

Current Misconduct Time Line

1. Allegation of misconduct is received via a Personnel Change in Status (PCS).
2. Officer is notified, via certified mail, of the allegations.
3. Officer cannot request a contested case hearing until they are employed by a law enforcement agency. (The amount of time varies from days to indefinite)
4. Officer is employed by a law enforcement agency and requests a contested case hearing.
5. The next LETC member hearing officer is assigned the case and informs when his schedule is free to sit as hearing officer. We usually try to give 45 – 60 days. This allows the officer to hire an attorney and for the parties to conduct discovery before the hearing.
6. The hearing takes place.
7. CJA receives the hearing transcript. (Takes at least 30 days to receive the hearing transcript)
8. Reread transcript and review exhibits to begin drafting the hearing officer's recommendation. (Takes at least 2 weeks)
9. The proposed recommendation, transcript, and exhibits are sent to the hearing officer for their comments, or signature if they approve of the recommendation. (Takes at least 2 weeks)
10. The recommendation is sent to all LETC members, along with transcript and exhibits.
11. The recommendation is discussed in the next LETC meeting. (Meetings are held quarterly)
12. The current likely time line is approximately 7 months. That is if everything goes as planned. Common issues that would prolong the time line are: hearing officer has a conflict and needs to reschedule; one of the parties requests a continuance; and the court reporter takes longer than 30 days to finish the transcript.

STATE OF SOUTH CAROLINA
LITIGATION RELATED EXPENSE EXPLANATIONS
At June 30, 2016

Agency: N200 LAW ENFORCEMENT TRAINING COUNCIL
Bus. Area Name

Typed name of preparer: Thomas McQueen

Typed name of reviewer: Mike Lanier

From the review of litigation related expenses were:

Payments made for settled litigation? ☐ No

Payments made for situations constituting actual or threatened litigation? ☐ No

Payments made for situations which did not result in pursuit of litigation? ☐ YES See below

Description of other situations requiring attorney or related services:

In Re: Certification of Michael William Hefner - Hearing Transcript \$256.55
In Re: Certification of Robert Barry Cooper - Hearing Transcript \$882.10
In Re: Certification of Philip M. Hunter - Hearing Transcript \$1,217.20
In Re: Certification of Donnie Rhodes - Hearing Transcript \$393.25
In Re: Certification of Tracy A. Steen - Hearing Transcript \$251.15
In Re: Certification of Gregory Scott Morris - Contested Hearing Transcript \$431.65
In Re: Certification of David L. Childers - Hearing Transcript \$226.70
In Re: Certification of Robert Barry Cooper - Hearing Transcript (for John O'Leary) \$417.10
In Re: Certification of Jonathon E. Silcox - Hearing Transcript \$243.80
In Re: Certification of Gregory Scott Morris - Hearing Transcript \$301.85
In Re: Certification of David L. Childers - Hearing Transcript \$228.75
In Re: Certification of Brian Kyzer - Hearing Transcript \$503.40
In Re: Trainee Injury - Telephone Conference \$43.50

Proposed Misconduct Time Line

1. Allegation of misconduct is received via a Personnel Change in Status (PCS).
2. Officer is notified, via certified mail, of the allegations.
3. Officer could request a contested case hearing immediately. In fact, they would be required to request a contested case hearing either 30 or 60 days after notice or they would forever be barred from challenging the allegation of misconduct.
4. The hearing officer, a CJA attorney, would be assigned the case and schedule the hearing. It would be shortened if the officer already retained an attorney and the parties agreed discovery was not necessary. In that case, we would schedule the hearing within 30 days. If the officer did not have an attorney and wanted one or the parties wanted to conduct discovery, we would still try to give 45 – 60 days. This allows the officer to hire an attorney and for the parties to conduct discovery before the hearing.
5. The hearing takes place.
6. CJA receives the hearing transcript. (Takes at least 30 days to receive the hearing transcript)
7. Reread transcript and review exhibits to begin drafting and finalizing the hearing officer's recommendation. (Takes at least 2 weeks)
8. The recommendation is sent to all LETC members, along with transcript and exhibits.
9. The recommendation is discussed in the next LETC meeting. (Meetings are held quarterly) or the recommendation would be decided individually by the LETC members after they have read the transcript, exhibits and recommendation.
10. The proposed time line could be as short as 3 months. This is assuming the hearing is scheduled within 30 days, the transcript is received within 30 days of the hearing, the hearing officer takes two weeks to draft the recommendation and LETC takes two weeks to rule on the recommendation.