

## STATE OF SOUTH CAROLINA

## Before the South Carolina Law Enforcement Training Council

Sydney Tyson (“Officer”), in response to an allegation of certification misconduct reported by the Greer Police Department (“Department”) to the South Carolina Criminal Justice Academy (“Academy”), pursuant to the requirements of S.C. Code Ann. § 23-23-150 (B) (1), timely requested a contested case hearing to address the allegation of misconduct filed against the Officer. Notice of the contested case hearing was communicated to the Officer and the Department, in accordance with the requirements of S.C. Code Ann. § 23-23-150 (D), and the matter was properly set for hearing on June 13, 2023.

On January 24, 2024, the South Carolina Law Enforcement Training Council met to, among other things, discuss this case, listen to oral arguments, and take a vote. Prior to January 24, 2024, the Training Council reviewed the transcript, exhibits, motions, and Hearing Officer's Recommendation. On January 24, 2024, the Training Council voted that Officer did not engage in misconduct and voted that Officer is eligible for a law enforcement certification in South Carolina.<sup>1</sup>

## **FINDINGS OF FACT**

Based on the Hearing Officer's Recommendation, Hearing Transcripts, Hearing Exhibits, motions, oral arguments, and all factors offered by the Officer in mitigation we find as a fact:

1. The allegation of misconduct against Officer in the Personnel Change in Status Report (Notification of Separation Due to Misconduct) to the Criminal Justice Academy (Academy) by the Department, is not supported by the evidence adduced at the contested case hearing;
2. The Department failed to meet its burden of showing by a “preponderance of evidence” that Officer engaged in misconduct as was alleged in the Personnel Change in Status Report (Notification of Separation Due to Misconduct) provided by the Department to the Academy; and

<sup>1</sup>Chief Keel, Sheriff Foster, Director Gallman, Director Woods, Sheriff Faile, Chief Cornett, and Captain Gallam voted that Officer did not engage in misconduct and the Officer is eligible for a law enforcement certification with probation.

Tyson

3. The allegation of misconduct against Officer set forth in the Personnel Change in Status Report (Notification of Separation Due to Misconduct) by the Department should be deemed not proven by the preponderance of evidence adduced at the contested case hearing.

### **CONCLUSIONS OF LAW**

Based on the Hearing Officer's Recommendation, Hearing Transcripts, Hearing Exhibits, motions, oral arguments, and all factors offered by the Officer in mitigation we conclude as a matter of law:

1. Pursuant to S.C. Code Ann. § 23-23-80 (6), the South Carolina Law Enforcement Training Council ("Council") is authorized, *inter alia*, to "provide for suspension, revocation, or restriction" of law enforcement certification in accordance with the regulations promulgated by the Council;
2. Pursuant to S.C. Code Ann. Regs. 37-025, Council may deny law enforcement certification "based on evidence satisfactory to the Council that the candidate has engaged in misconduct";
3. A review of the record in this matter discloses that there exists no preponderance of evidence that Officer committed misconduct, as defined in S.C. Code Ann. § 23-23-150 (A) (3), as was alleged and reported to the Academy by the Department;
4. The misconduct allegations against Officer reported by the Department should be dismissed and, pursuant to the requirements of S.C. Code Ann. § 23-23-150 (M), all evidence related to the same must be expunged by Council within thirty (30) days of its issuance of the final agency decision in this matter.

### **SANCTION**

**THEREFORE, IT IS ORDERED:** Officer is eligible for a law enforcement certification in South Carolina. Officer will be on two years' probation from the date of her certification and is required to attend 7.5 hours of ethics training each of the two years.

**AND IT IS SO ORDERED.**



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Mark A. Keel, Chairman Law Enforcement Training Council  
Chief of SLED  
On Behalf of the Law Enforcement Training Council

February 16, 2024