

“THE SOLICITOR
will complete a review of
the IIA’s investigation
within **60 DAYS**
of receiving the report.”

Release of Information

All information released to the public regarding facts surrounding the investigation will be made jointly by the Solicitor and the IIA. Information regarding the involved officers will be released at the discretion of the involved law enforcement entity.

In order to prevent altering witnesses’ recall and to minimize false witnesses, specific information including audio and video will not be released until all relevant witnesses have been located and interviewed (unless there are emergency circumstances).

If someone is criminally charged, all released statements from the Solicitor or IIA will include required language that the defendant(s) are innocent until proven guilty.

For more information:
www.scsolicitor9.org/oici.php

Berkeley County Coroner
Darnell D. Hartwell | 843-719-4567
darnell.hartwell@berkeleycountysc.gov

Charleston County Coroner
Bobbi Jo O’Neil | 843-746-4030
BONeal@charlestoncounty.org

South Carolina Law Enforcement Division
(SLED): 803-737-9000 | www.sled.sc.gov

What to Expect After an **OFFICER INVOLVED CRITICAL INCIDENT**



The Investigation

Solicitor Wilson and law enforcement entities in Charleston & Berkeley Counties have agreed that critical incidents involving their officers (OICI's) will be investigated by an outside, independent investigative agency (IIA). While the involved agency may have responsibilities in preserving the scene and protecting the evidence and public until the IIA investigators arrive, the investigation into the incident itself will be handled by an outside, independent agency, oftentimes SLED.

Solicitor Scarlett A. Wilson
Ninth Circuit Solicitor's Office
101 Meeting Street, Suite 400, Charleston, SC 29401

Involved Citizens and Their Families

If a citizen dies during an officer encounter, the Coroner will make contact with the deceased's family. Within 10 days of the death, the Solicitor will arrange to meet with the deceased's family to discuss the investigative process.

If a death is not involved, the Solicitor will meet with the involved citizen and the IIA to discuss the investigative process, as soon as practicable but no later than 14 days from the incident. (If the citizen is charged with a crime, the Solicitor will follow ethics rules governing contact with defendants.)

Before announcing a charging decision, the Solicitor will inform the involved citizen or his surviving family.

Timelines

Investigative Report: Within 60 days of the incident, the IIA must provide the Solicitor their Investigative Report. If the report is not complete within 60 days, the IIA will provide the Solicitor an accounting of all outstanding items, the reason for the delays and a projection of when the items will be available.

Charging Decisions: The Solicitor will complete a review of the IIA's investigation within 60 days of receiving the investigative report. If at any time during the process, the Solicitor requires further investigation, she will request the necessary action. If the Solicitor requires additional time to make a decision, she will make a public statement disclosing the need for an extension of time, and the reason for the extension (if appropriate).

Grand Jury: Unlike other states, South Carolina does not have an investigative grand jury for OICIs. The county grand juries that we do have in South Carolina only determine probable cause based on a law enforcement witness' summary testimony. By law, the Solicitor is not allowed to attend grand jury sessions during testimony and there are no recordings or transcripts of grand jury sessions.

Prosecution: The Ninth Circuit Solicitor will prosecute cases involving officers, as she does any other citizen. As in any case, if the Solicitor determines that a conflict of interest exists, she will refer the case to the South Carolina Attorney General (for example, when the Solicitor has a personal or close relationship with someone involved in the incident).

To Justify Charges: Criminal responsibility is established only if there is proof beyond a reasonable doubt that someone committed all the elements of an offense and that the offense was committed without legal justification or excuse. Under South Carolina law, there are certain circumstances in which the use of physical force – deadly or not – is justified. The Solicitor will only authorize charges, if she finds that all elements of a crime may be proven beyond a reasonable doubt and that any defenses to the charges can be disproven beyond a reasonable doubt.

