monitor Report displayed the inconsistency of listing these two dates for video review while also showing February 12, 2014, as the submittal date of this form to his supervisor.

Copy of a Chain of Custody Form for Video 14-1C-0010

Investigator Boehm reviewed a copy of a chain of custody form for video 14-1C-0010 (**Exhibit 3**). The submitting officer was Corporal Kyzer and the video start date was listed as February 21, 2014, while the end date was listed as February 23, 2014. The chain of custody portion indicated that the video had been transferred for review from Corporal Kyzer on March 9, 2014, to Captain Stephens. No additional transactions were listed.

INTERVIEW OF COMPLAINANT

This case was forwarded to OPR by Colonel Oliver.

INTERVIEW OF WITNESS

Captain C.T. Stephens, SCHP Troop 1 Commander



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On June 9, 2014, Investigator Boehm obtained a sworn statement from Captain Stephens. The following is a synopsis of his statement which contains paraphrasing:

Captain Stephens stated that on March 5, 2014, he requested several videos from within Troop 1 for his review. One of the videos that Captain Stephens requested was video 14-1C-0010 which had been issued to Corporal Kyzer who was assigned to Post C (Lexington). When Captain Stephens received this video with the chain of custody form on March 10, 2014, he noticed that Sergeant Rothell, who was listed on the Video Tape Monitor Report as having reviewed this video, was not listed on the chain of custody form. Instead, the form indicated that the video had been transferred directly from Corporal Kyzer to Captain Stephens without any additional transfers. Captain Stephens contacted Corporal Kyzer by telephone on March 10, 2014, to ask about the video. According to Captain Stephens, he asked Corporal Kyzer directly during this telephone conversation if Sergeant Rothell had reviewed the video. Corporal Kyzer replied that Sergeant Rothell had reviewed the video while they both were in the office.

Captain Stephens stated that the issue still did not sit right with him and he began to investigate further. Captain Stephens recalled that South Carolina had experienced a snowstorm during February 2014 and much of the state had been shut down. He then observed that Sergeant Rothell's video review date of February 13, 2014, was one of the days during the snowstorm. Captain Stephens began to further doubt the story that had been given to him since it was unlikely that any supervisors had been at the patrol offices reviewing videos when the SCHP's attention should have been focused on assisting motorists affected by the snowstorm. According to Captain Stephens, Corporal Kyzer reported to Captain Stephens's office on March 12, 2014, and explained that he had been untruthful during their telephone conversation on March 10, 2014. Corporal Kyzer informed Captain Stephens that Sergeant Rothell had not reviewed video 14-1C-0010 at the office with Corporal Kyzer. Apparently, since Captain Stephens had asked to review a specific video, Sergeant Rothell and Corporal Kyzer believed that there was an incident recorded in which Captain Stephens had taken a particular interest in. Corporal Kyzer informed Captain Stephens that Sergeant Rothell had contacted him about taking possession of the video so that he could review it before it was transferred to Captain Stephens. Corporal Kyzer told Captain Stephens that Sergeant Rothell had taken possession of the video on Friday, March 7, 2014. Sergeant Rothell apparently reviewed the video over the weekend and returned it to Corporal Kyzer on Sunday, March 9, 2014. According to Captain Stephens, Corporal Kyzer stated that Sergeant Rothell had asked him to lie and, if asked, say that Sergeant Rothell and Corporal Kyzer had watched the tape together while in the office, which Corporal Kyzer later did when contacted by Captain Stephens.

Sergeant G.D. Rothell, SCHP Troop 1, Post C

On June 11, 2014, Investigator Boehm obtained a sworn statement from Sergeant Rothell. The following is a synopsis of his statement which contains paraphrasing:



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Sergeant Rothell stated that on approximately March 5, 2014, he was made aware that Captain Stephens requested several videos for review. One of the videos requested was video 14-1C-0010 that had been issued to Corporal Kyzer. This video's review was part of a Video Tape Monitor Report with the listed date of February 12, 2014 (**Exhibit 2**). At some point, Sergeant Rothell realized that, despite his earlier Video Tape Monitor Report indicating that he had reviewed Corporal Kyzer's video on February 13, 2014, this had not actually taken place. Sergeant Rothell stated that on March 7, 2014, he informed First Sergeant Shelton that he had made a mistake and had not yet reviewed the video from Corporal Kyzer. Sergeant Rothell then contacted Corporal Kyzer and informed him that they would need to meet at the Post C office so that Sergeant Rothell could take possession of video 14-1C-0010. Corporal Kyzer did as instructed and turned the video over to Sergeant Rothell on the evening of Friday, March 7, 2014. According to Sergeant Rothell, Corporal Kyzer asked, "Do we need to do a chain of custody from me to you, and you to the Captain?" Sergeant Rothell stated that he took this question to mean that Corporal Kyzer was asking if they should falsify a form by backdating it to reflect that Sergeant Rothell had taken possession of the video at an earlier date and had completed his video review at that time. Sergeant Rothell stated that he told Corporal Kyzer that, since there had not been a chain of custody form completed earlier, then there should not be one completed then. Sergeant Rothell then reviewed the video sometime over the weekend and the video was later delivered to Captain Stephens with a chain of custody form that showed a direct transfer from Corporal Kyzer to Captain Stephens.

Sergeant Rothell was asked if he directed or requested at any point that Corporal Kyzer tell Captain Stephens that they had watched the video while they were both at the Post C office. Sergeant Rothell denied ever asking or instructing Corporal Kyzer to lie to Captain Stephens and stated that he "was distraught" when he discovered that Corporal Kyzer had been untruthful with Captain Stephens. Sergeant Rothell stated that Corporal Kyzer had come up with the lie without any involvement from Sergeant Rothell.

First Sergeant C.M. Shelton, SCHP Troop 1, Post C

On June 17, 2014, Investigator Boehm obtained a sworn statement from First Sergeant Shelton. The following is a synopsis of his statement which contains paraphrasing:

First Sergeant Shelton stated that he was the Troop 1, Post C (Lexington) commander and was aware that Captain Stephens had requested several videos from the troop for his review. On Friday, March 7, 2014, Sergeant Rothell approached First Sergeant Shelton and informed him that Sergeant Rothell had not reviewed video 14-1C-0010, which was one of the videos that Captain Stephens had requested. Corporal Kyzer, to whom the video was assigned, also spoke to First Sergeant Shelton separately that day and indicated that Sergeant Rothell had never been given this video for review. First Sergeant Shelton stated that he informed Corporal Kyzer that the chain of custody form should then list only Corporal Kyzer and Captain Stephens since Sergeant Rothell had never taken possession of the video. First Sergeant Shelton was contacted



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by Captain Stephens on March 10, 2014, and informed that Corporal Kyzer had stated that Sergeant Rothell had reviewed the video at the office.

First Sergeant Shelton was instructed to have Corporal Kyzer report to Captain Stephens's office on the morning of March 12, 2014. When First Sergeant Shelton informed Corporal Kyzer of this meeting, he directed Corporal Kyzer to tell the truth and answer Captain Stephens's questions honestly. During the meeting, for which First Sergeant Shelton remained present, Corporal Kyzer informed Captain Stephens that he and Sergeant Rothell had not reviewed video 14-1C-0010 while at the office and that he had not been truthful when he told Captain Stephens that they had. According to First Sergeant Shelton, "Corporal Kyzer informs the Captain that when he and Sergeant Rothell talked, Sergeant Rothell told him to say, if the Captain asks, that we've watched the tape."

INTERVIEW OF SUBJECT

Corporal B.E. Kyzer, SCHP Troop 1, Post C

On June 10, 2014, Investigator Boehm obtained a sworn statement from Corporal Kyzer. The following is a synopsis of his statement which contains paraphrasing:

Corporal Kyzer stated that he was off-duty on March 5, 2014, when he received a telephone call from his immediate supervisor, Sergeant Rothell. Sergeant Rothell inquired about what the start and end dates were on video 14-1C-0010 and he wanted Corporal Kyzer to look them up. Corporal Kyzer retrieved the video from the trunk of his patrol vehicle and informed Sergeant Rothell that the start date had been February 21, 2014, and the end date had been February 23, 2014. On March 6, 2014, Corporal Kyzer was off-duty and received an email from First Sergeant Shelton. The email contained a forwarded list of videos from Captain Stephens and directed all troopers who were assigned any of the listed videos to forward them to Troop 1 HQ for review by Captain Stephens. Corporal Kyzer observed that his name and video 14-1C-0010 were part of the list. Part of the email included a note from Sergeant Rothell that instructed all troopers to be sure and fill out a chain of custody form to go with the video.

On Friday, March 7, 2014, Corporal Kyzer was scheduled to work the night shift when he was contacted via telephone by Sergeant Rothell. According to Corporal Kyzer, Sergeant Rothell instructed him to meet at the Post C office so that Sergeant Rothell could take possession of video 14-1C-0010. Corporal Kyzer stated that he traveled to the Post C office and met with Sergeant Rothell, who was off-duty at the time. When Corporal Kyzer handed the video to Sergeant Rothell, Sergeant Rothell instructed him to complete a chain of custody form showing the video was transferred from Corporal Kyzer to Captain Stephens. Corporal Kyzer believed this to be improper and asked, "Well shouldn't it be from me to you? And either you to Captain



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Stephens or from you back to me, and then me to Captain Stephens?" According to Corporal Kyzer, Sergeant Rothell stated, "No, just go ahead and do it directly to Captain Stephens." Corporal Kyzer also alleged that Sergeant Rothell stated, "If the captain asks, I'll tell him we were in the office and I just got it out of your office and reviewed it while you were here doing paperwork." Sergeant Rothell then told Corporal Kyzer that he would watch the video while he was off over the weekend and the two parted ways without completing a chain of custody form. On the evening of Sunday, March 9, 2014, Corporal Kyzer was again contacted via telephone by Sergeant Rothell. Sergeant Rothell asked where Corporal Kyzer was so that he could return the video to him. Corporal Kyzer responded that he was at the scene of a collision on St. Andrews Road at I-26 and that he could meet Sergeant Rothell at the Post C office when he cleared the scene. However, Sergeant Rothell insisted on traveling to the scene and delivering the video to Corporal Kyzer. Sergeant Rothell arrived at Corporal Kyzer's location shortly afterwards and turned over the video to Corporal Kyzer without a chain of custody form. Towards the end of his shift, Corporal Kyzer traveled to the Post C office and filled out a chain of custody form for the video showing from himself to Captain Stephens. He then traveled to the Post D (Richland) office and dropped the chain of custody form and video 14-1C-0010 into Captain Stephens's box.

The next day, Monday, March 10, 2014, sometime between 1200 and 1300 hours, Captain Stephens contacted Corporal Kyzer via telephone and pointed out that the video's chain of custody form did not include Sergeant Rothell. Captain Stephens asked Corporal Kyzer if Sergeant Rothell had reviewed the video, to which Corporal Kyzer confirmed that he had. When Captain Stephens asked, "When did he review it?", Corporal Kyzer stated to Captain Stephens, "We were in the office on dayshift and the Sergeant got my videotape and reviewed it then and gave it back to me. There was no chain of custody." After this telephone conversation, Corporal Kyzer immediately telephoned Sergeant Rothell and stated, "The captain just called me about this chain of custody and inquired why you weren't on the chain of custody." Corporal Kyzer stated that Sergeant Rothell acknowledged and stated that he would also tell Captain Stephens that he had reviewed the video.

On Tuesday, March 11, 2014, Corporal Kyzer reported to in-service training. When he broke for lunch, he observed that he had missed several calls from First Sergeant Shelton. When he contacted First Sergeant Shelton, Corporal Kyzer was directed to report to meet with Captain Stephens immediately following in-service training. However, Corporal Kyzer did not finish training until late that evening so he was instead directed to report to Captain Stephens's office the next morning. On the morning of March 12, 2014, Corporal Kyzer reported to Captain Stephens's office as instructed. During this meeting, Corporal Kyzer relayed the true events surrounding the video and chain of custody form to both Captain Stephens and First Sergeant Shelton and admitted that he had been untruthful. Corporal Kyzer also informed his superiors that Sergeant Rothell had asked him to lie and, if asked, say that he and Sergeant Rothell had watched the tape together while in the office.



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During his interview with OPR, Corporal Kyzer stated that, while he assumed that Sergeant Rothell had watched the video sometime over the weekend of March 7 through 9, 2014, he was well aware that Sergeant Rothell had not watched it while Corporal Kyzer was at the office. Corporal Kyzer stated, "What I was trying to do was look out for my sergeant. But I ended up finding myself in the hot seat. And I regret that."

Corporal Kyzer was asked whether he believed Sergeant Rothell's instructions regarding the chain of custody form and what he should tell Captain Stephens had been requests asked in a manner from one friend to another, or if they had been directives given from a supervisor to a subordinate. Corporal Kyzer responded that the instruction to complete a chain of custody form showing transfer from Corporal Kyzer to Captain Stephens had been a clear directive from a supervisor to subordinate. However, Corporal Kyzer initially was unsure about whether Sergeant Rothell's instruction to lie to Captain Stephens had been a request or directive. Ultimately, Corporal Kyzer stated that he classified Sergeant Rothell's instruction to lie to Captain Stephens as a directive.

CONCLUSION

On March 5, 2014, Captain Stephens requested several videos for his review from troopers under his command. One of these was video 14-1C-0010 assigned to Cpl. Kyzer of Troop 1, Post C (Lexington). Sergeant Rothell, who was Corporal Kyzer's immediate supervisor, observed this request and looked through his records to see if he had already reviewed this video. Sergeant Rothell noticed that he had submitted a Video Tape Monitor Report, dated February 12, 2014, which stated that he had reviewed this particular video on February 13, 2014. Corporal Kyzer was off-duty on March 5, 2014, so Sergeant Rothell contacted him by telephone. Sergeant Rothell asked Corporal Kyzer to look up the start and end dates for video 14-1C-0010. Corporal Kyzer retrieved the video from the trunk of his patrol vehicle and informed Sergeant Rothell that the start date had been February 21, 2014, and the end date had been February 23, 2014. Sergeant Rothell then realized that, despite his earlier Video Tape Monitor Report indicating that he had reviewed Corporal Kyzer's video on February 13, 2014, this had not actually taken place and this alleged review date conflicted with the video's start and end dates of February 21-23, 2014.

On March 6, 2014, Corporal Kyzer was again off-duty when he received an email from First Sergeant Shelton. The email contained a list of several videos that should be transferred to Captain Stephens for review. Corporal Kyzer observed that his name and video 14-1C-0010 were part of the list. This aroused Corporal Kyzer's suspicions since Sergeant Rothell had contacted him about this particular video on the previous day.



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Sometime during the day on Friday, March 7, 2014, Sergeant Rothell approached First Sergeant Shelton and informed him that he had made a mistake and had not yet reviewed video 14-1C-0010 from Corporal Kyzer. Corporal Kyzer also spoke to First Sergeant Shelton separately that day and indicated that Sergeant Rothell had never been given this video for review. According to First Sergeant Shelton, he informed Corporal Kyzer that the chain of custody form should then list only Corporal Kyzer and Captain Stephens since Sergeant Rothell had never taken possession of the video.

Corporal Kyzer was working the night shift on the evening of March 7, 2014, when he was contacted via telephone by Sergeant Rothell. Sergeant Rothell instructed Corporal Kyzer to meet at the Post C office so that Sergeant Rothell could take possession of video 14-1C-0010. Corporal Kyzer then traveled to the Post C office and met with Sergeant Rothell, who was off duty at the time. At this point, Sergeant Rothell and Corporal Kyzer gave different versions of how this meeting transpired. Sergeant Rothell stated that, when turning over the video, Corporal Kyzer asked, "Do we need to do a chain of custody from me to you, and you to the Captain?" Sergeant Rothell stated that he took this question to mean that Corporal Kyzer was asking if they should falsify a chain of custody form by backdating it to reflect that Sergeant Rothell had taken possession of the video at an earlier date and had completed his video review at that time. Sergeant Rothell stated that he told Corporal Kyzer that, since there had not been a chain of custody form completed earlier, then there should not be one completed then. Sergeant Rothell then took possession of video 14-1C-0010 without a chain of custody form being completed and the two went their separate ways. Sergeant Rothell stated that he reviewed the video sometime over the weekend.

However, Corporal Kyzer stated that when he turned over the video to Sergeant Rothell, Sergeant Rothell instructed him to complete a chain of custody form showing transfer from Corporal Kyzer to Captain Stephens. Corporal Kyzer stated that he believed this to be improper and asked, "Well shouldn't it be from me to you? And either you to Captain Stephens or from you back to me, and then me to Captain Stephens?" According to Corporal Kyzer, Sergeant Rothell stated, "No, just go ahead and do it directly to Captain Stephens." Corporal Kyzer also alleged that Sergeant Rothell stated, "If the captain asks, I'll tell him we were in the office and I just got it out of your office and reviewed it while you were here doing paperwork." Sergeant Rothell then told Corporal Kyzer that he would watch the video while he was off over the weekend and the two parted ways without a chain of custody form being completed. The video and chain of custody form, which Corporal Kyzer completed as showing from himself to Captain Stephens, were later delivered to Captain Stephens for review.

When Captain Stephens received the video with the chain of custody form on Monday, March 10, 2014, he noticed that Sergeant Rothell was not listed on the form. Instead, the chain of custody form indicated that the video had been transferred directly from Corporal Kyzer to Captain Stephens without any additional transfers. Captain Stephens stated that this did not seem right to him and that the chain of custody form should have been filled out showing that Sergeant



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Rothell had taken possession of the video from Corporal Kyzer for his review on February 13, 2014, as the Video Tape Monitor Report indicated. Sometime between 1200 and 1300 hours that day, Captain Stephens contacted Corporal Kyzer via telephone and pointed out that the video's chain of custody form did not include Sergeant Rothell. Captain Stephens asked Corporal Kyzer if Sergeant Rothell had reviewed the video, to which Corporal Kyzer confirmed that he had. When Captain Stephens asked, "When did he review it?", Corporal Kyzer stated to Captain Stephens, "We were in the office on dayshift and the Sergeant got my videotape and reviewed it then and gave it back to me. There was no chain of custody." According to Corporal Kyzer, after this telephone conversation he immediately telephoned Sergeant Rothell and stated, "The captain just called me about this chain of custody and inquired why you weren't on the chain of custody." Corporal Kyzer stated that Sergeant Rothell acknowledged and stated that he would also tell Captain Stephens that he had reviewed the video.

Captain Stephens stated that the issue still did not sit right with him and he began to investigate further. Captain Stephens recalled that South Carolina had experienced a snowstorm during February 2014 and much of the state had been shut down. He then saw that Sergeant Rothell's video review date of February 13, 2014, was one of the days during the snowstorm. Captain Stephens began to further doubt the story that had been given to him since it was unlikely that any supervisors had been at the patrol offices reviewing videos when the SCHP's attention should have been focused on assisting motorists affected by the snowstorm. Corporal Kyzer was contacted and instructed to report to Captain Stephens's office on March 12, 2014. Corporal Kyzer reported as instructed and met with Captain Stephens and First Sergeant Shelton in Captain Stephens's office. Corporal Kyzer then explained that he had been untruthful during the telephone conversation with Captain Stephens on March 10, 2014, and that Sergeant Rothell had not reviewed video 14-1C-0010 at the office with Corporal Kyzer. Corporal Kyzer told Captain Stephens about the events surrounding Sergeant Rothell taking possession of the video on March 7, 2014, and reviewing it sometime over the weekend. Corporal Kyzer also stated that Sergeant Rothell had asked him to tell Captain Stephens a lie about Sergeant Rothell and Corporal Kyzer having watched the tape together while in the office.

During his interview with OPR, Corporal Kyzer stated that, while he assumed that Sergeant Rothell had watched the video sometime over the weekend of March 7 through 9, 2014, he was well aware that Sergeant Rothell had not watched it while he was at the office and that he had been untruthful with Captain Stephens. Corporal Kyzer stated, "What I was trying to do was look out for my sergeant. But I ended up finding myself in the hot seat. And I regret that."

In summary, it can be concluded that Corporal Kyzer deviated from proper procedures when he failed to document on a chain of custody form that he transferred video 14-1C-0010 to Sergeant Rothell on March 7, 2014. Additionally, Corporal Kyzer was intentionally untruthful with Captain Stephens when he was questioned about when Sergeant Rothell had reviewed the video. Although Corporal Kyzer stated that he had been instructed by Sergeant Rothell to lie to Captain Stephens, Sergeant Rothell denied any knowledge of this and maintained that he had not given



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Corporal Kyzer any such directive or request. Regardless as to whether or not Corporal Kyzer had been instructed to lie, Corporal Kyzer was a first-line supervisor and was well aware that the proper procedure when answering questions from a supervisor was to always be truthful no matter what the circumstances were. Additionally, SCDPS Policy 100.04 clearly states that employees should not follow directives that are in obvious opposition to proper procedures.

CLASSIFICATION

ALLEGATION:

Corporal Kyzer failed to document by chain of custody form that he transferred video 14-1C-0010 to Sergeant Rothell on March 7, 2014 - **SUSTAINED**.

ALLEGATION:

Corporal Kyzer was untruthful with Captain Stephens when he was questioned about the events surrounding Sergeant Rothell's review of Corporal Kyzer's video - **SUSTAINED**.

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- Exhibit 1.... Copy of a Memorandum from Captain Stephens
- Exhibit 2.... Copy of a SCHP Video Tape Monitor Report
- Exhibit 3.... Copy of a Chain of Custody Form for Video 14-1C-0010



South Carolina Department of Public Safety
S.C. Highway Patrol

To: Major M. S. Wright
 Field Operations/Region I

From: Captain C. T. Stephens [REDACTED]
 Troop One Commander

Date: March 13, 2014

Subject: Request for Proper Investigation
 Sergeant G. D. Rothell
 Corporal B. E. Kyzer

On March 5, 2014, I requested Post C (Lexington) to send me a video of Cpl. B. E. Kyzer for my review. The video I requested was 14-1C-0010 which was supposedly reviewed by Sgt. Rothell in February. I received the video on March 10, 2014 and noticed the attached chain of custody indicated it was from Cpl. Kyzer to me. There was no indication of Sgt. Rothell having possession of the video. I sent an email asking why he was not listed and he responded that he watched the video while Cpl. Kyzer was at the Lexington office.

The Video Tape Monitor Report (attached) submitted by Sgt. G. D. Rothell at the end of February indicated he reviewed the video on February 13, 2014. This could not be true because the video in question was not recorded until February 21, 2014. Further review of the Video Tape Monitor Report disclosed more discrepancies. They are listed below:

1. Tape number 14-1C-0074 is assigned to Cpl. K. G. Ginn. The report indicated it was reviewed by Sgt. Rothell on February 12, 2014 but the video, as of this date, has not been used or recorded on.
2. Tape number 14-1C-0114 is assigned to Trp. A. H. Crouch. The report indicated it was reviewed by Sgt. Rothell on February 16, 2014 but the chain of custody of that video does not show Sgt. Rothell in possession of that video either.

While exploring these discrepancies, I spoke with Cpl. Kyzer over the phone on Monday, March 10, 2014. I asked him did he give the video numbered 14-1C-0010 to Sgt. Rothell to review. He stated to me "yes" and the reason the Sergeant was not on the chain of custody was he watched the video while they were both in the office. On Wednesday, March 12th, Cpl. Kyzer reported to my office and explained to me that he had not been honest and Sergeant Rothell did not take possession of the video or watch it until March 7th. The video was returned to Cpl. Kyzer on March 9th so he could deliver the video to the Troop Headquarters for my review. He also told me that Sgt. Rothell asked him to tell me he had watched the video while they were at the office and that led him to be untruthful with me over the phone.

Courtesy - Efficiency - Service

POST OFFICE BOX 1993, 10311 WILSON BLVD., BLYTHEWOOD, SOUTH CAROLINA 29016



South Carolina Department of Public Safety

S.C. Highway Patrol

I am forwarding this information for your review and proper handling. Because the Video Tape Monitor Report does not appear to be truthful and the facts surrounding the inquiry were misrepresented, I am requesting a proper investigation into this matter. If you need any further regarding this situation, please let me know.

Attachments

Courtesy - Efficiency - Service

POST OFFICE BOX 1993, 10311 WILSON BLVD., BLYTHEWOOD, SOUTH CAROLINA 29016



SOUTH CAROLINA HIGHWAY PATROL VIDEO TAPE MONITOR REPORT

TO: Col., Lt. Colonel, Major, or Capt.
 FROM: Sgt G. D. Rothell (Reviewing Officer)
 DATE: 2/12/2014 (Date of Report)

I have reviewed a portion of the following video tapes.

Date Reviewed	Trooper Assigned	Tape Date or Number	FINDINGS		Comments Action Taken 1, 2, 3*
			Policy Violation A, B, or C*	Procedure Violation A, B, or C*	
2/12/2014	M.B. Moser	14-1C-0081	A	A	
2/12/2014	K.G. Ginn	14-1C-0074	A	A	
2/16/2014	A.H. Crouch	14-1C-0114	A	A	
2/13/2014	B. E. Kyzer	14-1C-0010	A	A	
2/12/2014	K.W. Fowler	13-1C-1085	A	A	
Remarks:					

- *A – No noted violation
- B – Minor violation
- C – Serious violation
- 1 – Handled within County or District
- 2 – Referred to District Headquarters for review
- 3 – Referred to Patrol Headquarters for review

SCHP-8-021
Revised 10/03



South Carolina Department of Public Safety

VIDEO TAPE CHAIN OF CUSTODY & DISPOSAL

Tape ID #:		Unit:	
14-1C-0010		Troop One	
(Enter Officer's Name for either type tape)		(Enter Start and End Date for In-Car Video Tape)	
Submitting Officer: B.E. Kyzer		Start Date: 02-21-14	End Date: 02-23-14
(Enter Defendant's Name for Breath Test Site Video)		Working Copy or Copies Made? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Defendant's Name:		Circle # Copies Made: 1 2 3 4 5 6 7	

Chain of Custody

Date	From	To	Reason
03-09-14	B.E. Kyzer [REDACTED]	Capt. C.T. Stephens	REVIEW

Authorization for Disposal

<input type="checkbox"/> All cases on this tape have been disposed of and the tape can be disposed of after 90 days from this date in accordance with DPS Policy 300.06. I will immediately notify the county/unit evidence custodian if I am made aware of any appeals or other reasons this tape should not be disposed of.	
<input type="checkbox"/> All cases on this tape have been disposed of and the tape is not needed for a criminal appeal, civil litigation, or an investigation. I believe that the tape has content that would be beneficial for training purposes.	
Date:	Officer's Signature:

Certification for Review

In accordance with DPS Policy 300.06, I have reviewed random portion(s) of this tape to evaluate the officer's (1) compliance with standard operating procedures, safety procedures and other training; (2) interactions with the public; and (3) professional behavior and demeanor. Appropriate action has been taken to address any issues that arose as a result of this review.	
Date:	Supervisor's Signature:

Certification of Disposal

I have disposed of this tape as noted in the final entry of the Chain of Custody block above.	
Date:	Supervisor/Custodian Signature:



South Carolina Criminal Justice Academy Certification-Compliance

MAILED



2/19/15
CJF

PERSONNEL CHANGE IN STATUS REPORT NOTIFICATION OF SEPARATION DUE TO MISCONDUCT

This form **MUST be completed within 15 days** of the discovery of any event of misconduct which is determined to be "FOUNDED" by the agency or department. The Misconduct Report Form, Separation Supplement, and all documentation related to the misconduct must be forwarded to the Criminal Justice Academy's Certification/Compliance Unit, Attention: Katherine Gunter.

SCDPS – SC Highway Patrol
Reporting Department

803-896-7920
Phone #

2/17/2015
Today's Date

Brian E. Kyzer
Officer's Name

Academy ID #

Current Certification Date

Officer's Current Home Address

City/Town

Zip Code

PLEASE CHECK



ONE:

☒ Class 1 LE

☐ Class 1LECO ☐ Class 2 LCO

☐ Class 3SLE (Limited Duty)

☐ Reserve Officer

(For any separation involving misconduct as defined in S.C. Reg. 38-004. Completion of the back of this form is REQUIRED)

Date of Separation:

02/12/2015

(specify mo/day/yr)

XXXX Termination **INVOLVING MISCONDUCT** as defined in S.C. Reg. 38-004

Resignation **INVOLVING MISCONDUCT** as defined in S.C. Reg. 38-004

(Please indicate the nature of the misconduct by checking the appropriate selection below.)

	Conviction, plea of guilty, plea of no contest or admission of guilt (regardless of withheld adjudication) to a felony, a crime punishable by a sentence of more than one year (regardless of the sentence actually imposed, if any) or a crime of moral turpitude in this or any other jurisdiction;
	Unlawful use of a controlled substance;
	The repeated use of excessive force in dealing with the public and/or prisoners;
	Dangerous and/or unsafe practices involving firearms, weapons and/or vehicle which indicated either a willful or wanton disregard for the safety of persons or property;
	Physical or psychological abuses of members of the public and/or prisoners;
	Misrepresentation of employment-related information;
XXXXX	Dishonesty/untruthfulness with respect to his/her employer;

Only events which have been substantiated by investigation have been reported above. The facts & information herein are true & accurate to the best of my knowledge. All investigation report(s), statements, test results, audio/video records, or other documentation related to the misconduct are attached to this Misconduct Report Form.

Employing Agency Head (Chief, Sheriff, Director)

Date

Leroy Smith
Print Name

Director
Official Title

NOTE: A willful failure to report may subject the violator to a civil penalty as provided by law.
Revised 01/13



Signatures and initials were redacted by House Legislative Oversight Committee staff.



South Carolina Criminal Justice Academy

Certification-Compliance

PERSONNEL CHANGE IN STATUS REPORT

NOTIFICATION OF SEPARATION DUE TO MISCONDUCT – Page 2

Officer's Name Brian E. Kyzer CJA ID# _____

Address _____ Ph # _____

City _____ State _____ Zip Code _____

Employing Agency Contact Person (for more information) Jennifer Berry

Contact Telephone Number (Area Code and Telephone Number): 803-896-8734

The below information is REQUIRED for all separations due to misconduct:

Reason for Separation: (Do not use generic terminology such as conduct unbecoming, failed to meet agency standards, violation of agency operating procedures, etc. Be specific. **Detailed information** describing act(s) of misconduct is necessary for efficient processing. Attach additional sheets if necessary for full documentation.)

An investigation conducted by the SCDPS Office of Professional Responsibility ("OPR") revealed that on March 5, 2014, Captain Stephens requested several videos for his review from troopers under his command. One of the videos requested, 14-1C-0010, was assigned to Corporal Kyzer and allegedly reviewed by his immediate supervisor, Sergeant Gerald Rothell on February 13, 2014, as indicated on the Video Tape Monitor Report. Sergeant Rothell contacted Corporal Kyzer by telephone and asked him to look up the start and end dates for video 14-1C-0010. Corporal Kyzer retrieved the video from the trunk of his patrol vehicle and informed his supervisor that the start date had been February 21, 2014 and the end date had been February 23, 2014.

On Thursday, March 6, 2014, Corporal Kyzer and other troopers received an email from First Sergeant Shelton stating to forward videos to Troop 1 Headquarters for review by Captain Stephens. The email also included a note instructing all the troopers to ensure that chain of custody forms were filled out to go along with the video. Corporal Kyzer observed that the email contained his name and video 14-1C-0010 as part of the list.

On Friday, March 7, 2014, Corporal Kyzer spoke to First Sergeant Shelton and indicated that Sergeant Rothell had never been given video 14-1C-0010 for review. According to First Sergeant Shelton, he informed Corporal Kyzer that the chain of custody form should then list only Corporal Kyzer and Captain Stephens since Sergeant Rothell had never taken possession of the video. Later that evening, Sergeant Rothell contacted Corporal Kyzer via telephone and asked that he meet him at the Post C office so that he could take possession of video 14-1C-0010. Corporal Kyzer then traveled to the Post C office, met Sergeant Rothell, and handed over the video to him. Sergeant Rothell took possession of the video and apparently reviewed it over the weekend.

On Sunday, March 9, 2014, Sergeant Rothell met Corporal Kyzer at a collision scene on St. Andrews Road at I-26 and delivered the video to him without a chain of custody form. Towards the end of Corporal Kyzer's shift, he traveled to the Post C office and filled out a chain of custody form for the video showing it being transferred from him to Captain Stephens. Corporal Kyzer then traveled to the Post D office and dropped the chain of custody form and video 14-1C-0010 into Captain Stephens' box.

On Monday, March 10, 2014, Captain Stephens received the video with the chain of custody form and noticed that the video's chain of custody form did not list Sergeant Rothell. Instead, the chain of custody form indicated that the video had been transferred directly from Corporal Kyzer to Captain Stephens without any additional transfers. This did not seem right to Captain Stephens, as the Video Tape Monitor Report indicated that Sergeant Rothell had taken possession of the video from Corporal Kyzer for his review on February 13, 2014. While exploring this discrepancy, Captain Stephens contacted Corporal Kyzer via telephone to point out that the video's chain of custody form did not include Sergeant Rothell. Captain Stephens then asked Corporal Kyzer if Sergeant Rothell had reviewed the video. Corporal Kyzer confirmed that he had. Captain Stephens followed up by asking Corporal Kyzer, "when did he review it?" Corporal Kyzer stated to Captain Stephens, "We were in the office on dayshift and the Sergeant got my videotape and reviewed it then and gave it back to me. There was no chain of custody." After this telephone conversation between Corporal Kyzer and the Captain, Corporal Kyzer immediately telephoned Sergeant Rothell and stated, "The Captain just called me about this chain of custody and inquired why you weren't on the chain of custody." Corporal Kyzer told the OPR investigator that Sergeant Rothell stated that he would also tell Captain Stephens that he had reviewed the video.

After further investigation, Captain Stephens recalled that the review date (February 13, 2014) was one of the snowstorm dates in February 2014 and much of the state had been shut down. Consequently, most of the Highway Patrol's focus during that time was on assisting motorists affected by the snowstorm rather than on reviewing videos. On Tuesday, March 11, 2014, First Sergeant Shelton contacted Corporal Kyzer and instructed him to report to Captain Stephens' office immediately following his in-service training. However, Corporal Kyzer did not finish training until late that evening so he was instead directed to report to Captain Stephens' office the next morning. On Wednesday, March 12, 2014, Corporal Kyzer reported to Captain Stephens' office as instructed and truthfully relayed the events surrounding the video and chain of custody form to both Captain Stephens and First Sergeant Shelton.

Corporal Kyzer was misleading and untruthful with Captain Stephens during the telephone conversation with him. Sergeant Rothell did not review the video 14-1C-0010 in the office on February 13, 2014. In fact, Sergeant Rothell took possession of the video on March 7, 2014 and did not review it until sometime between March 7 and 9, 2014. After speaking with the Committee on Professional Responsibility, Corporal Kyzer immediately contacted

Sergeant Rothell to discuss the conversation between him and the Captain in which Corporal Kyzer had been untruthful. Corporal Kyzer also deviated from proper procedures when he failed to document on a chain of custody form that he transferred video 14-1C-0010 to Sergeant Rothell on March 7, 2014. In addition, Corporal Kyzer stated to the OPR investigator, "What I was trying to do was look out for my sergeant. But I ended up finding myself in the hot seat. And I regret that." Supervisors such as Corporal Kyzer are held to a higher standard and must remain truthful no matter the circumstances.

Corporal Brian E. Kyzer was terminated effective February 12, 2015, at the close of business. The foregoing action was imposed for violation of South Carolina Department of Public Safety ("SCDPS" or "Department") Policy #400.08 (Disciplinary Action) and #400.08G (Guidelines for Progressive Disciplinary Action) for **Failure to Provide Truthful and Complete Information and Improper Conduct/Conduct Unbecoming a State Employee.**

Criminal Charges Filed: Yes ☐ No ☒ Date: _____

CHARGE(S): _____

Only events which have been substantiated by investigation have been reported above. The facts & information herein are true & accurate to the best of my knowledge. All investigation report(s), statements, test results, audio/video records, or other documentation related to the misconduct are attached to this Misconduct Report Form.

Employing Agency Head (Chief, Sheriff, Director) _____

DATE: 02/16/15

Print Name: Leroy Smith

Official Title: Director

SCCJA USE ONLY

MRN: _____ CODE: _____ ID: _____ DATE: _____

Copy sent to Officer on _____ by _____

Date

SCCJA'S Authorized Signature

Revised 01/13



South Carolina Department of Public Safety

February 12, 2015

HAND-DELIVERED

Corporal Brian E. Kyzer
[REDACTED]

Dear Corporal Kyzer:

This letter is to officially inform you that you are hereby terminated effective February 12, 2015, at the close of business. The foregoing action is imposed upon you for violation of South Carolina Department of Public Safety ("SCDPS" or "Department") Policy #400.08 (Disciplinary Action) and #400.08G (Guidelines for Progressive Disciplinary Action) for **Failure to Provide Truthful and Complete Information and Improper Conduct/Conduct Unbecoming a State Employee.**

An investigation conducted by the SCDPS Office of Professional Responsibility ("OPR") revealed that on March 5, 2014, Captain Stephens requested several videos for his review from troopers under his command. One of the videos requested, 14-1C-0010, was assigned to you and allegedly reviewed by your immediate supervisor, Sergeant Gerald Rothell on February 13, 2014, as indicated on the Video Tape Monitor Report. Sergeant Rothell contacted you by telephone and asked you to look up the start and end dates for video 14-1C-0010. You retrieved the video from the trunk of your patrol vehicle and informed your supervisor that the start date had been February 21, 2014, and the end date had been February 23, 2014.

On Thursday, March 6, 2014, you and other troopers received an email from First Sergeant Shelton stating to forward videos to Troop 1 Headquarters for review by Captain Stephens. The email also included a note instructing all the troopers to ensure that chain of custody forms were filled out to go along with the video. You observed that the email contained your name and video 14-1C-0010 as part of the list.

On Friday, March 7, 2014, you spoke to First Sergeant Shelton and indicated that Sergeant Rothell had never been given video 14-1C-0010 for review. According to First Sergeant Shelton, he informed you that the chain of custody form should then list only you and Captain Stephens since Sergeant Rothell had never taken possession of the video. Later that evening, Sergeant Rothell contacted you via telephone and asked you to meet him at the Post C office so that he could take possession of video 14-1C-0010. You then traveled to the Post C office, met Sergeant Rothell, and handed over the video to him. Sergeant Rothell took possession of the video and apparently reviewed it over the weekend.

On Sunday, March 9, 2014, Sergeant Rothell met you at a collision scene on St. Andrews Road at I-26 and delivered the video to you without a chain of custody form. Towards the end of your shift, you traveled to the Post C office and filled out a chain of custody form for the video showing it being transferred from you to Captain Stephens. You then traveled to the Post D office and dropped the chain of custody form and video 14-1C-0010 into Captain Stephens' box.

On Monday, March 10, 2014, Captain Stephens received the video with the chain of custody form and noticed that the video's chain of custody form did not list Sergeant Rothell. Instead, the chain of custody form indicated that the video had been transferred directly from you to Captain Stephens without any additional transfers. This did not seem right to Captain Stephens, as the Video Tape Monitor Report indicated that Sergeant Rothell had taken possession of the video from you for his review on February 13, 2014. While exploring this discrepancy, Captain Stephens contacted you via telephone to point out that the video's chain of custody form did not include Sergeant Rothell. Captain Stephens then asked you if Sergeant Rothell had reviewed the video. You confirmed that he had. Captain Stephens followed up by asking you, "when did he review it?" You stated to Captain Stephens, "We were in the office on dayshift and the

10311 Wilson Blvd. Blythewood, SC - US Mail: P.O. Box 1993 Blythewood, SC 29016

Corporal Brian E. Kyzer
February 12, 2015
Page 2

Sergeant got my videotape and reviewed it then and gave it back to me. There was no chain of custody." After this telephone conversation between you and the Captain, you immediately telephoned Sergeant Rothell and stated, "The Captain just called me about this chain of custody and inquired why you weren't on the chain of custody." You told the OPR investigator that Sergeant Rothell stated that he would also tell Captain Stephens that he had reviewed the video.

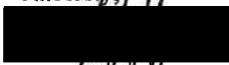
After further investigation, Captain Stephens recalled that the review date (February 13, 2014) was one of the snowstorm dates in February 2014 and much of the state had been shut down. Consequently, most of the Highway Patrol's focus during that time was on assisting motorists affected by the snowstorm rather than on reviewing videos. On Tuesday, March 11, 2014, First Sergeant Shelton contacted you and instructed you to report to Captain Stephens' office immediately following your in-service training. However, you did not finish training until late that evening so you were instead directed to report to Captain Stephens' office the next morning. On Wednesday, March 12, 2014, you reported to Captain Stephens' office as instructed and truthfully relayed the events surrounding the video and chain of custody form to both Captain Stephens and First Sergeant Shelton.

You were misleading and untruthful with Captain Stephens during your telephone conversation with him. Sergeant Rothell did not review the video 14-1C-0010 in the office on February 13, 2014. In fact, Sergeant Rothell took possession of the video on March 7, 2014 and did not review it until sometime between March 7 and 9, 2014. After speaking with the Captain, you immediately contacted Sergeant Rothell to discuss the conversation between you and the Captain in which you had been untruthful. You also deviated from proper procedures when you failed to document on a chain of custody form that you transferred video 14-1C-0010 to Sergeant Rothell on March 7, 2014. In addition, you stated to the OPR investigator, "What I was trying to do was look out for my sergeant. But I ended up finding myself in the hot seat. And I regret that."

Supervisors such as you are held to a higher standard and must remain truthful no matter the circumstances. Additionally, SCDPS Policy 100.04 clearly states that "employees should not follow directives that are in obvious opposition to proper procedures." You hold a position of trust as a law enforcement officer, and your actions were deceptive and inconsistent with the standards of the Highway Patrol. The Highway Patrol Manual of Operations makes clear that "Patrol personnel shall conduct themselves at all times, both on and off duty, in such a manner as to reflect most favorable upon the Highway Patrol and in keeping with the high standards of professional law enforcement." Furthermore, the Manual of Operations provides that it is the duty of all Troopers to conduct themselves in a manner that is above reproach. Your behavior fell woefully short of this standard and will not be tolerated.

This is a grievable action. If you wish to file a grievance, you may do so in accordance with the enclosed grievance policy. Please contact Ms. Patty Duggan in the SCDPS Human Resources Office at (803) 896-8018 regarding your separation and State benefits. Any questions regarding this matter should be directed to Major Marc S. Wright.

Sincerely, / /


Leroy Smith
Director

cc: Colonel Michael R. Oliver
LTC Christopher N. Williamson
Major Marc S. Wright

Enclosure: SCDPS Grievance Policy

My signature acknowledges that I received this document and its contents were discussed with me.

Employee Signature  Date 02-12-15

THIS DOCUMENT WILL BECOME PART OF YOUR PERSONNEL RECORD

10311 Wilson Blvd. Blythewood, SC - US Mail; P.O. Box 1993 Blythewood, SC 29016

Signatures and initials were redacted by House Legislative Oversight Committee staff.

February 2, 2009

Dear First Sergeant K.D. Phelps:

I want to inform you and express my appreciation for the professional and dedicated manner that Officer Brian Kyzer, Badge Number 770, investigated my son's parked car that was hit on the side by a hit and run driver. The following day after the accident occurred, one of the neighbors in the subdivision where the car was hit reported the license tag of a vehicle that had dents and scratches. When my son reported this information to Officer Kyzer, he immediately went to the subdivision and started his investigation. After Officer Kyzer investigated, he found that the vehicle of the reported tag number was not involved in hitting my son's car. Officer Kyzer's excellent communicative skills and persistence in talking to other people in the neighborhood led him to find the correct vehicle that had hit my son's car. Immediately, Officer Kyzer reported to me all the insurance information from the owner of the vehicle that accepted responsibility for the accident. Officer Kyzer exemplified persistence, timely investigation and follow-up, and a thoughtful manner to help my son. I feel safe knowing that the law enforcement in my community has such high standards as exemplified by Officer Kyzer.



An appreciative citizen,


Harriet S. Bohli

January 30, 2008

Colonel Russell F. Roark, III
South Carolina Highway patrol
PO Box 1993
10311 Wilson Blvd.
Blythewood, SC 29016



RECEIVED
COLONEL'S OFFICE
TRACKING NUMBER: 80560
REFERRED TO: MS
DATE REFERRED: 2/1/08
ACTION: 
RETURN BY: 

Dear Colonel Roark,

I just wanted to write and convey my sincere appreciation to you about one of your officers, patrolman Brian Kyzer. In December my vehicle was hit and the other driver fled the scene leaving me stranded on a cold dark night on Piney Grove Rd. Officer Kyzer responded to the call and he has been a tremendous help in pursuing this individual. With trooper Kyzer's follow up investigation he proved the driver was at the scene of the accident after the driver denied being near there. Also the driver was operating a company vehicle with a suspended license. Most importantly trooper Kyzer showed up to the magistrates court at 9:00 am on his day off, only to find out that the driver (Henry Corley) had retained an attorney and is asking for a jury trial. Mr. Kyzer took it in stride and assured me he would be at the next scheduled court date. I just want to let you now how much I truly appreciate his helping me through this ordeal. He has been very pleasant to work with and I just felt that you should know this. Thank you for your time!

Sincerely,

Anita Smith


STATE OF SOUTH CAROLINA EMPLOYEE PERFORMANCE MANAGEMENT SYSTEM

Name: Brian E. Kyzer Social Security Number: [REDACTED]
 Agency: SCDPS 10609551
 Department: SCHP Troop One Post C
 Position Classification: Law Enforcement III (Corporal)
 Date Assigned to Current Position: 11-17-2011
 Performance Review From: 04-01-2013 To 03-31-2014 ✓

Planning Stage Acknowledgement

Rating Officer: [REDACTED] Date: 2/27/2013
 Reviewed By: [REDACTED] Date: 2/27/13
 Employee: [REDACTED] Date: 02-27-13

Evaluation Stage Acknowledgement

Rating Officer: [REDACTED] Date: 2/7/14 ✓
 Reviewed By: [REDACTED] Date: 2-7-2014 ✓
 Reviewing Officer's Comments: _____

Employee's Signature: [REDACTED] Date: 2-7-14 ✓
 (My signature indicates that I was given the opportunity to discuss the official performance review with my superior—not that I necessarily agree.)

Employee Comments: _____

RECEIVED

APR 04 2014

Human Resources Office
D.P.S.

RECEIVED

MAR 24 2014

Human Resources Office
D.P.S.

EPMS

CPL

Job Duties

Performance
Level

-
- | | |
|---|----------|
| 1. Enforces all state laws and regulations governing vehicle and pedestrian traffic. Investigates complaints relating to highway safety and enforces criminal laws as needed. | <u>S</u> |
|---|----------|

Success Criteria:

Patrols assigned area to detect any violations by utilizing any auxiliary equipment available.

Actual Performance

The employee continues to enforce all state laws while patrolling Lexington County. He utilizes all available equipment and resources that are available to enhance his ability to perform his duties. He takes appropriate enforcement action when he observes traffic violations. He primarily focuses his enforcement actions on the 3 major contributors to traffic fatalities.

-
- | | |
|--|----------|
| 2. Observes subordinates in carrying out assigned duties and renders assistance as needed. | <u>E</u> |
|--|----------|

Success Criteria:

Assists subordinate personnel in the application of duties by ensuring that proper investigative techniques are utilized and proper investigative procedures are followed.

Actual Performance

The employee performs this job duty well. He does a good job monitoring and responding to scenes that need supervision. He serves as a positive role model for his team and leads by example. He monitors his team's activities and ensures that they are performing their duties properly. He is proactive in responding to collisions and other situations where he believes that his involvement may be required. He is involved in the field training process and serves as a FTO for new troopers when the assigned FTO is unavailable.

-
- | | |
|--|----------|
| 3. Assists supervisors in reviewing all required activity documents and reports of patrol personnel supervised. Submits all required reports relating to enforcement activities. | <u>S</u> |
|--|----------|

Success Criteria:

Checks all subordinate personnel's reports to ensure accuracy and legibility. All reports are reviewed and submitted within established time frames.

Actual Performance

The employee has done a good job reviewing his team's collision reports. He checks his team's Police Central Reports. He submits required reports from his team after reviewing them for correctness. He has a good understanding when reviewing time sheets from his team members. The employee maintains the Post C DUI Tracking Log.

CPL

Job Duties

Performance
Level

-
4. Performs as specialist in the investigation of vehicle collisions. Determines the cause of accidents, through complex investigation techniques and assists subordinates in determining enforcement action. Reviews and assists subordinates in the presentation and prosecution of cases.

S

Success Criteria:

Thoroughly investigates accidents and/or assists subordinates in accident investigations; compiles evidence following proper procedures. Compiles investigative reports and appears in court proceedings.

Actual Performance

The employee responds to traffic fatalities and other complex traffic collisions and uses his training to determine the cause of the collision. The employee properly determines the need for MAIT assistance.

-
5. Responsible for completing performance evaluations on subordinate employees.

S

Success Criteria:

Performance reviews are conducted in a fair and impartial manner and are completed within the specified time period.

Actual Performance

The employee conducts fair and impartial reviews of his subordinates in a timely manner.

Objectives

-
1. Objective: _____

Success Criteria: _____

Actual Performance

-
2. Objective: _____

Success Criteria: _____

Actual Performance

CPL

Performance Characteristics		Pass/ Fail
1. Characteristic:	Judgment	Pass
Definition:	The ability to make sound decisions in the application of the law.	
2. Characteristic:	Ability to Work Without Supervision	Pass
Definition:	The extent to which the employee can work by himself/herself; requiring very little supervision and being self-sufficient in assuming the duties of the job.	
3. Characteristic:	Dependability	Pass
Definition:	The degree to which the officer can be relied upon to perform his duties within established procedures.	
4. Characteristic:	Relationship with the Public	Pass
Definition:	The extent to which the employee establishes good relationships with the public while effectively enforcing the laws.	
5. Characteristic:	Leadership	Pass
Definition:	The degree to which the incumbent provides direction and supervision of subordinates.	

CPL

Summary and Improvement Plan

Identify the employee's major accomplishments, areas needing improvement, and steps to improve present and future performance.

Cpl. Kyzer provides positive leadership to his team. He leads by example and motivates his team to perform their duties in a fair and impartial manner. During his time as a corporal he has earned his team's respect as a trooper, a leader, and a person. His activity is on par with the other corporals assigned to Lexington County. His team works well together and is productive due to the leadership that he provides. Cpl. Kyzer is familiar with many of the administrative duties that must be performed in Post C. He needs to continue to learn the administrative duties and skills that will enable him to be promoted to the next level. He needs to stay abreast of changes in the laws and SCDPS policies.

APPRAISAL RESULTS

☐ Exceptional☒ Successful☐ Unsuccessful

CPL

Weighted System Work Form

<u>Rating</u>	<u>Rating Value</u>	<u>Range</u>
Exceptional Performance Requirements (E)	3	2.5 and above
Successful Performance Requirements (S)	2	1.5 to 2.49
Unsuccessful Performance Requirements (U)	1	1.4 & Below

Duties:

	<u>Weight Factor</u>		<u>Rating</u>	<u>Numerical Score</u> (Weight X Rating Value)	<u>Total Score</u>
Duty 1	40.00 %		S	40.00 X 2.00	80.00
Duty 2	25.00 %		E	25.00 X 3.00	75.00
Duty 3	20.00 %		S	20.00 X 2.00	40.00
Duty 4	10.00 %		S	10.00 X 2.00	20.00
Duty 5	5.00 %		S	5.00 X 2.00	10.00
Duty 6				X	0.00

Objectives:

Objective 1:	%		X	0.00
Objective 2	%		X	0.00

<u>Total Weight</u>		<u>Total Score</u>
100.00 %		225.00

Total Score 225.00 divided by Total Weight 100.00 % = 2.25 rounded to 2.3

This will be the overall rating for the employee this period. (Round up to the next rating, i.e. 2.45 equals 2.5)

Performance Characteristics:**Pass or Fail**

Judgement	Pass
Ability to Work Without Supervision	Pass
Dependability	Pass
Relation with the Public	Pass
Leadership	Pass

STATE OF SOUTH CAROLINA EMPLOYEE PERFORMANCE MANAGEMENT SYSTEM

Name: Brian E. Kyzer Social Security Number: [REDACTED]
 Agency: SCDPS
 Department: SCHP Troop One Post C
 Position Classification: Law Enforcement III (Corporal)
 Date Assigned to Current Position: 11-17-2011 3/31/2012
 Performance Review From: 11-17-2011 5/17/12 To 05-17-2012 5/17/13 ✓

Planning Stage Acknowledgement

Rating Officer: [REDACTED] Date: 4-30-2012
 Reviewed By: [REDACTED] Date: 4-30-12
 Employee: [REDACTED] Date: 04-30-2012

Evaluation Stage Acknowledgement

Rating Officer: [REDACTED] Date: 2/27/13 ✓
 Reviewed By: [REDACTED] Date: 2/27/13 ✓
 Reviewing Officer's Comments: _____

Employee's Signature: [REDACTED] Date: 02-27-13 ✓
 (My signature indicates that I was given the opportunity to discuss the official performance review with my superior—not that I necessarily agree.)

Employee Comments: _____

RECEIVED

EPMS

MAR 25 2013

Human Resources Office
D.P.S.

CPL

Job Duties	Performance Level
1. Enforces all state laws and regulations governing vehicle and pedestrian traffic. Investigates complaints relating to highway safety and enforces criminal laws as needed.	<u>S</u>
Success Criteria: Patrols assigned area to detect any violations by utilizing any auxiliary equipment available.	
<u>Actual Performance</u> Corporal Kyzer enforces state law's as needed using all equipment assigned to him. His enforcement activity is well rounded and he patrols all areas assigned. Corporal Kyzer does investigate traffic complaints and assigns enforcement personnel when possible. He is consistent with his timely follow-up and documentation of activities addressing traffic complaints.	
2. Observes subordinates in carrying out assigned duties and renders assistance as needed.	<u>E</u>
Success Criteria: Assists subordinate personnel in the application of duties by ensuring that proper investigative techniques are utilized and proper investigative procedures are follows.	
<u>Actual Performance</u> Corporal Kyzer renders assistance to his subordinates as needed with enforcement and investigative techniques. He stays abreast of their cases and lends his knowledge and experience to lower ranking troopers as needed to build there knowledge.	
3. Assists supervisors in reviewing all required activity documents and reports of patrol personnel supervised. Submits all required reports relating to enforcement activities.	<u>S</u>
Success Criteria: Checks all subordinate personnel's reports to ensure accuracy and legibility. All reports are reviewed and submitted within established time frames.	
<u>Actual Performance</u> Corporal Kyzer completes and reviews required reports on subordinates in a timely manner. He ensures that his subordinates accurately submits reports and console activity in the time frame that has been established. He assist other supervisors in obtaining reports from subordinates as needed.	

CRL

Job Duties	Performance Level
4. Performs as specialist in the investigation of vehicle collisions. Determines the cause of accidents, through complex investigation techniques and assists subordinates in determining enforcement action. Reviews and assists subordinates in the presentation and prosecution of cases.	<u>E</u>
<p>Success Criteria: Thoroughly investigates accidents and/or assists subordinates in accident investigations; compiles evidence following proper procedures. Compiles investigative reports and appears in court proceedings.</p> <p><u>Actual Performance</u> Corporal Kyzer investigates collisions properly and provides accurate reports showing the causation of the collision. Corporal Kyzer makes the appropriate charge, appears in court and testifies in a professional manner. He assist subordinates with complex investigations and ensures that the same work ethics are applied with proper prosecution.</p>	
5. Responsible for completing performance evaluations on subordinate employees.	<u>S</u>
<p>Success Criteria: Performance reviews are conducted in a fair and impartial manner and are completed within the specified time period.</p> <p><u>Actual Performance</u> Corporal Kyzer conducts EPMS reviews on his Troopers in a fair and impartial manner and he submits them on time. He provides each subordinate with postive feedback and provides a plan on areas to improve on.</p>	

Objectives

1. Objective:		
Success Criteria:		
	<u>Actual Performance</u>	
2. Objective:		
Success Criteria:		
	<u>Actual Performance</u>	

CPL

Performance Characteristics		Pass/ Fail
1. Characteristic:	Judgment	Pass
Definition:	The ability to make sound decisions in the application of the law.	
2. Characteristic:	Ability to Work Without Supervision	Pass
Definition:	The extent to which the employee can work by himself/herself; requiring very little supervision and being self-sufficient in assuming the duties of the job.	
3. Characteristic:	Dependability	Pass
Definition:	The degree to which the officer can be relied upon to perform his duties within established procedures.	
4. Characteristic:	Relationship with the Public	Pass
Definition:	The extent to which the employee establishes good relationships with the public while effectively enforcing the laws.	
5. Characteristic:	Leadership	Pass
Definition:	The degree to which the incumbent provides direction and supervision of subordinates.	

CPL

Summary and Improvement Plan

Identify the employee's major accomplishments, areas needing improvement, and steps to improve present and future performance.

Corporal Kyzer completes assignments and administrative work as required in a timely manner. He has extensive knowledge and experience in traffic enforcement, collision investigation, highway safety and agency procedures. Corporal Kyzer has earned the respect of his team members and has a very good working relationship with his team. He has progressed well with his supervisory skills and continues to build on them. Cpl. Kyzer has taken on extra responsibilities by handling the distribution and disposals of video tapes/disc and has done a good job with it.

Corporal Kyzer should continue to monitor his team's enforcement activity and should set an example for subordinates. He should continue to proactively recognize any areas of weakness within his team members and assist them with improving in those areas. Team members should be kept abreast of fatality stats and areas of enforcement needed to reduce traffic fatalities within the post. He should set goals for his subordinates and encourage them to work as a team to accomplish the goals and mission of the agency. Corporal Kyzer should ensure that team members are conducting themselves in a professional manner and that investigations are being followed through with the highest standards and service to the public.

Corporal Kyzer needs to evaluate his supervision techniques routinely and seek advice as needed from seasoned supervisors. He should always look to improve on his leadership skills. Corporal Kyzer should keep a good line of communication with not only his team but other Post C supervisors to promote a team effort.

Cpl. Kyzer should continue to study his DPS policies and procedures and Manual of Operation.

APPRAISAL RESULTS

☐ Exceptional

☒ Successful

☐ Unsuccessful

CPL

Weighted System Work Form

<u>Rating</u>	<u>Rating Value</u>	<u>Range</u>
Exceptional Performance Requirements (E)	3	2.5 and above
Successful Performance Requirements (S)	2	1.5 to 2.49
Unsuccessful Performance Requirements (U)	1	1.4 & Below

Duties:

	<u>Weight Factor</u>		<u>Rating</u>	<u>Numerical Score</u> (Weight X Rating Value)	<u>Total Score</u>
Duty 1	<u>40.00</u> %		<u>S</u>	<u>40.00</u> X <u>2.00</u>	<u>80.00</u>
Duty 2	<u>25.00</u> %		<u>E</u>	<u>25.00</u> X <u>3.00</u>	<u>75.00</u>
Duty 3	<u>20.00</u> %		<u>S</u>	<u>20.00</u> X <u>2.00</u>	<u>40.00</u>
Duty 4	<u>10.00</u> %		<u>E</u>	<u>10.00</u> X <u>3.00</u>	<u>30.00</u>
Duty 5	<u>5.00</u> %		<u>S</u>	<u>5.00</u> X <u>2.00</u>	<u>10.00</u>
Duty 6	<u> </u> %		<u> </u>	<u> </u> X <u> </u>	<u>0.00</u>

Objectives:

Objective 1:	<u> </u> %	<u> </u>	<u> </u> X <u> </u>	<u>0.00</u>
Objective 2	<u> </u> %	<u> </u>	<u> </u> X <u> </u>	<u>0.00</u>

<u>Total Weight</u>	<u> </u> %	<u>Total Score</u>
<u>100.00</u>	<u> </u> %	<u>235.00</u>

Total Score 235.00 divided by Total Weight 100.00 % = 2.35 rounded to 2.4

This will be the overall rating for the employee this period. (Round up to the next rating, i.e. 2.45 equals 2.5)

Performance Characteristics:**Pass or Fail**

Judgment	Pass
Ability to work without supervision	Pass
Dependability	Pass
Relationship with the public	Pass
Leadership	Pass

6 month EPMS ✓

STATE OF SOUTH CAROLINA EMPLOYEE PERFORMANCE MANAGEMENT SYSTEM

Name: Brian E. Kyzer Social Security Number: [REDACTED]
 Agency: South Carolina Dept. of Public Safety
 Department: South Carolina Highway Patrol - D1
 Position Classification: Corporal-LEO III
 Date Assigned to Current Position: 11-17-11
 Performance Review From: 11-17-11 To 5-17-12 ✓

Planning Stage Acknowledgement

Rating Officer: [REDACTED] Date: 12-7-2011
 Reviewed By: [REDACTED] Date: 12-7-11
 Employee: [REDACTED] Date: 12-7-11

Evaluation Stage Acknowledgement

Rating Officer: [REDACTED] Date: 4-30-2012 ✓
 Reviewed By: [REDACTED] Date: 4-29-12
 Reviewing Officer's Comments: _____

Employee's Signature: [REDACTED] Date: 04-30-2012 ✓
 (My signature indicates that I was given the opportunity to discuss the official performance review with my superior—not that I necessarily agree.)

Employee Comments: _____

RECEIVED

JUN 06 2012

Human Resources Office
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MAY 18 2012

Human Resources Office
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EPMS

CPL

Job Duties

Performance
Level

-
1. Enforces all state laws and regulations governing vehicle and pedestrian traffic. Investigates complaints relating to highway safety and enforces criminal laws as needed.

S

Success Criteria:

Patrols assigned area to detect any violations by utilizing any auxiliary equipment available.

Actual Performance

Corporal Kyzer enforces state law's as needed using the equipment assigned to him. His enforcement activity is well rounded concerning highway safety laws. He should set high standards and goals for himself and subordinates and lead by example. Corporal Kyzer does investigate traffic complaints and assigns enforcement personnel when possible.

-
2. Observes subordinates in carrying out assigned duties and renders assistance as needed.

S

Success Criteria:

Assists subordinate personnel in the application of duties by ensuring that proper investigative techniques are utilized and proper investigative procedures are follows.

Actual Performance

Corporal Kyzer renders assistance to his subordinates as needed with enforcement and investigative techniques. He stays abreast of their cases and lends his knowledge and experience to lower ranking troopers. He should continue to monitor his team's performance and quality of work on a consistent basis and provide guidance when needed.

-
3. Assists supervisors in reviewing all required activity documents and reports of patrol personnel supervised. Submits all required reports relating to enforcement activities.

S

Success Criteria:

Checks all subordinate personnel's reports to ensure accuracy and legibility. All reports are reviewed and submitted within established time frames.

Actual Performance

Corporal Kyzer completes and reviews required reports on subordinates in a timely manner. He ensures that his subordinates accurately submits reports and console activity in the time frame that has been established. He assist other supervisors in obtaining reports from subordinates as needed.

CPL

Job Duties

Performance
Level

-
4. Performs as specialist in the investigation of vehicle collisions. Determines the cause of accidents, through complex investigation techniques and assists subordinates in determining enforcement action. Reviews and assists subordinates in the presentation and prosecution of cases.

E

Success Criteria:

Thoroughly investigates accidents and/or assists subordinates in accident investigations; compiles evidence following proper procedures. Compiles investigative reports and appears in court proceedings.

Actual Performance

Corporal Kyzer investigates collisions properly and provides accurate reports showing the causation of the collision. Corporal Kyzer makes the appropriate charge, appears in court and testifies in a professional manner. He assist subordinates with complex investigations and ensures proper prosecution.

-
5. Responsible for completing performance evaluations on subordinate employees.

S

Success Criteria:

Performance reviews are conducted in a fair and impartial manner and are completed within the specified time period.

Actual Performance

Corporal Kyzer conducts EPMS reviews on his Troopers in a fair and impartial manner and he submits them on time. He provides each subordinate with postive feedback and provides a plan on areas to improve on.

Objectives

1. Objective: _____

Success Criteria: _____

Actual Performance

2. Objective: _____

Success Criteria: _____

Actual Performance

CPL

Performance Characteristics		Pass/ Fail
1. Characteristic:	Judgment	<u>Pass</u>
Definition:	The ability to make sound decisions in the application of the law.	
2. Characteristic:	Ability to Work Without Supervision	<u>Pass</u>
Definition:	The extent to which the employee can work by himself/herself; requiring very little supervision and being self-sufficient in assuming the duties of the job.	
3. Characteristic:	Dependability	<u>Pass</u>
Definition:	The degree to which the officer can be relied upon to perform his duties within established procedures.	
4. Characteristic:	Relationship with the Public	<u>Pass</u>
Definition:	The extent to which the employee establishes good relationships with the public while effectively enforcing the laws.	
5. Characteristic:	Leadership	<u>Pass</u>
Definition:	The degree to which the incumbent provides direction and supervision of subordinates.	

CPL

Summary and Improvement Plan

Identify the employee's major accomplishments, areas needing improvement, and steps to improve present and future performance.

Corporal Kyzer completes assignments and administrative work as required in a timely manner. He has good knowledge and experience in traffic enforcement, collision investigation, highway safety and agency procedures.

Corporal Kyzer has a good working relationship with team members and has done well with the supervision of their duties.

Corporal Kyzer should continue to monitor his team's enforcement activity and should set an example for subordinates. He should continue to recognize any areas of weakness within his team members and assist them with improving in those areas. Team members should be kept abreast of fatality stats and areas of enforcement needed to reduce traffic fatalities within the post. He should set goals for his subordinates and encourage them to work as a team to accomplish the goals and mission of the agency. Corporal Kyzer should ensure that team members are conducting themselves in a professional manner and that investigations are being followed through with the highest standards and service to the public.

Corporal Kyzer needs to evaluate his supervision techniques routinely and seek advice as needed. He should always look to improve on his leadership skills. Corporal Kyzer should keep a good line of communication with not only his team but other Post C supervisors to promote a team effort.

Cpl. Kyzer should continue to study his DPS policies and procedures and Manual of operation. He should stay abreast of changes in SC Code of Laws and opinion

APPRAISAL RESULTS

☐ Exceptional

☒ Successful

☐ Unsuccessful

CPL

Weighted System Work Form

<u>Rating</u>	<u>Rating Value</u>	<u>Range</u>
Exceptional Performance Requirements (E)	3	2.5 and above
Successful Performance Requirements (S)	2	1.5 to 2.49
Unsuccessful Performance Requirements (U)	1	1.4 & Below

Duties:

	<u>Weight Factor</u>		<u>Rating</u>	<u>Numerical Score</u> (Weight X Rating Value)	<u>Total Score</u>
Duty 1	<u>40.00</u> %		<u>S</u>	<u>40.00</u> X <u>2.00</u>	<u>80.00</u>
Duty 2	<u>25.00</u> %		<u>S</u>	<u>25.00</u> X <u>2.00</u>	<u>50.00</u>
Duty 3	<u>20.00</u> %		<u>S</u>	<u>20.00</u> X <u>2.00</u>	<u>40.00</u>
Duty 4	<u>10.00</u> %		<u>E</u>	<u>10.00</u> X <u>3.00</u>	<u>30.00</u>
Duty 5	<u>5.00</u> %		<u>S</u>	<u>5.00</u> X <u>2.00</u>	<u>10.00</u>
Duty 6	_____ %		_____	_____ X _____	<u>0.00</u>

Objectives:

Objective 1:	_____ %	_____	_____ X _____	<u>0.00</u>
Objective 2	_____ %	_____	_____ X _____	<u>0.00</u>

<u>Total Weight</u>	<u>Total Score</u>
<u>100.00</u> %	<u>210.00</u>

Total Score 210.00 divided by Total Weight 100.00 % = 2.10 rounded to 2.1

This will be the overall rating for the employee this period. (Round up to the next rating, i.e. 2.45 equals 2.5)

Performance Characteristics:**Pass or Fail**

Judgment	Pass
Ability to work without supervision	Pass
Dependability	Pass
Relationship with the public	Pass
Leadership	Pass

CLOSE UP

STATE OF SOUTH CAROLINA EMPLOYEE PERFORMANCE MANAGEMENT SYSTEM

Name: Brian E. Kyzer Social Security Number: [REDACTED]

Agency: SCDPS

Department: South Carolina Highway Patrol

Position Classification: Law Enforcement II(Lance Corporal)Enforcement)

Date Assigned to Current Position: July 2004

Performance Review From: 12/17/10 To 11/17/11 OK

Planning Stage Acknowledgement

Rating Officer: [REDACTED] Date: 11-21-10

Reviewed By: [REDACTED] Date: 11-23-10

Employee: [REDACTED] Date: 11-23-10

Evaluation Stage Acknowledgement

Rating Officer: [REDACTED] Date: 12-1-11 ✓

Reviewed By: [REDACTED] Date: 12-1-11 ✓

Reviewing Officer's Comments: _____

Employee's Signature: [REDACTED] Date: 12-5-11 ✓

(My signature indicates that I was given the opportunity to discuss the official performance review with my superior—not that I necessarily agree.)

Employee Comments: _____

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EPMS

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L/CPL

Job Duties	Performance Level
1. Enforces all vehicle laws and other criminal laws while patrolling streets and highways throughout the state.	<u>S</u>
<p>Success Criteria: Violators of vehicle laws and other criminal laws are identified by thoroughly patrolling the assigned territory and by competently utilizing auxiliary aids such as the DataMaster, Doppler Radar, and any other scientific equipment available.</p> <p>Actual Performance Trooper maintains an average productivity in all areas of enforcement within Post C. Employee utilizes his assigned radar and all other issued equipment while enforcing all traffic and criminal laws. Trooper works all assigned areas and School zones within Post C.</p>	
2. Investigates traffic collisions utilizing a variety of investigation techniques.	<u>S</u>
<p>Success Criteria: Officer responds to traffic collisions promptly, compiles sufficient evidence to determine the cause of accidents and writes comprehensive reports for court presentations.</p> <p>Actual Performance Trooper does a very thorough job of investigating traffic collisions and has been the lead investigator in several fatalities within Post C. Trooper turns in reports in a accurate and timely fashion. Trooper is prepared for courtroom presentations.</p>	
3. When required, trains lower ranking officers in investigation of more complex traffic collisions.	<u>E</u>
<p>Success Criteria: Provides guidance to lower ranking investigating officers, ensuring that proper investigative procedures are followed and that appropriate investigative tools are utilized. Submits regular training reports with results of training activities recorded.</p> <p>Actual Performance Trooper is a certified field training officer and assisted with a trainee during this evaluation period. Trooper submits detailed training reports and submits all reports in a timely fashion. Trooper identifies deficiencies and takes the necessary steps to correct them. Trooper advises lower ranking troopers on policies, procedures, and answers questions pertaining to daily responsibilities.</p>	

L/CPL

Job Duties
**Performance
Level**

-
4. Makes court presentations on investigations.

S

Success Criteria:

Provides detailed account of violation providing documented evidence to support the written violation.

Actual Performance

Trooper has an above average conviction rate in Magistrate level cases. Trooper takes detailed notes at crash sites to better help him in court.

-
5. Interprets traffic laws and appropriate legal recourse for violations of those laws for lower ranking officers.

E

Success Criteria:

Answers questions concerning application of traffic laws and provides guidance to other officers in interpreting laws and making follow-up decisions on writing traffic citations.

Actual Performance

Trooper is always available to lower ranking employees when they have questions at crash sites and making the right charges on traffic stops. Trooper stays abreast of any new case laws and shares this information with his fellow employees. Trooper has a thorough working knowledge of all SC traffic laws as well as criminal laws.

Objectives

1. Objective: _____

Success Criteria:

Actual Performance

2. Objective: _____

Success Criteria:

Actual Performance

L/CPL

Performance Characteristics

 Pass/
Fail

1. Characteristic:	Judgment	Pass
Definition:	The ability to make sound decisions in the application of the law.	
2. Characteristic:	Ability to Work Without Supervision	Pass
Definition:	The extent to which the employee can work by himself/herself; requiring very little supervision and being self-sufficient in assuming the duties of the job.	
3. Characteristic:	Dependability	Pass
Definition:	The degree to which the officer can be relied upon to perform his duties within established procedures.	
4. Characteristic:	Relationship with the Public	Pass
Definition:	The extent to which the employee establishes good relationships with the public while effectively enforcing the laws.	

Summary and Improvement Plan

Identify the employee's major accomplishments, areas needing improvement, and steps to improve present and future performance.

Trooper maintains a clean and organized work environment. He gets along with his fellow employees and gives guidance to lower ranking officers relating to traffic collisions and SC criminal laws. Trooper presents himself in a professional manner when dealing with the public. Trooper has a thorough working knowledge of all SC criminal and motor vehicle laws. Trooper has shown some improvement in his overall activity during this evaluation period. Trooper is a very effective training officer and is able to identify areas that need improvement. Trooper turns all his paperwork in on time and is able to complete daily tasks with little supervision. Trooper was promoted during this evaluation period. He needs to continue to keep abreast of any changes in DPS policies, SC criminal laws, and Manual of Operations.

APPRAISAL RESULTS

☐ Exceptional

☒ Successful

☐ Unsuccessful

L/CPL

Weighted System Work Form

<u>Rating</u>	<u>Rating Value</u>	<u>Range</u>
Exceptional Performance Requirements (E)	3	2.5 and above
Successful Performance Requirements (S)	2	1.5 to 2.49
Unsuccessful Performance Requirements (U)	1	1.4 & Below

Duties:

	<u>Weight Factor</u>		<u>Rating</u>	<u>Numerical Score</u> (Weight X Rating Value)	<u>Total Score</u>
Duty 1	40.00 %		S	40.00 X 2.00	80.00
Duty 2	20.00 %		S	20.00 X 2.00	40.00
Duty 3	10.00 %		E	10.00 X 3.00	30.00
Duty 4	25.00 %		S	25.00 X 2.00	50.00
Duty 5	5.00 %		E	5.00 X 3.00	15.00
Duty 6	%			X	0.00

Objectives:

Objective 1:	%		X	0.00
Objective 2	%		X	0.00

<u>Total Weight</u>	<u>Total Score</u>
100.00 %	215.00

Total Score 215.00 divided by Total Weight 100.00 % = 2.15 rounded to 2.2

This will be the overall rating for the employee this period. (Round up to the next rating, i.e. 2.45 equals 2.5)

Performance Characteristics:**Pass or Fail**

	Pass
	Pass
	Pass
	Pass

STATE OF SOUTH CAROLINA EMPLOYEE PERFORMANCE MANAGEMENT SYSTEM

Name: Brian E. Kyzer Social Security Number: [REDACTED]
Agency: South Carolina Department of Public Safety
Department: South Carolina Highway Patrol/ Troop1 Post C
Position Classification: Law Enforcement Officer II/ Lance Corporal(Enforcement)
Date Assigned to Current Position: July 2004
Performance Review From: 11/3/2009 12/17/09 To 11/3/2010 12/17/09

Planning Stage Acknowledgement

Rating Officer: [REDACTED] Date: 10-4-2009
Reviewed By: [REDACTED] Date: 10-4-2009
Employee: [REDACTED] Date: 10-04-2009

Evaluation Stage Acknowledgement

Rating Officer: [REDACTED] Date: 11-21-10
Reviewed By: [REDACTED] Date: 11-23-10
Reviewing Officer's Comments: _____

Employee's Signature: [REDACTED] Date: 11-23-10
(My signature indicates that I was given the opportunity to discuss the official performance review with my superior—not that I necessarily agree.)

Employee Comments: _____

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DEC 17 2010
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EPMS

L/CPL

Job Duties

Performance
Level

-
1. Enforces all vehicle laws and other criminal laws while patrolling streets and highways throughout the state.

S

Success Criteria:

Violators of vehicle laws and other criminal laws are identified by thoroughly patrolling the assigned territory and by competently utilizing auxiliary aids such as the DataMaster, Doppler Radar, and any other scientific equipment available.

Actual Performance

L/Cpl. Kyzer uses all his assigned equipment to fairly and impartially enforces all SC Laws. L/Cpl. Kyzer has a good working knowledge of all SC Traffic and criminal laws. L/Cpl. Kyzer patrols his assigned areas within Post C.

-
2. Investigates traffic collisions utilizing a variety of investigation techniques.

S

Success Criteria:

Officer responds to traffic collisions promptly, compiles sufficient evidence to determine the cause of accidents and writes comprehensive reports for court presentations.

Actual Performance

L/Cpl. Kyzer takes detailed notes at collision scenes and presents that evidence in court. He does a good job when investigating traffic collisions, he takes his time in searching out and speaking to witnesses, and makes the proper charge.

-
3. When required, trains lower ranking officers in investigation of more complex traffic collisions.

E

Success Criteria:

Provides guidance to lower ranking investigating officers, ensuring that proper investigative procedures are followed and that appropriate investigative tools are utilized. Submits regular training reports with results of training activities recorded.

Actual Performance

L/Cpl. Kyzer is a certified field training officer and has served in that capacity numerous times. L/Cpl. Kyzer is always willing to answer questions from lower ranking troopers when they are dealing with with traffic violations or traffic collisions. He turns in all training reports in a timely fashion.

L/CPL

Job Duties
**Performance
Level**

-
4. Makes court presentations on investigations.

S

Success Criteria:

Provides detailed account of violation providing documented evidence to support the written violation.

Actual Performance

L/Cpl. Kyzer is very thorough when dealing with traffic collision scenes. He makes the proper charge and presents documentation for court purposes.

-
5. Interprets traffic laws and appropriate legal recourse for violations of those laws for lower ranking officers.

S

Success Criteria:

Answers questions concerning application of traffic laws and provides guidance to other officers in interpreting laws and making follow-up decisions on writing traffic citations.

Actual Performance

L/Cpl. Kyzer is always available to lower ranking troopers at collision scenes and answering legal questions pertaining to traffic law and any criminal law. L/Cpl . Kyzer makes sound decisions when investigating traffic collisions and traffic summons he issues.

Objectives

1. Objective: _____

Success Criteria:

Actual Performance

2. Objective: _____

Success Criteria:

Actual Performance

L/CPL

Performance CharacteristicsPass/
Fail

1. Characteristic:	Judgment	Pass
Definition:	The ability to make sound decisions in the application of the law.	
2. Characteristic:	Ability to Work Without Supervision	Pass
Definition:	The extent to which the employee can work by himself/herself; requiring very little supervision and being self-sufficient in assuming the duties of the job.	
3. Characteristic:	Dependability	Pass
Definition:	The degree to which the officer can be relied upon to perform his duties within established procedures.	
4. Characteristic:	Relationship with the Public	Pass
Definition:	The extent to which the employee establishes good relationships with the public while effectively enforcing the laws.	

Summary and Improvement Plan

Identify the employee's major accomplishments, areas needing improvement, and steps to improve present and future performance.

L/Cpl. Kyzer serves as a positive role model for the younger and lower ranking troopers within Post C. L/Cpl. Kyzer has shown improvement in his overall activity during this evaluation phase, especially in warnings and traffic summons. L/Cpl. Kyzer however needs to improve on the number of DUI arrests he makes. L/Cpl. Kyzer is very neat in his appearance and keeps his patrol car in a neat and working order. L/Cpl. Kyzer is readily available to answer questions from lower ranking trooper at crash sites and making the proper charge on summons. L/Cpl. Kyzer is a very dependable employee. L/Cpl Kyzer needs to continue to keep abreast of the ever changing SC traffic laws, policy manual, and continue to study his Manual of Operations.

APPRAISAL RESULTS☐ **Exceptional**☒ **Successful**☐ **Unsuccessful**

L/GPL

Weighted System Work Form

<u>Rating</u>	<u>Rating Value</u>	<u>Range</u>
Exceptional Performance Requirements (E)	3	2.5 and above
Successful Performance Requirements (S)	2	1.5 to 2.49
Unsuccessful Performance Requirements (U)	1	1.4 & Below

Duties:

	<u>Weight Factor</u>		<u>Rating</u>	<u>Numerical Score</u> (Weight X Rating Value)	<u>Total Score</u>
Duty 1	40.00 %		S	40.00 X 2.00	80.00
Duty 2	20.00 %		S	20.00 X 2.00	40.00
Duty 3	10.00 %		E	10.00 X 3.00	30.00
Duty 4	25.00 %		S	25.00 X 2.00	50.00
Duty 5	5.00 %		S	5.00 X 2.00	10.00
Duty 6	%			X	0.00

Objectives:

Objective 1:	%		X	0.00
Objective 2	%		X	0.00

<u>Total Weight</u>		<u>Total Score</u>
100.00 %		210.00

Total Score 210.00 divided by Total Weight 100.00 % = 2.10 rounded to 2.1

This will be the overall rating for the employee this period. (Round up to the next rating, i.e. 2.45 equals 2.5)

Performance Characteristics:**Pass or Fail**

	Pass
	Pass
	Pass
	Pass

STATE OF SOUTH CAROLINA EMPLOYEE PERFORMANCE MANAGEMENT SYSTEM

Name: Brian E. Kyzer Social Security Number: [REDACTED]
 Agency: South Carolina Department of Public Safety
 Department: South Carolina Highway Patrol/ Troop 1 Post C 2101
 Position Classification: Law Enforcement Officer II/ Lance Corporal(Enforcement)
 Date Assigned to Current Position: July 2004
 Performance Review From: 11/3/2008 To ~~11/3/2009~~ 12/17/09

Planning Stage Acknowledgement

Rating Officer: [REDACTED] Date: 11-1-08
 Reviewed By: [REDACTED] Date: 10-24-08
 Employee: [REDACTED] Date: 11-01-08

Evaluation Stage Acknowledgement

Rating Officer: [REDACTED] Date: 10-4-2009
 Reviewed By: [REDACTED] Date: 10-4-2009
 Reviewing Officer's Comments: _____

Employee's Signature: [REDACTED] Date: 10-04-2009
 (My signature indicates that I was given the opportunity to discuss the official performance review with my superior—not that I necessarily agree.)

Employee Comments: _____

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DEC 01 2009

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L/CPL

Job Duties
**Performance
Level**

-
1. Enforces all vehicle laws and other criminal laws while patrolling streets and highways throughout the state.

M
Success Criteria:

Violators of vehicle laws and other criminal laws are identified by thoroughly patrolling the assigned territory and by competently utilizing auxiliary aids such as the DataMaster, Doppler Radar, and any other scientific equipment available.

Actual Performance

L/Cpl. Kyzer maintains an average productivity of traffic summons and warnings compared to other Troopers within Post C. He enforces South Carolina motor vehicle laws as well as all criminal laws while patrolling his assigned area within Post C. L/Cpl. Kyzer utilizes his assigned radar, and mobile video equipment while enforcing all traffic laws. He patrols works the CREP and School zones within Post C.

-
2. Investigates traffic collisions utilizing a variety of investigation techniques.

E
Success Criteria:

Officer responds to traffic collisions promptly, compiles sufficient evidence to determine the cause of accidents and writes comprehensive reports for court presentations.

Actual Performance

L/Cpl. Kyzer does a very thorough job when investigating traffic collisions, he goes above and beyond in the capture of individuals who have left the scene of collisions. He identifies evidence and searches and speaks to witnesses. He does an outstanding job as lead investigator of traffic fatalities. He is always prepared when presenting evidence of collisions in court.

-
3. When required, trains lower ranking officers in investigation of more complex traffic collisions.

E
Success Criteria:

Provides guidance to lower ranking investigating officers, ensuring that proper investigative procedures are followed and that appropriate investigative tools are utilized. Submits regular training reports with results of training activities recorded.

Actual Performance

L/Cpl. Kyzer is a certified field training officer. He identifies deficiencies in his trainees and takes the necessary steps to correct them. He advises lower ranking Troopers on policies, procedures, and answers questions pertaining to job responsibilities. He submits all training reports in a timely fashion.

L/CPL

Job Duties
**Performance
Level**

-
4. Makes court presentations on investigations.

E

Success Criteria:

Provides detailed account of violation providing documented evidence to support the written violation.

Actual Performance

L/Cpl. Kyzer has a high conviction rate in traffic court as well as in trials by jury. He is always prepared and presents himself in a professional manner while in court. He utilizes his in car video camera to assist in the prosecution of his cases.

-
5. Interprets traffic laws and appropriate legal recourse for violations of those laws for lower ranking officers.

E

Success Criteria:

Answers questions concerning application of traffic laws and provides guidance to other officers in interpreting laws and making follow-up decisions on writing traffic citations.

Actual Performance

L/Cpl. Kyzer has a thorough working knowledge of all SC traffic laws as well as criminal laws. He advises lower ranking Troopers on traffic laws and assists them in any capacity that is asked of him. He stays current on any changes in law.

Objectives

1. Objective: _____

Success Criteria:

Actual Performance

2. Objective: _____

Success Criteria:

Actual Performance

L/CPL

Performance CharacteristicsAcceptable/
Unacceptable

1. Characteristic:	Judgment	A
Definition:	The ability to make sound decisions in the application of the law.	
2. Characteristic:	Ability to Work Without Supervision	A
Definition:	The extent to which the employee can work by himself/herself; requiring very little supervision and being self-sufficient in assuming the duties of the job.	
3. Characteristic:	Dependability	A
Definition:	The degree to which the officer can be relied upon to perform his duties within established procedures.	
4. Characteristic:	Relationship with the Public	A
Definition:	The extent to which the employee establishes good relationships with the public while effectively enforcing the laws.	

Summary and Improvement Plan

Identify the employee's major accomplishments, areas needing improvement, and steps to improve present and future performance.

L/Cpl. Kyzer has a thorough working knowledge of SC traffic as well as all criminal laws. He investigates traffic collisions, making sound judgments in making the appropriate charges. L/Cpl. Kyzer takes his time at collision scenes in obtaining evidence and speaking to witnesses. L/Cpl. Kyzer is a very effective training officer and is able to identify areas that need improvement. He turns all his paperwork in on time and is able to complete daily tasks with little supervision. He maintains all his equipment in a neat working order and is sharp in his appearance. L/Cpl. Kyzer is professional when dealing with the public and while performing his duties. He maintains average activity in relation to other Troopers within Post C, and has shown improvement in this area during this evaluation phase. He needs to continue to study SCDPS Policy Manual, SC Law book, and Manual of Operations.

APPRAISAL RESULTS☐ Substantially Exceeds☒ Exceeds☐ Meets☐ Below

L/CPL

Weighted System Work Form

<u>Rating</u>	<u>Rating Value</u>	<u>Range</u>
Substantially Exceeds Performance Requirements (SE)	4	3.5 & Above
Exceeds Performance Requirements (E)	3	2.5 to 3.4
Meets Performance Requirements (M)	2	1.5 to 2.4
Below Performance Requirements (B)	1	1.4 & Below

Duties:

	<u>Weight Factor</u>		<u>Rating</u>	<u>Numerical Score</u> (Weight X Rating Value)	<u>Total Score</u>
Duty 1	<u>50.00</u> %		<u>M</u>	<u>50.00</u> X <u>2.00</u>	<u>100.00</u>
Duty 2	<u>20.00</u> %		<u>E</u>	<u>20.00</u> X <u>3.00</u>	<u>60.00</u>
Duty 3	<u>10.00</u> %		<u>E</u>	<u>10.00</u> X <u>3.00</u>	<u>30.00</u>
Duty 4	<u>10.00</u> %		<u>E</u>	<u>10.00</u> X <u>3.00</u>	<u>30.00</u>
Duty 5	<u>10.00</u> %		<u>E</u>	<u>10.00</u> X <u>3.00</u>	<u>30.00</u>
Duty 6	<u> </u> %		<u>E</u>	<u> </u> X <u> </u>	<u>0.00</u>

Objectives:

Objective 1:	<u> </u> %	<u> </u>	<u> </u> X <u> </u>	<u>0.00</u>
Objective 2	<u> </u> %	<u> </u>	<u> </u> X <u> </u>	<u>0.00</u>

<u>Total Weight</u>	<u> </u> %	<u>Total Score</u>
<u>100.00</u>	<u> </u> %	<u>250.00</u>

Total Score 250.00 divided by Total Weight 100.00 % = 2.50 rounded to 2.5

This will be the overall rating for the employee this period. (Round up to the next rating, i.e. 2.45 equals 2.5)

Performance Characteristics:

A
A
A
A

STATE OF SOUTH CAROLINA EMPLOYEE PERFORMANCE MANAGEMENT SYSTEM

ER
2.5
PC

Name: Brian E. Kyzer Social Security Number: [REDACTED]
 Agency: South Carolina Department of Public Safety
 Department: South Carolina Highway Patrol 2101
 Position Classification: Lance Corporal L.E.O. 1
 Date Assigned to Current Position: July 2004
 Performance Review From: 11/03/2007 To ~~11/03/2008~~ 12/17/08

Planning Stage Acknowledgement

Rating Officer: [REDACTED] Date: 11-13-2007
 Reviewed By: [REDACTED] Date: 11-13-07
 Employee: [REDACTED] Date: 11-13-2007

Evaluation Stage Acknowledgement

Rating Officer: [REDACTED] Date: 10-24-08 ✓
 Reviewed By: [REDACTED] Date: 10-24-08 ✓
 Reviewing Officer's Comments: _____

Employee's Signature: [REDACTED] Date: 11-01-08 ✓
 (My signature indicates that I was given the opportunity to discuss the official performance review with my superior—not that I necessarily agree.)

Employee Comments: _____

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EPMS

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L/CPL

Job Duties

Performance
Level

-
1. Enforces all vehicle laws and other criminal laws while patrolling streets and highways throughout the state.

M

Success Criteria:

Violators of vehicle laws and other criminal laws are identified by thoroughly patrolling the assigned territory and by competently utilizing auxiliary aids such as the DataMaster, Doppler Radar, and any other scientific equipment available.

Actual Performance

L/Cpl. Kyzer enforces South Carolina motor vehicle laws as well as criminal laws while patrolling his assigned areas in Post C. L/Cpl. Kyzer utilizes his assigned radar, mobile video equipment while enforcing all traffic laws. L/Cpl. Kyzer works the crep roads and School zones within Post C. L/Cpl. Kyzer maintains an average productivity of traffic summons and warnings in Post C.

-
2. Investigates traffic collisions utilizing a variety of investigation techniques.

E

Success Criteria:

Officer responds to traffic collisions promptly, compiles sufficient evidence to determine the cause of accidents and writes comprehensive reports for court presentations.

Actual Performance

L/Cpl. Kyzer does an outstanding job in investigating traffic collisions, he identifies evidence and thoroughly investigates the collision. He searches and talks to witnesses when investigating collisions and makes detailed reports. He does a very thorough job when investigating and documenting traffic fatalities. He always is prepared when presenting collisions in court.

-
3. When required, trains lower ranking officers in investigation of more complex traffic collisions.

E

Success Criteria:

Provides guidance to lower ranking investigating officers, ensuring that proper investigative procedures are followed and that appropriate investigative tools are utilized. Submits regular training reports with results of training activities recorded.

Actual Performance

L/Cpl. Kyzer is a certified field training officer. He assists lower ranking Troopers on investigations of traffic collisions, and instructs them if a charge needs to be made. He advises lower ranking Troopers on policies, procedures, and questions pertaining to South Carolina law. L/Cpl. Kyzer identifies deficiencies in his trainees and takes steps to correct them. He submits all his training reports in a timely manner.

L/CPL

Job Duties

**Performance
Level**

-
4. Makes court presentations on investigations.

E

Success Criteria:

Provides detailed account of violation providing documented evidence to support the written violation.

Actual Performance

L/Cpl. Kyzer is always prepared in court. He presents and prosecutes court cases thoroughly. He utilizes his in-car video system to assist in prosecuting cases. He maintains a high conviction rate.

-
5. Interprets traffic laws and appropriate legal recourse for violations of those laws for lower ranking officers.

E

Success Criteria:

Answers questions concerning application of traffic laws and provides guidance to other officers in interpreting laws and making follow-up decisions on writing traffic citations.

Actual Performance

L/Cpl. Kyzer has a good working knowledge of all traffic and criminal laws in South Carolina. He advises lower ranking Troopers on traffic laws as well as criminal laws when called upon to do so. He stays current on changing laws and the penalties.

Objectives

1. Objective: _____

Success Criteria:

Actual Performance

2. Objective: _____

Success Criteria:

Actual Performance

L/CPL

Performance CharacteristicsAcceptable/
Unacceptable

1. Characteristic:	Judgment	A
Definition:	The ability to make sound decisions in the application of the law.	
2. Characteristic:	Ability to Work Without Supervision	A
Definition:	The extent to which the employee can work by himself/herself; requiring very little supervision and being self-sufficient in assuming the duties of the job.	
3. Characteristic:	Dependability	A
Definition:	The degree to which the officer can be relied upon to perform his duties within established procedures.	
4. Characteristic:	Relationship with the Public	A
Definition:	The extent to which the employee establishes good relationships with the public while effectively enforcing the laws.	

Summary and Improvement Plan

Identify the employee's major accomplishments, areas needing improvement, and steps to improve present and future performance.

L/Cpl. Kyzer has a good working knowledge of all South Carolina traffic laws. He investigates traffic collisions in a very thorough manner and makes sound judgement in making the appropriate charges. L/Cpl. Kyzer is very thorough in obtaining evidence and statements at collision scenes. L/Cpl. Kyzer is a effective training officer and is able to identify areas needed for improvement. L/Cpl. Kyzer turns in all paperwork in a timely fashion and is able to complete his daily tasks with little supervision. He is sharp in his appearance and keeps his vehicle clean and in working order. L/Cpl. Kyzer is very professional when dealing with the public and while performing his duties.

L/Cpl. Kyzer maintains average activity in relation to other Troopers in Post C. He has shown improvement in his DUI detection during the past year. He needs to continue to study Department of Public Safety Policy Manuel, S.C. Law Book and the Manual of Operations.

APPRAISAL RESULTS☐ Substantially Exceeds☒ Exceeds☐ Meets☐ Below

L/CPL

Weighted System Work Form

<u>Rating</u>	<u>Rating Value</u>	<u>Range</u>
Substantially Exceeds Performance Requirements (SE)	4	3.5 & Above
Exceeds Performance Requirements (E)	3	2.5 to 3.4
Meets Performance Requirements (M)	2	1.5 to 2.4
Below Performance Requirements (B)	1	1.4 & Below

Duties:

	<u>Weight Factor</u>		<u>Rating</u>	<u>Numerical Score</u> (Weight X Rating Value)	<u>Total Score</u>
Duty 1	<u>50.00</u> %		<u>M</u>	<u>50.00 X 2.00</u>	<u>100.00</u>
Duty 2	<u>20.00</u> %		<u>E</u>	<u>20.00 X 3.00</u>	<u>60.00</u>
Duty 3	<u>10.00</u> %		<u>E</u>	<u>10.00 X 3.00</u>	<u>30.00</u>
Duty 4	<u>10.00</u> %		<u>E</u>	<u>10.00 X 3.00</u>	<u>30.00</u>
Duty 5	<u>10.00</u> %		<u>E</u>	<u>10.00 X 3.00</u>	<u>30.00</u>
Duty 6	<u> </u> %		<u> </u>	<u> X </u>	<u>0.00</u>

Objectives:

Objective 1:	<u> </u> %	<u> </u>	<u> X </u>	<u>0.00</u>
Objective 2	<u> </u> %	<u> </u>	<u> X </u>	<u>0.00</u>

<u>Total Weight</u>	<u>Total Score</u>
<u>100.00</u> %	<u>250.00</u>

Total Score 250.00 divided by Total Weight 100.00 % = 2.50 rounded to 2.5

This will be the overall rating for the employee this period. (Round up to the next rating, i.e. 2.45 equals 2.5)

Performance Characteristics:

A
A
A
A

STATE OF SOUTH CAROLINA EMPLOYEE PERFORMANCE MANAGEMENT SYSTEM

Name: Brian E. Kyzer Social Security Number: [REDACTED]
 Agency: South Carolina Department of Public Safety
 Department: South Carolina Highway Patrol 2101
 Position Classification: Lance Corporal L.E.O. 1
 Date Assigned to Current Position: July 2004
 Performance Review From: 11/03/2006 To: 12/17/07
11/03/2007 ✓

Planning Stage Acknowledgement

Rating Officer: [REDACTED] Date: 11-13-2006
 Reviewed By: [REDACTED] Date: 11-13-06
 Employee: [REDACTED] Date: 11-13-2006

Evaluation Stage Acknowledgement

Rating Officer: [REDACTED] Date: 11-13-2006 ✓
 Reviewed By: [REDACTED] Date: 11-13-07 ✓
 Reviewing Officer's Comments: _____

Employee's Signature: [REDACTED] Date: 11-13-2007 ✓
 (My signature indicates that I was given the opportunity to discuss the official performance review with my superior—not that I necessarily agree.)

Employee Comments: _____

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DEC 14 2007
 Human Resources Office
 D.P.S.

EPMS

L/CPL

Job Duties

Performance
Level

-
1. Enforces all vehicle laws and other criminal laws while patrolling streets and highways throughout the state.

M

Success Criteria:

Violators of vehicle laws and other criminal laws are identified by thoroughly patrolling the assigned territory and by competently utilizing auxiliary aids such as the DataMaster, Doppler Radar, and any other scientific equipment available.

Actual Performance

Trooper enforces South Carolina motor vehicles laws accurately. Trooper utilizes assigned radar, datamaster and mobile video equipment while enforcing motor vehicle laws. Trooper patrols CREP areas and complaint areas to reduce traffic collisions and reckless driving. Trooper Kyzer maintains an average productivity of traffic citations and warnings in comparison to the other troopers in the post.

-
2. Investigates traffic collisions utilizing a variety of investigation techniques.

E

Success Criteria:

Officer responds to traffic collisions promptly, compiles sufficient evidence to determine the cause of accidents and writes comprehensive reports for court presentations.

Actual Performance

Trooper Kyzer investigates traffic collisions thoroughly and accurately. He identifies evidence and witnesses and utilizes the information to complete his reports. He completes collision reports neatly and in a timely manner. Trooper Kyzer is very thorough investigating and documenting fatal collisions. He is prepared when prosecuting collision cases in court.

-
3. When required, trains lower ranking officers in investigation of more complex traffic collisions.

E

Success Criteria:

Provides guidance to lower ranking investigating officers, ensuring that proper investigative procedures are followed and that appropriate investigative tools are utilized. Submits regular training reports with results of training activities recorded.

Actual Performance

Trooper Kyzer is a well rounded field training officer. He assists lower ranking troopers on investigative techniques, policies, procedures and questions pertaining to law. He submits field training officer reports in a timely manner. Trooper Kyzer identifies deficiencies in his trainees and takes the necessary steps to improve them.

L/CPL

Job Duties
**Performance
Level**

-
4. Makes court presentations on investigations.

E

Success Criteria:

Provides detailed account of violation providing documented evidence to support the written violation.

Actual Performance

Trooper Kyzer present and prosecutes court cases thoroughly. Trooper Kyzer maintains good documentation of evidence for court. He maintains a high conviction rate.

-
5. Interprets traffic laws and appropriate legal recourse for violations of those laws for lower ranking officers.

E

Success Criteria:

Answers questions concerning application of traffic laws and provides guidance to other officers in interpreting laws and making follow-up decisions on writing traffic citations.

Actual Performance

Trooper Kyzer has a firm knowledge of traffic laws. He advises lower ranking troopers on S.C. code of Laws, enforcement of both vehicular and criminal laws. Trooper Kyzer keeps current with changing laws and penalties.

Objectives

1. Objective: _____

Success Criteria:

Actual Performance

2. Objective: _____

Success Criteria:

Actual Performance

L/CPL

Performance CharacteristicsAcceptable/
Unacceptable

- | | | |
|--------------------|--|---|
| 1. Characteristic: | Judgment | A |
| Definition: | The ability to make sound decisions in the application of the law. | |
| | | |
| 2. Characteristic: | Ability to Work Without Supervision | A |
| Definition: | The extent to which the employee can work by himself/herself; requiring very little supervision and being self-sufficient in assuming the duties of the job. | |
| | | |
| 3. Characteristic: | Dependability | A |
| Definition: | The degree to which the officer can be relied upon to perform his duties within established procedures. | |
| | | |
| 4. Characteristic: | Relationship with the Public | A |
| Definition: | The extent to which the employee establishes good relationships with the public while effectively enforcing the laws. | |

Summary and Improvement Plan

Identify the employee's major accomplishments, areas needing improvement, and steps to improve present and future performance.

Trooper Kyzer has vast knowledge of S.C. Code of Laws. He takes extra steps to accurately and properly investigate traffic collisions. Trooper Kyzer maintains a clean, neat and organized work environment. He is thorough in documenting evidence and obtaining witness statements. Trooper Kyzer is an effective training officer. He is able to identify trainees strengths and weaknesses. Trooper Kyzer maintains a working knowledge of changes in traffic laws and enforces them appropriately. He stays abreast of all administrative work. He takes good care of his equipment and maintains a neat appearance. His vehicle is clean and organized. Trooper Kyzer maintains professionalism when performing is duties.

Trooper Kyzer needs to continue to improve on his DUI detection and criminal cases.

Trooper Kyzer needs to continue to study the Manual of Operations, Department of Public Safety Policy Manual and S.C. Law Book. Setting and maintaining daily goals will assist in productivity.

APPRAISAL RESULTS☐ Substantially Exceeds☒ Exceeds☐ Meets☐ Below

L/CPL

Weighted System Work Form

<u>Rating</u>	<u>Rating Value</u>	<u>Range</u>
Substantially Exceeds Performance Requirements (SE)	4	3.5 & Above
Exceeds Performance Requirements (E)	3	2.5 to 3.4
Meets Performance Requirements (M)	2	1.5 to 2.4
Below Performance Requirements (B)	1	1.4 & Below

Duties:

	<u>Weight Factor</u>		<u>Rating</u>	<u>Numerical Score</u> (Weight X Rating Value)	<u>Total Score</u>
Duty 1	<u>50.00</u> %		<u>M</u>	<u>50.00 X 2.00</u>	<u>100.00</u>
Duty 2	<u>20.00</u> %		<u>E</u>	<u>20.00 X 3.00</u>	<u>60.00</u>
Duty 3	<u>10.00</u> %		<u>E</u>	<u>10.00 X 3.00</u>	<u>30.00</u>
Duty 4	<u>10.00</u> %		<u>E</u>	<u>10.00 X 3.00</u>	<u>30.00</u>
Duty 5	<u>10.00</u> %		<u>E</u>	<u>10.00 X 3.00</u>	<u>30.00</u>
Duty 6	<u> </u> %		<u> </u>	<u> X </u>	<u>0.00</u>

Objectives:

Objective 1:	<u> </u> %	<u> </u>	<u> X </u>	<u>0.00</u>
Objective 2	<u> </u> %	<u> </u>	<u> X </u>	<u>0.00</u>

<u>Total Weight</u>	<u>Total Score</u>
<u>100.00</u> %	<u>250.00</u>

Total Score 250.00 divided by Total Weight 100.00 % = 2.50 rounded to 2.5

This will be the overall rating for the employee this period. (Round up to the next rating, i.e. 2.45 equals 2.5)

Performance Characteristics:

A
A
A
A

STATE OF SOUTH CAROLINA EMPLOYEE PERFORMANCE MANAGEMENT SYSTEM

Name: Brian E. Kyzer Social Security Number: [REDACTED]

Agency: South Carolina Department of Public Safety

Department: South Carolina Highway Patrol 2101

Position Classification: Lance Corporal L.E.O. 1

Date Assigned to Current Position: July 2004

Performance Review From: 11/03/2005 To 11/03/2006 ✓
12/17/05 12/17/06

Planning Stage Acknowledgement

Rating Officer: [REDACTED] Date: _____

Reviewed By: [REDACTED] Date: _____

Employee: [REDACTED] Date: _____

Evaluation Stage Acknowledgement

Rating Officer: [REDACTED] ✓ Date: _____

Reviewed By: [REDACTED] ✓ Date: _____

Reviewing Officer's Comments: _____

Employee's Signature: [REDACTED] Date: 11-13-2006 ✓

(My signature indicates that I was given the opportunity to discuss the official performance review with my superior—not that I necessarily agree.)

Employee Comments: _____

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NOV 30 2006

EPMS

Human Resources Office
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L/CPL

Job Duties

Performance
Level

-
1. Enforces all vehicle laws and other criminal laws while patrolling streets and highways throughout the state.

M

Success Criteria:

Violators of vehicle laws and other criminal laws are identified by thoroughly patrolling the assigned territory and by competently utilizing auxiliary aids such as the DataMaster, Doppler Radar, and any other scientific equipment available.

Actual Performance

Trooper enforces South Carolina motor vehicles laws accurately. Trooper utilizes assigned radar, datamaster and mobile video equipment while enforcing motor vehicle laws. Trooper patrols CREP areas and complaint areas to reduce traffic collisions and reckless driving. Trooper Kyzer maintains an average productivity of traffic citations and warnings in comparison to the other troopers in the post.

-
2. Investigates traffic collisions utilizing a variety of investigation techniques.

E

Success Criteria:

Officer responds to traffic collisions promptly, compiles sufficient evidence to determine the cause of accidents and writes comprehensive reports for court presentations.

Actual Performance

Trooper Kyzer investigates traffic collisions thoroughly and accurately. He identifies evidence and witnesses and utilizes the information to complete his reports. He completes collision reports neatly and in a timely manner. Trooper Kyzer is very thorough investigating and documenting fatal collisions. He is prepared when prosecuting collision cases in court.

-
3. When required, trains lower ranking officers in investigation of more complex traffic collisions.

E

Success Criteria:

Provides guidance to lower ranking investigating officers, ensuring that proper investigative procedures are followed and that appropriate investigative tools are utilized. Submits regular training reports with results of training activities recorded.

Actual Performance

Trooper Kyzer is a well rounded field training officer. He assists lower ranking troopers on investigative techniques, policies, procedures and questions pertaining to law. He submits field training officer reports in a timely manner. Trooper Kyzer identifies deficiencies in his trainees and takes the necessary steps to improve them.

L/CPL

Job Duties

**Performance
Level**

-
4. Makes court presentations on investigations.

E

Success Criteria:

Provides detailed account of violation providing documented evidence to support the written violation.

Actual Performance

Trooper Kyzer present and prosecutes court cases thoroughly. Trooper Kyzer maintains good documentation of evidence for court. He maintains a high conviction rate.

-
5. Interprets traffic laws and appropriate legal recourse for violations of those laws for lower ranking officers.

E

Success Criteria:

Answers questions concerning application of traffic laws and provides guidance to other officers in interpreting laws and making follow-up decisions on writing traffic citations.

Actual Performance

Trooper Kyzer has a firm knowledge of traffic laws. He advises lower ranking troopers on S.C. code of Laws, enforcement of both vehicular and criminal laws. Trooper Kyzer keeps current with changing laws and penalties.

Objectives

1. Objective: _____

Success Criteria:

Actual Performance

2. Objective: _____

Success Criteria:

Actual Performance

L/CPL

Weighted System Work Form

<u>Rating</u>	<u>Rating Value</u>	<u>Range</u>
Substantially Exceeds Performance Requirements (SE)	4	3.5 & Above
Exceeds Performance Requirements (E)	3	2.5 to 3.4
Meets Performance Requirements (M)	2	1.5 to 2.4
Below Performance Requirements (B)	1	1.4 & Below

Duties:

	<u>Weight Factor</u>		<u>Rating</u>	<u>Numerical Score</u> (Weight X Rating Value)	<u>Total Score</u>
Duty 1	<u>50.00</u> %		<u>M</u>	<u>50.00</u> X <u>2.00</u>	<u>100.00</u>
Duty 2	<u>20.00</u> %		<u>E</u>	<u>20.00</u> X <u>3.00</u>	<u>60.00</u>
Duty 3	<u>10.00</u> %		<u>E</u>	<u>10.00</u> X <u>3.00</u>	<u>30.00</u>
Duty 4	<u>10.00</u> %		<u>E</u>	<u>10.00</u> X <u>3.00</u>	<u>30.00</u>
Duty 5	<u>10.00</u> %		<u>E</u>	<u>10.00</u> X <u>3.00</u>	<u>30.00</u>
Duty 6	<u> </u> %		<u> </u>	<u> </u> X <u> </u>	<u>0.00</u>

Objectives:

Objective 1:	<u> </u> %	<u> </u>	<u> </u> X <u> </u>	<u>0.00</u>
Objective 2	<u> </u> %	<u> </u>	<u> </u> X <u> </u>	<u>0.00</u>

<u>Total Weight</u>	<u>Total Score</u>
<u>100.00</u> %	<u>250.00</u>

Total Score 250.00 divided by Total Weight 100.00 % = 2.50 rounded to 2.5

This will be the overall rating for the employee this period. (Round up to the next rating, i.e. 2.45 equals 2.5)

Performance Characteristics:

A
A
A
A

L/CPL

Performance CharacteristicsAcceptable/
Unacceptable

1. Characteristic:	Judgment	A
Definition:	The ability to make sound decisions in the application of the law.	
2. Characteristic:	Ability to Work Without Supervision	A
Definition:	The extent to which the employee can work by himself/herself; requiring very little supervision and being self-sufficient in assuming the duties of the job.	
3. Characteristic:	Dependability	A
Definition:	The degree to which the officer can be relied upon to perform his duties within established procedures.	
4. Characteristic:	Relationship with the Public	A
Definition:	The extent to which the employee establishes good relationships with the public while effectively enforcing the laws.	

Summary and Improvement Plan

Identify the employee's major accomplishments, areas needing improvement, and steps to improve present and future performance.

Trooper Kyzer has vast knowledge of S.C. Code of Laws. He takes extra steps to accurately and properly investigate traffic collisions. Trooper Kyzer maintains a clean, neat and organized work environment. He is thorough in documenting evidence and obtaining witness statements. Trooper Kyzer is an effective training officer. He is able to identify trainees strengths and weaknesses. Trooper Kyzer maintains a working knowledge of changes in traffic laws and enforces them appropriately. He stays abreast of all administrative work. He takes good care of his equipment and maintains a neat appearance. His vehicle is clean and organized. Trooper Kyzer maintains professionalism when performing is duties.

Trooper Kyzer needs to improve on his case and warning productivity. He needs to continue to improve on his DUI detection and criminal cases.

Trooper Kyzer needs to continue to study the Manual of Operations, Department of Public Safety Policy Manual and S.C. Law Book. Setting and maintaining daily goals will assist in productivity.

APPRAISAL RESULTS☐ Substantially Exceeds☒ Exceeds☐ Meets☐ Below

STATE OF SOUTH CAROLINA EMPLOYEE PERFORMANCE MANAGEMENT SYSTEM

Name: Brian E. Kyzer Social Security Number: [REDACTED]
 Agency: S.C. Department of Public Safety
 Department: S.C. Highway Patrol 2101
 Position Classification: Lance Corporal L.E.O. I
 Date Assigned to Current Position: July 2004
 Performance Review From: 11/03/2004 To 11/03/2005 12/17/05
12/17/04

Planning Stage Acknowledgement

Rating Officer: [REDACTED] Date: 11-11-2004
 Reviewed By: [REDACTED] Date: 11-11-2004
 Employee: [REDACTED] Date: 11-11-2004
12

Evaluation Stage Acknowledgement

Rating Officer: [REDACTED] ✓ Date: 10-09-2005
 Reviewed By: [REDACTED] ✓ Date: 10-9-2005
 Reviewing Officer's Comments: _____

Employee's Signature: [REDACTED] ✓ Date: 10-09-2005
 (My signature indicates that I was given the opportunity to discuss the official performance review with my superior—not that I necessarily agree.)

Employee Comments: _____

RECEIVED

NOV 07 2005

Office of Human Resources, #5
D.P.S.

EPMS

L/CPL

Job Duties

Performance
Level

-
1. Enforces all vehicle laws and other criminal laws while patrolling streets and highways throughout the state.

M

Success Criteria:

Violators of vehicle laws and other criminal laws are identified by thoroughly patrolling the assigned territory and by competently utilizing auxiliary aids such as the DataMaster, Doppler Radar, and any other scientific equipment available.

Actual Performance

Trooper enforces all motor vehicle laws. Trooper uses equipment such as Doppler Radar, Datamaster, and mobile video while enforcing the state laws of South Carolina. Trooper patrols areas designated in the crash reduction plan. He is average in his case productivity when compared to other troopers in the post.

-
2. Investigates traffic collisions utilizing a variety of investigation techniques.

E

Success Criteria:

Officer responds to traffic collisions promptly, compiles sufficient evidence to determine the cause of accidents and writes comprehensive reports for court presentations.

Actual Performance

Trooper thoroughly investigates traffic collisions by taking accurate witness statements and gathering all evidence. Trooper promptly completes hit and run collision investigations. Trooper accurately completes collision reports and submits them within the time frame. Trooper is prepared when prosecuting collision cases. Trooper is very thorough with documentation on fatal collisions.

-
3. When required, trains lower ranking officers in investigation of more complex traffic collisions.

E

Success Criteria:

Provides guidance to lower ranking investigating officers, ensuring that proper investigative procedures are followed and that appropriate investigative tools are utilized. Submits regular training reports with results of training activities recorded.

Actual Performance

Trooper is thorough when field training new troopers. Trooper helps lower ranking troopers with investigative techniques and uses on traffic collisions. He submits Field Training Officers daily reports on time and thoroughly documents his trainees activities.

L/CPL

Job Duties

Performance
Level

4. Makes court presentations on investigations.

E

Success Criteria:

Provides detailed account of violation providing documented evidence to support the written violation.

Actual Performance

Trooper presents and prosecutes court cases with thorough details. Trooper is always prepared with all documents and evidence for court. Trooper is vigilant in prosecuting his cases and has a high conviction rate.

5. Interprets traffic laws and appropriate legal recourse for violations of those laws for lower ranking officers.

E

Success Criteria:

Answers questions concerning application of traffic laws and provides guidance to other officers in interpreting laws and making follow-up decisions on writing traffic citations.

Actual Performance

Trooper has a good working knowledge of traffic laws. Trooper advises trainees on interpretations on South Carolina code of laws and with decisions on enforcement of vehicle and criminal laws. He stays abreast of new laws and penalties.

Objectives

1. Objective: _____

Success Criteria: _____

Actual Performance

2. Objective: _____

Success Criteria: _____

Actual Performance

L/CPL

Performance CharacteristicsAcceptable/
Unacceptable

1. Characteristic:	Judgment	A
Definition:	The ability to make sound decisions in the application of the law.	
2. Characteristic:	Ability to Work Without Supervision	A
Definition:	The extent to which the employee can work by himself/herself; requiring very little supervision and being self-sufficient in assuming the duties of the job.	
3. Characteristic:	Dependability	A
Definition:	The degree to which the officer can be relied upon to perform his duties within established procedures.	
4. Characteristic:	Relationship with the Public	A
Definition:	The extent to which the employee establishes good relationships with the public while effectively enforcing the laws.	

Summary and Improvement Plan

Identify the employee's major accomplishments, areas needing improvement, and steps to improve present and future performance.

Trooper shows ability in competently enforcing SC code of laws and investigating traffic collisions. He works well with other troopers and is a roll model for lower ranking troopers. Trooper is very thorough with evidence and documentation when investigating serious or fatal collisions. He stays abreast of all administrative work and is never late in completing it. Trooper requires little supervision with his duties. He keeps a very sharp appearance in uniform and takes good care of his equipment. His vehicle is always clean and organized. Trooper Kyzer is very professional when performing his duties.

Trooper should improve on productivity of cases and warnings while trying to be consistant on a monthly basis when possible. He should strive to make criminal cases as well as DUI cases.

Trooper needs to continue to read and study his Manual of Operations, DPS Policy Manual and law book. He should set daily goals for productivity.

APPRAISAL RESULTS☐ Substantially Exceeds☒ Exceeds☐ Meets☐ Below

L/CPL

Weighted System Work Form

<u>Rating</u>	<u>Rating Value</u>	<u>Range</u>
Substantially Exceeds Performance Requirements (SE)	4	3.5 & Above
Exceeds Performance Requirements (E)	3	2.5 to 3.4
Meets Performance Requirements (M)	2	1.5 to 2.4
Below Performance Requirements (B)	1	1.4 & Below

Duties:

	<u>Weight Factor</u>		<u>Rating</u>	<u>Numerical Score</u> (Weight X Rating Value)	<u>Total Score</u>
Duty 1	<u>50.00</u> %		<u>M</u>	<u>50.00</u> X <u>2.00</u>	<u>100.00</u>
Duty 2	<u>20.00</u> %		<u>E</u>	<u>20.00</u> X <u>3.00</u>	<u>60.00</u>
Duty 3	<u>10.00</u> %		<u>E</u>	<u>10.00</u> X <u>3.00</u>	<u>30.00</u>
Duty 4	<u>10.00</u> %		<u>E</u>	<u>10.00</u> X <u>3.00</u>	<u>30.00</u>
Duty 5	<u>10.00</u> %		<u>E</u>	<u>10.00</u> X <u>3.00</u>	<u>30.00</u>
Duty 6	<u> </u> %		<u> </u>	<u> </u> X <u> </u>	<u>0.00</u>

Objectives:

Objective 1:	<u> </u> %	<u> </u>	<u> </u> X <u> </u>	<u>0.00</u>
Objective 2	<u> </u> %	<u> </u>	<u> </u> X <u> </u>	<u>0.00</u>

<u>Total Weight</u>	<u>Total Score</u>
<u>100.00</u> %	<u>250.00</u>

Total Score 250.00 divided by Total Weight 100.00 % = 2.50 rounded to 2.5

This will be the overall rating for the employee this period. (Round up to the next rating, i.e. 2.45 equals 2.5)

Performance Characteristics:

A
A
A
A

ER
2.1
d

**STATE OF SOUTH CAROLINA
EMPLOYEE PERFORMANCE MANAGEMENT SYSTEM**

Name: Brian E. Kyzer Social Security Number: [REDACTED]
 Agency: S. C. Department of Public Safety 2101
 Department: S. C. Highway Patrol
 Position Classification: Senior Trooper L.E.O II
 Date Assigned to Current Position: 06/17/2002
 Performance Review From: 12-17-03 To 12-17-04
11/03/2003 11/03/2004

Planning Stage Acknowledgement

Rating Officer: Cpl. R.K. Hughes [REDACTED] Date: 10-24-2003
 Reviewed By: Sgt. T.E. Ricard [REDACTED] Date: 10-24-2003
 Employee: S/Trp. B.E. Kyzer [REDACTED] Date: 10-29-2003
jo

Evaluation Stage Acknowledgement

Rating Officer: [REDACTED] ✓ Date: 11-11-2004
 Reviewed By: [REDACTED] ✓ Date: 11-11-2004
 Reviewing Officer's Comments: _____

Employee's Signature: [REDACTED] ✓ Date: 11-11-2004
 (My signature indicates that I was given the opportunity to discuss the official performance review with my superior—not that I necessarily agree.)

Employee Comments: _____

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EPMS

L/CPL.

Job Duties	Performance Level
1. Enforces all vehicle laws and other criminal laws while patrolling streets and highways throughout the state.	<u>M</u>
<p>Success Criteria: Violators of vehicle laws and other criminal laws are identified by thoroughly patrolling the assigned territory and by competently utilizing auxiliary aids such as the DataMaster, Doppler Radar, and any other scientific equipment available.</p> <p>Actual Performance Trooper enforces all motor vehicle laws. Trooper uses equipment such as Doppler Radar, Datamaster, and mobile video while enforcing the state laws of South Carolina. He is average in his case productivity when compared to other troopers in the post. Trooper patrols assigned area thoroughly.</p>	
2. Investigates traffic collisions utilizing a variety of investigation techniques.	<u>E</u>
<p>Success Criteria: Officer responds to traffic collisions promptly, compiles sufficient evidence to determine the cause of accidents and writes comprehensive reports for court presentations.</p> <p>Actual Performance Trooper thoroughly and conscientiously investigates traffic collisions. He shows initiative in completing hit and run collision investigations. Trooper accurately completes collision reports. Trooper is prepared when prosecuting collision cases. Trooper is very thorough with documentation on fatal collisions.</p>	
3. When required, trains lower ranking officers in investigation of more complex traffic collisions.	<u>E</u>
<p>Success Criteria: Provides guidance to lower ranking investigating officers, ensuring that proper investigative procedures are followed and that appropriate investigative tools are utilized. Submits regular training reports with results of training activities recorded.</p> <p>Actual Performance Trooper helps lower ranking troopers with investigative techniques and uses on traffic collisions. Trooper has done a good job with field training new troopers.</p>	

L/CPL

Job Duties
**Performance
Level**

-
4. Makes court presentations on investigations.

E

Success Criteria:

Provides detailed account of violation providing documented evidence to support the written violation.

Actual Performance

Trooper presents and prosecutes court cases with thorough details. Employee is prepared with all documents and evidence for court. Trooper has a high conviction rate.

-
5. Interprets traffic laws and appropriate legal recourse for violations of those laws for lower ranking officers.

E

Success Criteria:

Answers questions concerning application of traffic laws and provides guidance to other officers in interpreting laws and making follow-up decisions on writing traffic citations.

Actual Performance

Trooper has a good working knowledge of traffic laws. Trooper assist lower ranking officers with interpretations on South Carolina code of laws. Trooper is able to assist with decisions on enforcing vehicle and criminal laws. He stays abreast of new laws and penalties.

Objectives

1. Objective: _____

Success Criteria:

Actual Performance

2. Objective: _____

Success Criteria:

Actual Performance

L/CPL

Performance CharacteristicsAcceptable/
Unacceptable

- | Performance Characteristics | | Acceptable/
Unacceptable |
|-----------------------------|--|-----------------------------|
| 1. Characteristic: | Judgment | A |
| Definition: | The ability to make sound decisions in the application of the law. | |
| 2. Characteristic: | Ability to Work Without Supervision | A |
| Definition: | The extent to which the employee can work by himself/herself; requiring very little supervision and being self-sufficient in assuming the duties of the job. | |
| 3. Characteristic: | Dependability | A |
| Definition: | The degree to which the officer can be relied upon to perform his duties within established procedures. | |
| 4. Characteristic: | Relationship with the Public | A |
| Definition: | The extent to which the employee establishes good relationships with the public while effectively enforcing the laws. | |

Summary and Improvement Plan

Identify the employee's major accomplishments, areas needing improvement, and steps to improve present and future performance.

Trooper shows ability in competently enforcing SC code of laws and investigating traffic collisions. He works well with other troopers. Trooper is very thorough with evidence and documentation when investigating serious or fatal collisions. He keeps a very sharp appearance in uniform and takes good care of his equipment. His vehicle is always clean and organized. Trooper Kyzer is very professional when performing his duties.

Trooper should improve on productivity of cases and warnings while trying to be consistent on a monthly basis when possible. He should strive to make criminal cases as well as DUI cases.

Trooper needs to continue to read and study his Manual of Operations, DPS Policy Manual and law book. He should set daily goals for productivity.

APPRAISAL RESULTS☐ Substantially Exceeds☒ Exceeds☐ Meets☐ Below

L/CPL

Weighted System Work Form

<u>Rating</u>	<u>Rating Value</u>	<u>Range</u>
Substantially Exceeds Performance Requirements (SE)	4	3.5 & Above
Exceeds Performance Requirements (E)	3	2.5 to 3.4
Meets Performance Requirements (M)	2	1.5 to 2.4
Below Performance Requirements (B)	1	1.4 & Below

Duties:

	<u>Weight Factor</u>		<u>Rating</u>	<u>Numerical Score</u> (Weight X Rating Value)	<u>Total Score</u>
Duty 1	<u>50.00</u> %		<u>M</u>	<u>50.00</u> X <u>2.00</u>	<u>100.00</u>
Duty 2	<u>20.00</u> %		<u>E</u>	<u>20.00</u> X <u>3.00</u>	<u>60.00</u>
Duty 3	<u>10.00</u> %		<u>E</u>	<u>10.00</u> X <u>3.00</u>	<u>30.00</u>
Duty 4	<u>10.00</u> %		<u>E</u>	<u>10.00</u> X <u>3.00</u>	<u>30.00</u>
Duty 5	<u>10.00</u> %		<u>E</u>	<u>10.00</u> X <u>3.00</u>	<u>30.00</u>
Duty 6	<u> </u> %		<u> </u>	<u> </u> X <u> </u>	<u>0.00</u>

Objectives:

Objective 1:	<u> </u> %	<u> </u>	<u> </u> X <u> </u>	<u>0.00</u>
Objective 2	<u> </u> %	<u> </u>	<u> </u> X <u> </u>	<u>0.00</u>

<u>Total Weight</u>	<u>Total Score</u>
<u>100.00</u> %	<u>250.00</u>

Total Score 250.00 divided by Total Weight 100.00 % = 2.50 rounded to 2.5

This will be the overall rating for the employee this period. (Round up to the next rating, i.e. 2.45 equals 2.5)

Performance Characteristics:

A
A
A
A

STATE OF SOUTH CAROLINA EMPLOYEE PERFORMANCE MANAGEMENT SYSTEM

Name: BRIAN E. KYZER Social Security Number: [REDACTED]

Agency: S.C. DEPARTMENT OF PUBLIC SAFETY

Department: HIGHWAY PATROL 3101

Position Classification: TROOPER FIRST CLASS L.E.O. II

Date Assigned to Current Position: 06/17/2001

Performance Review From: 11/03/2002 To ~~11/03/2003~~ 12-17-03 ✓

Planning Stage Acknowledgement

Rating Officer: Cpl. C.R. Heddy [REDACTED] Date: 11/06/2002

Reviewed By: Sgt. T.E. Ricard [REDACTED] Date: 11/06/2002

Employee: Tfc. B.E. Kyzer [REDACTED] Date: 11/06/2002

Evaluation Stage Acknowledgement

Rating Officer: [REDACTED] ✓ Date: 10-24-2003

Reviewed By: [REDACTED] ✓ Date: 10-24-2003

Reviewing Officer's Comments: _____

Employee: [REDACTED] ✓ Date: 10-29-2003

(My signature indicates that I was given the opportunity to discuss the official performance review with my superior--not that I necessarily agree.)

Employee Comments: _____

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NOV 14 2003
Human Resources Office
D.P.S.
EPMS

S/TRP

Job Duties

Performance
Level

-
1. Enforces all vehicle laws and other criminal laws while patrolling the streets and highways throughout the state.

M

Success Criteria:

Violators of vehicle laws and other criminal laws are identified by thoroughly patrolling the assigned territory and by competently utilizing auxiliary aids such as the DataMaster, Doppler Radar, and any other scientific equipment.

Actual Performance

Trooper enforces all motor vehicle laws. Trooper uses equipment such as Doppler Radar, Datamaster, and mobile video while enforcing the state laws of South Carolina.

-
2. Investigates traffic collisions to identify cause of the collision, writes necessary reports, and takes appropriate enforcement action.

E

Success Criteria:

Officer responds to traffic collisions without delay and compiles necessary information to determine cause. The necessary information is gathered in order to properly complete the accident report, issue any appropriate summons tickets and testify in court. The accident report must be submitted to the supervisor within 24 hours of the completion of the accident investigation.

Actual Performance

Trooper thoroughly investigates collisions by gathering all available physical evidence, speaking to witnesses, and following through on any available leads. Trooper compiles and writes collision reports correctly and on time. Trooper takes appropriate action.

-
3. Trains new troopers as required.

E

Success Criteria:

Acts as lead trooper in investigating accidents, stopping traffic violators, and informing violators of their rights. Provides on-the-job training until such time the lower level trooper is released to work independently. Completes weekly training reports reflecting activities covered.

Actual Performance

Trooper showed initiative in assisting lower ranking trooper in complex collision investigations, traffic enforcement and procedures. All training reports submitted were thorough, correct and on time. Trooper showed substantial effort while training new trooper by spending own time assisting and following up on new troopers progress.

S/TRP

Job Duties

Performance
Level

4. Represents the Department of Public Safety by making court presentations for any formal charges of violations.

E

Success Criteria:

Thoroughly ensures investigative data is provided to substantiate and uphold charges initiated by officer. The officer makes a professional presentation of factual evidence in all court cases.

Actual Performance

Trooper is prepared with all records and evidence when presenting cases in a court of law. Trooper is able to provide a detailed account of an incident while testifying in court.

5. Serves in an advisory capacity for less experienced troopers in interpretation of laws and proper sanctions.

E

Success Criteria:

Answers questions to clarify laws and makes recommendations for application of law.

Actual Performance

Trooper displays a good working knowledge of traffic laws and stays abreast of any changes. Trooper does assist lower ranking troopers with interpretations of laws and applying the appropriate law to a case.

Objectives

1. Objective: _____

Success Criteria: _____

Actual Performance

2. Objective: _____

Success Criteria: _____

Actual Performance

S/TRP

Performance CharacteristicsAcceptable/
Unacceptable

1. Characteristic:	Judgment	A
Definition:	The ability to make sound decisions in the application of the law.	
2. Characteristic:	Ability to Work Without Supervision	A
Definition:	The extent to which the employee can work by himself/herself, requiring very little supervision and being self-sufficient in assuming the duties of the job.	
3. Characteristic:	Dependability	A
Definition:	The degree to which the officer can be relied upon to perform his duties within established procedures.	
4. Characteristic:	Relationship with the Public	A
Definition:	The extent to which the employee establishes good relationships with the public while effectively enforcing the laws.	

Summary and Improvement Plan

Identify the employee's major accomplishments, areas needing improvement, and steps to improve present and future performance.

Trooper shows initiative in learning new laws and any new policy and procedure that may occur with them. Trooper is detailed and thorough with investigations and reports. He shows ability in competently prosecuting cases. Trooper does a good job of keeping a neat and sharp appearance in uniform as well as an organized and clean patrol car. He gets along well with other staff and is willing to help with work load.

Trooper should continue to improve on recognizing and enforcing various traffic and criminal laws. He should continue to read and study his Manual of Operations, DPS Policy Manual and SC code of laws.

APPRAISAL RESULTS☐ Substantially Exceeds☒ Exceeds☐ Meets☐ Below

\$/TRP

Weighted System Work Form

<u>Rating</u>	<u>Rating Value</u>	<u>Range</u>
Substantially Exceeds Performance Requirements (SE)	4	3.5 & Above
Exceeds Performance Requirements (E)	3	2.5 to 3.4
Meets Performance Requirements (M)	2	1.5 to 2.4
Below Performance Requirements (B)	1	1.4 & Below

Duties:

	<u>Weight Factor</u>		<u>Rating</u>	<u>Numerical Score</u> (Weight X Rating Value)		<u>Total Score</u>
Duty 1	<u>50.00</u>	%	<u>M</u>	<u>50.00</u>	X <u>2.00</u>	<u>100.00</u>
Duty 2	<u>20.00</u>	%	<u>E</u>	<u>20.00</u>	X <u>3.00</u>	<u>60.00</u>
Duty 3	<u>10.00</u>	%	<u>E</u>	<u>10.00</u>	X <u>3.00</u>	<u>30.00</u>
Duty 4	<u>10.00</u>	%	<u>E</u>	<u>10.00</u>	X <u>3.00</u>	<u>30.00</u>
Duty 5	<u>10.00</u>	%	<u>E</u>	<u>10.00</u>	X <u>3.00</u>	<u>30.00</u>
Duty 6		%			X	<u>0.00</u>

Objectives:

Objective 1:		%			X	<u>0.00</u>
Objective 2		%			X	<u>0.00</u>

<u>Total Weight</u>			<u>Total Score</u>
<u>100.00</u>	%		<u>250.00</u>

Total Score 250.00 divided by Total Weight 100.00 % = 2.50 rounded to 2.5

This will be the overall rating for the employee this period. (Round up to the next rating, i.e. 2.45 equals 2.5)

Performance Characteristics:

A
A
A
A

MK
2.7
(1)

STATE OF SOUTH CAROLINA EMPLOYEE PERFORMANCE MANAGEMENT SYSTEM

Name Brian E. Kyzer Social Security No. [REDACTED]
 Agency SCDPS
 Department Highway Patrol
 Position Classification Trooper First Class I.E.O.II
 Date Assigned to Current Position 6/17/01
 Performance Review From 12/17/01 To 12/17/2002 ✓

PLANNING STAGE ACKNOWLEDGEMENT

Rating Officer [REDACTED] Date 11-30-01
 Reviewed by [REDACTED] Date 11-30-01
 Employee [REDACTED] Date 11-30-01
 (Signature of employee indicates that Planning Stage and Position Description were reviewed with the employee.)

EVALUATION STAGE ACKNOWLEDGEMENT

Rating Officer [REDACTED] Date 11-3-2002
 Reviewed by [REDACTED] Date 11-1-2002
 Reviewing Officer Comments _____

Employee [REDACTED] Date 11-03-2002
 (My signature indicates that I was given the opportunity to discuss the official performance review with my supervisor - not that I necessarily agree.)

RECEIVED
 Employee Comments _____

NOV 15 2002

Office of Human Resources, #5
 D.P.S.

EPMS

Signatures and initials were redacted by House Legislative Oversight Committee staff.

Trooper

Job Duties

Performance
Level

1. Enforces all state laws and regulations governing vehicle and pedestrian traffic. Investigates complaints relating to highway safety and enforces criminal laws as needed.

M

Success Criteria:

Maintains a good working knowledge of the laws, rules, and regulations involved in traffic enforcement. Patrols the streets and highways in the assigned area, identifies violations and takes necessary enforcement action.

Actual Performance

TFC. KYZER USES GOOD JUDGEMENT IN THE ENFORCEMENT OF THE TRAFFIC LAWS OF THIS STATE. TFC. KYZER HAS A GOOD ENFORCEMENT PLAN AND APPLIES THAT KNOWLEDGE IN IDENTIFYING THE VARIOUS TRAFFIC VIOLATIONS IN HIS ASSIGNED AREAS.

2. Conducts investigations of collisions involving vehicles in order to determine the cause; collects necessary data; completes required reports relating to accidents.

E

Success Criteria:

Thoroughly investigates accidents using established techniques; supporting documentation is compiled and reports submitted within established time frames.

Actual Performance

TFC. KYZER DOES AN EXCELLENT JOB IN THE INVESTIGATION OF COLLISIONS. HE IS ABLE TO COLLECT ALL THE NEEDED INFORMATION TO DETERMINE TO CAUSE OF THE COLLISIONS WITH LITTLE SUPERVISION. TFC. KYZER COMPLETES ALL HIS REPORTS AND HAS THEM TURNED IN ON TIME. TFC. KYZER'S REPORTS ARE NEAT AND PROFESSIONAL.

3. Prepares cases for court appearances upon initiation of formal charges.

M

Success Criteria:

Provides detailed account of violations providing documented evidence to support the written violation.

Actual Performance

TFC. KYZER DOES A GOOD JOB IN PREPARING HIS CASES FOR TRAFFIC COURT AND CURCUIT COURT. HE IS ABLE TO EXPLAIN IN DETAIL THE FACTS OF EACH CASE TO THE JUDGE AND JURY. HE IS ALWAYS NEAT AND PROFESSIONAL IN HIS APPEARANCE.

Trooper

Job DutiesPerformance
Level

4. Maintains all daily, weekly, and monthly reports as required.

E**Success Criteria:**

Submits accurate reports within established time frames.

Actual Performance

TFC. KYZER TURNS ALL HIS PAPERWORK IN ON TIME. HIS PAPERWORK IS ALWAYS NEAT AND PROFESSIONAL. TFC. KYZER SETS A GOOD EXAMPLE FOR HIS FELLOW TROOPERS AND IS ENCOURAGED TO MAINTAIN HIS HIGH LEVEL OF PROFESSIONALISM.

Objectives

(Optional)

Performance
Level

- 1 Objective: _____

Success Criteria:

2. Objective: _____

Success Criteria:

Performance CharacteristicsAcceptable/
Unacceptable

1. Characteristic: Dependability

Definition: The degree to which the trooper can be relied upon to perform his duties within established procedures.

A

2. Characteristic: Relationship with the Public

Definition: The extent to which the employee establishes good relationships with the public while effectively enforcing the laws.

A

Trooper

Summary and Improvement Plan

Identify the employee's major accomplishments, areas needing improvement, and steps to improve present and future performance.

TFC. KYZER DOES AN EXCELLENT JOB IN LEXINGTON COUNTY AND IS AN ASSET FOR THE HIGHWAY PATROL. HE CAN BE RELIED ON TO DO VARIOUS TASK WITH LITTLE SUPERVISION AND NO COMPLAINT. TFC. KYZER NEEDS TO MAINTAIN HIS HIGH LEVEL OF PROFESSIONALISM AND TO CONTINUE TO SET A GOOD EXAMPLE FOR HIS FELLOW TROOPERS. TFC. KYZER NEEDS TO CONTINUE TO STUDY THE HIGHWAY PATROL MANUAL OF OPERATIONS, D.P.S. POLICIES, TRAFFIC LAWS AND THEIR UPDATES. TFC. KYZER NEEDS TO IMPROVE ON HIS D.U.I. ENFORCEMENT BY REVIEWING THE TECHNIQUES AND PROCEDURES LEARNED IN THE ADVANCED D.U.I. DETECTION COURSE OR IF FURTHER INSTRUCTION IS NEEDED BY HIS SUPERVISOR.

APPRAISAL RESULTS

☐ Substantially Exceeds

☐ Exceeds

☒ Meets

☐ Below

Weighted System Work Form

		<u>Range</u>
Substantially Exceeds Performance Requirements (SE)	4	3.5 & Above
Exceeds Performance Requirements (E)	3	2.5 to 3.4
Meets Performance Requirements (M)	2	1.5 to 2.4
Below Performance Requirements (B)	1	1.4 & Below

Duties:

	<u>Weight Factor</u>	<u>Rating</u>	<u>Numerical Score (Weight x Rating)</u>	<u>Total Score</u>
Duty 1	60 %	M	60 x 2	120
Duty 2	20 %	E	20 x 3	60
Duty 3	10 %	M	10 x 2	20
Duty 4	10 %	E	10 x 3	30
Duty 5	_____ %	_____	_____ x _____	_____
Duty 6	_____ %	_____	_____ x _____	_____

Objectives:

Objective 1	_____ %	_____	_____ x _____	_____
Objective 2	_____ %	_____	_____ x _____	_____

<u>Total Weight</u>	<u>Total Score</u>
100 %	230

Total Score 230 divided by Total Weight 100 % = 2.3 rounded to 2.3

This will be the overall rating for the employee this period. (Round up to the next rating, i.e. 2.45 equals 2.5)

Performance Characteristics:

A
A
~~A~~

RECEIVED

NOV 27 2001

Office of Human Resources, #5
D.P.S.

OHR

STATE OF SOUTH CAROLINA
EMPLOYEE PERFORMANCE MANAGEMENT SYSTEMName Brian E. Kyzer Social Security No. [REDACTED]Agency SCDPSDepartment Highway PatrolPosition Classification TrooperDate Assigned to Current Position 12/99Performance Review From 07/18/00 To 12-17-2001
07/18/01

PLANNING STAGE ACKNOWLEDGEMENT

Rating Officer [REDACTED] Date 12-04-2000Reviewed by [REDACTED] Date 12-04-2000Employee [REDACTED] Date 12-04-2000

(Signature of employee indicates the Planning Stage and Position Description were reviewed with the employee.)

EVALUATION STAGE ACKNOWLEDGEMENT

Rating Officer [REDACTED] Date 12-30-01Reviewed by [REDACTED] Date 12-30-01

Reviewing Officer Comments _____

Employee [REDACTED] Date 12-30-01

(My signature indicates that I was given the opportunity to discuss the official performance review with my supervisor - not that I necessarily agree.)

Employee Comments _____

RECEIVED

JUL 18 2001

Human Resources Office
D.P.S.

EPMS

Trooper

Job Duties

Performance
Level

1. Enforces all state laws and regulations governing vehicle and pedestrian traffic. Investigates complaints relating to highway safety and enforces criminal laws as needed.

M

Success Criteria:

Maintains a good working knowledge of the laws, rules, and regulations involved in traffic enforcement. Patrols the streets and highways in the assigned area, identifies violations and takes necessary enforcement action.

Actual Performance

TROOPER KYZER USES GOODS JUDGEMENT IN HIS ENFORCEMENT OF TRAFFIC LAWS. HE WORKS HIS ASSIGNED AREA AND IS ABLE TO IDENTIFY TRAFFIC VIOLATIONS. HE THEN TAKE THE NECESSARY ENFORCEMENT ACTION.

2. Conducts investigations of collisions involving vehicles in order to determine the cause; collects necessary data; completes required reports relating to accidents.

E

Success Criteria:

Thoroughly investigates accidents using established techniques; supporting documentation is compiled and reports submitted within established time frames.

Actual Performance

TROOPER KYZER DOES A GOOD JOB IN THE INVESTIGATIONS OF COLLISIONS. HE IS ABLE TO COLLECT THE NEEDED DATA NEEDED TO DETERMINE THE CAUSE OF THE COLLISION. HE TURNS IN HIS ACCIDENT REPORTS IN A TIMELY MANNER. HIS PAPERWORK IS VERY NEAT.

3. Prepares cases for court appearances upon initiation of formal charges.

M

Success Criteria:

Provides detailed account of violations providing documented evidence to support the written violation.

Actual Performance

TROOPER KYZER DOES A GOOD JOB IN PREPARING HIS CASES FOR COURT. HE IS ABLE TO EXPLAIN THE NEEDED INFORMATION TO THE JUDGE OR JURY. HE IS ALWAYS NEAT IN APPEARANCE.

Trooper

Job Duties**Performance
Level**

4. Maintains all daily, weekly, and monthly reports as required.

E

Success Criteria:

Submits accurate reports within established time frames.

Actual Performance

TROOPER KYZER ALWAYS TURN IN HIS PAPERWORK IN THE REQUIRED TIME FRAME.. HIS PAPERWORK IS NEAT, AND EASY TO READ. HE SET A GOOD EXAMPLE THAT I WISH OTHER TROOPER WOULD FOLLOW.

**Objectives
(Optional)****Performance
Level**

- 1 Objective: _____

Success Criteria:

2. Objective: _____

Success Criteria:

Performance Characteristics**Acceptable/
Unacceptable**

1. Characteristic: Dependability

Definition: The degree to which the trooper can be relied upon to perform his duties within established procedures.

A

2. Characteristic: Relationship with the Public

Definition: The extent to which the employee establishes good relationships with the public while effectively enforcing the laws.

A

Trooper

Summary and Improvement Plan

Identify the employee's major accomplishments, areas needing improvement, and steps to improve present and future performance.

TROOPER KYZER DOES AN OUTSTANDING JOB IN LEXINGTON COUNTY. HE CAN BE RELIED ON TO DO WHAT EVER IT TAKES TO CARRY OUT HIS DUTIES. HE CARRIES OUT HIS DUTIES WITH OUT ANY COMPLAINTS. HE DOES HIS JOB BETTER THAN THE AVERAGE TROOPER. HE SETS A GOOD EXAMPLE THAT OTHER SHOULD FOLLOW. HE IS AN ASSET TO THE HIGHWAY PATROL.

TROOPER KYZER NEEDS TO CONTINUE TO STUDY THE HIGHWAY PATROL MANUEL OF OPERATION, DPS POLICIES AND TRAFFIC LAWS.

APPRAISAL RESULTS

☐ Substantially Exceeds☐ Exceeds☒ Meets☐ Below

Weighted System Work Form

		<u>Range</u>
Substantially Exceeds Performance Requirements (SE)	4	3.5 & Above
Exceeds Performance Requirements (E)	3	2.5 to 3.4
Meets Performance Requirements (M)	2	1.5 to 2.4
Below Performance Requirements (B)	1	1.4 & Below

Duties:

	<u>Weight Factor</u>		<u>Rating</u>	<u>Numerical Score</u> (Weight x Rating)	<u>Total Score</u>
Duty 1	60 %		M	60 x 2	120
Duty 2	20 %		E	20 x 3	60
Duty 3	10 %		M	10 x 2	20
Duty 4	10 %		E	10 x 3	30
Duty 5	_____ %		_____	_____ x _____	_____
Duty 6	_____ %		_____	_____ x _____	_____

Objectives:

Objective 1	_____ %	_____	_____ x _____	_____
Objective 2	_____ %	_____	_____ x _____	_____

<u>Total Weight</u>	<u>Total Score</u>
100 %	230

Total Score 230 divided by Total Weight 100 % = 2.3 rounded to 2.3

This will be the overall rating for the employee this period. (Round up to the next rating, i.e. 2.45 equals 2.5)

Performance Characteristics:

A
A
A

OHR

STATE OF SOUTH CAROLINA EMPLOYEE PERFORMANCE MANAGEMENT SYSTEM

Name Brian E. Kyzer Social Security No. [REDACTED]
 Agency SCDPS
 Department Highway Patrol
 Position Classification Trooper
 Date Assigned to Current Position 12/99
 Performance Review From 12/99 To 07/18/00 ✓

PLANNING STAGE ACKNOWLEDGEMENT

Rating Officer [REDACTED] Date 12-99
 Reviewed by [REDACTED] Date 12-99
 Employee [REDACTED] Date 12-99
 (Signature of employee indicates the Planning Stage and Position Description were reviewed with the employee.)

EVALUATION STAGE ACKNOWLEDGEMENT

Rating Officer [REDACTED] Date 6-04-2000
 Reviewed by [REDACTED] Date 6-04-2000
 Reviewing Officer Comments None

Employee [REDACTED] Date 6-04-2000
 (My signature indicates that I was given the opportunity to discuss the official performance review with my supervisor - not that I necessarily agree.)

RECEIVED

Employee Comments JUL 05 2000

Human Resources Office
D.P.S.

EPMS

JOB DUTIES

Performance
Level

1. Job Duty:

Enforces all state laws and regulations governing vehicle and pedestrian traffic. Investigates complaints relating to highway safety and enforces criminal laws as needed.

M

Success Criteria:

Maintains a good working knowledge of the laws, rules, and regulations involved in traffic enforcement. Patrols the streets and highways in the assigned area, identifies violations and takes necessary enforcement action.

2. Job Duty:

Conducts investigations of collisions involving vehicles in order to determine the cause; collects necessary data; completes required reports relating to accidents.

M

Success Criteria:

Thoroughly investigates accidents using established techniques; supporting documentation is compiled and reports submitted within established time frames.

3. Job Duty:

Prepares cases for court appearances upon initiation of formal charges.

E

Success Criteria:

Provides detailed account of violations providing documented evidence to support the written violation.

4. Job Duty:

Maintains all daily, weekly, monthly, reports as required.

M

Success Criteria:

Submits accurate reports within established time frames.

ACTUAL PERFORMANCE

1. Employee enforces all state laws, patrols within his assigned areas, identifies violators and takes the proper lawful action against violators.
2. Employee investigates traffic collisions and complaints, and uses techniques taught in the academy and those learned from experienced Patrol officers to correctly determine the cause of collisions, and submits well-written reports in a timely manner with a minimum of errors.
3. Employee gathers evidence and provides good court presentation when prosecuting violators.
4. Employee writes good daily, weekly and monthly reports and submits them in a timely fashion.

OBJECTIVES (Optional)

Performance
Level

1. Objective:

Success Criteria:

2. Objective:

Success Criteria:

ACTUAL PERFORMANCE

PERFORMANCE CHARACTERISTICS

Acceptable/
Unacceptable

1. Characteristic: Dependability

A

Definition: The degree to which the trooper can be relied upon to perform his duties within established procedures.

2. Characteristic: Relationship with the Public

A

Definition: The extent to which the employee establishes good relationships with the public while effectively enforcing the laws.

SUMMARY AND IMPROVEMENT PLAN

Identify the employee's major accomplishments, areas needing improvement, and steps to improve present and future performance. Employee is polished, well-mannered, reports to work on time, and gets along well with fellow employees and supervisors, and has a minimum of complaints. He listens well, and does not hesitate to ask questions of fellow troopers or supervisors and is eager to learn and excel at his job. Employee needs to keep abreast of all DPS and Highway Patrol policy changes, and also any S.C. law changes to effectively accomplish his duties.

APPRAISAL RESULTS

Substantially Exceeds Exceeds x Meets Below

WEIGHTED SYSTEM WORK FORM

RANGE

Substantially Exceeds Performance Requirements (SE)	4	3.5 & Above
Exceeds Performance Requirements (E)	3	2.5 to 3.4
Meets Performance Requirements (M)	2	1.5 to 2.4
Below Performance Requirements (B)	1	1.4 & Below

DUTIES:

	<u>Weight Factor</u>	<u>Rating</u>	<u>Numerical Score</u> (weight x rating)	<u>Total Score</u>
Duty 1	<u>60</u> %	<u>2</u>	<u>60</u> x <u>2</u> =	<u>120</u>
Duty 2	<u>20</u> %	<u>2</u>	<u>20</u> x <u>2</u> =	<u>40</u>
Duty 3	<u>10</u> %	<u>3</u>	<u>10</u> x <u>3</u> =	<u>30</u>
Duty 4	<u>10</u> %	<u>2</u>	<u>10</u> x <u>2</u> =	<u>20</u>
Duty 5	_____ %	_____	_____ x _____ =	_____
Duty 6	_____ %	_____	_____ x _____ =	_____

OBJECTIVES:

Objective 1	_____ %	_____	_____ x _____ =	_____
Objective 2	_____ %	_____	_____ x _____ =	_____

Total **100%**

210 - 100 = 2.1

PERFORMANCE CHARACTERISTICS:

Add total scores and divide by 100. This will be the overall rating for the employee for this period. (Round up to next rating, i.e. 2.45 equals 2.5)

-1-

Coats, Carrie

From: grievance@ohr.sc.gov
Sent: Monday, April 06, 2015 4:48 PM
To: Grievance
Subject: State Appeal Form

STATE EMPLOYEE GRIEVANCE PROCEDURE STATE APPEAL FORM

TO APPEAL THE DECISION OF THE AGENCY CONCERNING A GRIEVANCE UNDER THE STATE EMPLOYEE GRIEVANCE PROCEDURE ACT TO THE STATE HUMAN RESOURCES DIRECTOR, THE EMPLOYEE AND/OR REPRESENTATIVE INITIATING THE APPEAL MUST COMPLETE THIS FORM AND RETURN IT TO THE STATE OFFICE OF HUMAN RESOURCES.

EMPLOYEE'S NAME: Brian E. Kyzer

JOB CLASSIFICATION: Law Enforcement Officer - Corporal

AGENCY: South Carolina Department of Public Safety

HOME ADDRESS: Ryan K. Hicks, Esquire, J. Lewis Cromer & Associates, LLC, P.O. 11675, Columbia, South Carolina 29211

TELEPHONE: Office: (803) - 799-9530

1. Has the employee completed twelve (12) months of satisfactory service with the state? Yes
2. What disciplinary action taken against the employee is being appealed? Termination
3. Has the employee received a final decision from the agency? Yes
4. What date did the employee receive the final decision? April 6, 2015
5. If the employee has not received a final decision from the agency, what date did the employee initiate the grievance within the agency's internal grievance procedure? N/A

APPEAL

Please specify why the employee contends that the agency's decision concerning the grievance is unfair and state relevant facts and issues to support that position (continue on additional pages if necessary):

Mr. Kyzer was discharged for false and pre-textual reasons. Mr. Kyzer worked for SCDPS for approximately 15 years, during which time he provided exemplary service. On or about March 6, 2014, Mr. Kyzer received an email from First Sergeant Shelton requesting certain video tapes be forwarded to headquarters for review. One identified video was in Mr. Kyzer's possession. On March 7, 2014, Mr. Kyzer met with Shelton and instructed that his supervisor, Sergeant Rothell, had not reviewed the tape as of that date. Later that evening Rothell contacted Mr. Kyzer and asked him to meet him at Post C in order to deliver the tape. Mr. Kyzer did so and left the tape with Rothell until that Sunday, March 9, 2014. When Rothell returned the tape to Mr. Kyzer he instructed him that he did not need to be on the chain of custody form. Accordingly, Mr. Kyzer then executed the chain of

-2-

custody form from himself to Captain Stephens. When Stephens received the tape on Monday, March 10, 2014, he noticed that Rothell was not on the chain of custody form. Stephens became concerned because Rothell's Video Tape Monitor Report indicated that he had reviewed the video on February 13, 2014 - a month earlier. Notably, Rothell could not have viewed the video on that date because the tape was used from February 21-24. Mr. Kyzer was not aware of Rothell's assertions on the Video Tape Monitor Report. When Mr. Kyzer was later contacted by Stephens, he informed Stephens that Rothell had viewed it on dayshift; Rothell had instructed Mr. Kyzer that this was to be his response. Upon information and belief, Rothell instructed Mr. Kyzer to make this statement in an attempt to cover up his fraudulent Video Tape Monitor Report. On March 12, 2014, Mr. Kyzer reported to Stephen's office and accurately relayed the events surrounding the video. Only after this meeting, and during the OPR investigation, did Mr. Kyzer learn of Rothell's fraudulent date on the Video Tape Monitor Report and at no time was he seeking to cover-up Rothell's actions.

Please specify the relief that the employee is seeking by this appeal:

Reinstatement, back pay, benefits, and any other permissible relief.

Date: Apr 6, 2015

Human Resources Division
8301 Parklane Road, Suite A220
Columbia, SC 29223

Based on Form GC101-Revised 10/01/96