



## County of Charleston, South Carolina

Sheriff Kristin R. Graziano

### Memorandum

To: Deputy C. Sacks  
From: Captain D. Turner  
Date: March 1, 2023  
Subject: Letter of Suspension

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Following the previous Office of Professional Standards (OPS) investigation, a video review was conducted on your videos for the period of December 31, 2022, through January 31, 2023. After a thorough review of your videos, it is apparent that you lack professionalism, care, and competency to adequately do your job. It is embarrassing to watch these videos and see the level of disservice that was done to the public. Your officer safety is reprehensible. Video after video you approach vehicles on traffic stops, fail to touch the vehicle as taught, and then either lean on the car or position your body directly in front of the window. You put yourself at risk of getting drug down the road by the suspect vehicle, assaulted, or killed.

The following is a summary of the incidents for this time period.

There are six traffic stops where you locate drugs, seize them, and do not complete a report, one of which was never called in to Dispatch as a traffic stop. You do not identify some of the subjects and do not give them a FI, a warning, or a citation. One of those stops, you pull a gun on a driver who is reaching for his glovebox, after notifying you that he has a gun in the car. In addition to no report being done for this stop, there is no Use of Force form completed. On a traffic stop from January 1, 2023, the driver says he has \$6000 in cash in his vehicle. You retrieve it and ask the driver why he has that much cash. The driver responds that he is a club promoter. You ask him if the club is a "titty bar," and that driver responds that it is. You tell him that you once, "dropped like \$700 one night. I'm like damn, I blew some money!" Again, no report was completed.

On December 31, 2022, you responded to a theft call. The victim's wallet was stolen from his vehicle. Due to the victim speaking very little English, and you tried to get the victim to call back when a Spanish speaking officer is available. However, you did not check with area agencies to see if they can assist. The victim contacts his landlord via telephone to translate for him and tells you that they want a report. You gave them an incident number, not an OCA number and no report is ever done. You then respond to a domestic disturbance where the male and female are verbally arguing. No report is completed.

January 1, 2023, you responded to a verbal domestic disturbance. The female tells you that she has been drinking. Despite this, you tell her to gather her children, their belongings, and her belongings, and tell her to leave for the night by driving her vehicle. Clearly if someone has admitted to consuming alcohol, it should never be suggested that they drive away. If she wrecked the vehicle or was stopped for DUI, the fault would be yours. No report was completed.

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On two separate traffic stops while speaking with women (January 25, 2023 and January 29, 2023), you tell them to pull their bras outward and shake them to see if they are concealing drugs. You tell them to be careful when doing so because you don't want to see "titties." While patrolling a parking lot of a hotel, you stop out with a male subject in a vehicle who is paralyzed from the waist down. You ask him if he has any drugs on him and the man pats his groin area. You ask him, "Tucked up under your pecker?" When the man tells you yes, you tell him to retrieve it and then say that you must go back to your vehicle to get gloves so that you don't touch, "penis germs." While backing up another deputy on a traffic stop, you refer to the driver's vehicle as a "rape van."

There are several videos of you in-car camera activating due to going over 80 mph. While some are not concerning due to the roadway you were on and that you did not go over 80 mph, others show you doing between 100 and 120 mph without responding to a call. No lights or siren are activated. There are also several videos where you activate your lights to get through a red light and then immediately turn them off again.

On January 2, 2023, you responded to a domestic disturbance and speak with the female victim. She tells you that the suspect came to her home and tried to break in. He was not successful and left the scene after vandalizing her vehicle. The suspect was located a short time later and a traffic stop was conducted. He was given a trespassing citation and released, even though it was determined that his driver's license was suspended. If you had checked the vehicle's insurance, you would have seen that it was not insured.

Later in the shift, you record a phone conversation with the victim on your body camera. She tells you that she wants to press charges for the damage to her property and her vehicle. You erroneously tell her that she can no longer do that since she initially declined prosecution when you initially spoke to her. You then go on to tell her that you will help her out this time and do warrants for the suspect. Although a case number was assigned in the CAD, you never completed the report and never did warrants like you told her you would.

Also on January 2, 2023, you initiated a traffic stop for speeding and weaving in and out of the lane. When you approach the vehicle, you see that there is a gun visible in the back seat with the passenger and retrieve it. You then ask if any of them have a CWP, but no one does. You tell them that the gun must be in a locked container otherwise. The driver is questioned about how much alcohol he had to drink, which the driver denies and then tries to change the subject. You tell him that you, "don't do DUIs" and ask the driver if he is safe to be driving. You tell them that you know they have a bottle with liquor and again tell them that you, "don't do DUIs." You further explain that you, "find drugs and guns, that's what I do." The driver tells you that his driver's license expired a few days before and you tell him that you're not concerned with that. The driver is provided with a written warning and let go, despite the possible intoxication and expired license.

On January 10, 2023, you stop out with suspicious parties at the Siesta Motor Lodge, as a female is trying to get into the window of a car as the driver begins to drive away. The female is intoxicated and keeps repeating to you that someone else has her cell phone and that you need to help her find it. You say to her, "Hush, I don't give a fuck about your phone." You observe a drug pipe in the vehicle and ask the occupants if there any drugs in the car. You tell them, "I'm going to search the shit out of everything." The female continues to ask for help finding her phone, and your response to her is, "I ain't finding nothing." That ain't my business here. I ain't the fucking phone police." When the female says, "Excuse me?" To which you reply, "What part didn't you get?"

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When the female questions you about your language, you say, "I did 'cause you ain't listening." She then proceeds to tell you that you are wearing a badge and need to calm down. You continue to argue with her.

The driver of the vehicle is wearing a medical boot and asks you if she can sit back down in the car. You tell her to, "Just hang tight. You have something on your foot. So, you're fine." He never provides the vehicle tag to Dispatch and never runs any of the subjects.

Approximately 30 minutes later, you conduct a traffic stop on a driver in a rental car. The driver tells you that he has a valid license but that he mistakenly left it at home. The driver said that he was recently in the hospital for about a month due to a car accident, and was just released a few days before. He walked with a limp and had his walker in the front seat of the vehicle. He explained to you that because his vehicle was totaled in the collision, he was in a rental car. For nearly five minutes, you argue with him about not having his license on him. A simple check of DMV would have shown that the driver was who he said he was and that his license was clear. You could have issued him a citation or a warning for not having his license on him and let him go. Instead, the driver got so disgusted with you for not listening to him, he drove away. You advised that you were pursuing the vehicle and the driver stopped at his residence. He told you that he was going home to get his license because you kept calling him a liar. While I don't condone the driver leaving the scene of the traffic stop, I do understand his frustration. That whole scene could have been avoided if you had just checked the DMV and not argued about the license.

On January 11, 2023, you are back up on a traffic stop, where the driver is known to you. He tells you that he has expressed interest in becoming employed as a deputy with the Sheriff's Office and that he was told he would have to start at the detention center. He also discloses that he does not have a degree or military time. You then tell him, "No. Do not go to the jail. Do not go work at the jail. Yeah, you don't want to work in the jail."

As you are patrolling the area of Rivers Avenue on January 24, 2023, you observed a male make a turn onto Mall Drive. The driver hits the center barrier and subsequently wrecks the bike. While you called it in and activated your blue lights and in-car camera, you never activated your body camera. You ask him if he needs EMS, however he declines, despite limping. Even though he said that he didn't need EMS, they should have been contacted to assess his injuries. If he then decided not to be transported, they would have a signed refusal form documenting that. You also never ran the subject or the motorcycle.

On January 28, 2023, you responded to a domestic disturbance with your lights and siren activated. Just before you arrive on scene, you shut off your in-car camera. Once on scene, the male and female are not separated, and it is apparent that the male subject is intoxicated. The female tells you that she was threatened and that she has a gun in her purse. At no time did you run the subjects' information or run the gun to see if the female has a legal right to carry it. You tell the female that you can't take the male to jail because there are juveniles in the residence. No report was ever completed for this call.

Upon the completion of this review, I find that you are in violation of the following Sheriff's Office policies and procedures, *1-09 Agency Rules and Regulations, Section III, sub-section A2, "Unbecoming Conduct."*

*Employees will conduct themselves at all times, both on and off duty, in such manner as to reflect most favorably on the Sheriff's Office. Conduct unbecoming an employee will include that which brings the agency into disrepute or reflects discredit upon the employee as a member of the agency, or that which impairs the operation or efficiency of the agency or employee. At any time an employee has any type of misconduct, whether on or off duty, it is their responsibility to immediately report it to their supervisor or the Office of Professional Standards*

***1-09 Agency Rules and Regulations, Section III, "Procedure," sub-section A10, "Unsatisfactory Performance:"***

*Employees will maintain sufficient competency to properly perform their duties and assume the responsibilities of their positions. Employees will perform their duties in a manner which will maintain the highest standards of efficiency in carrying out the functions and objectives of the agency. Unsatisfactory performance may be demonstrated by lack of knowledge of the application of laws required to be enforced (sworn personnel); unwillingness or inability to perform assigned tasks; failure to conform to work standards established for the employee's rank, grade, or position; failure to take appropriate action on the occasion of a crime or disorder; failure to provide assistance to any member of the public whether requested to do so or observed by the deputy sheriff to apparently be in need; other conditions deserving attention; or absence without leave. In addition to other indicators of unsatisfactory performance, the following will be considered prima facie evidence of unsatisfactory performance: repeated poor evaluations or a written record of infractions of rules, regulations, directives, or orders of the agency.*

***1-09 Agency Rules and Regulations, Section III, "Procedure," sub-section A22, "Courtesy:"***

*Employees will be courteous to the public. Personnel will be tactful in the performance of their duties, will control their tempers and exercise the utmost patience and discretion, and should not engage in argumentative discussions even in the face of extreme provocation. In the performance of their duties in the public domain, personnel should not use course, violent, profane, or insolent language or gestures, and will not express any prejudice concerning race, religion, politics, national origin, lifestyle, or similar personal characteristics. Except in the performance of duty (sworn personnel – undercover) and while acting under proper and specific orders from a superior.*

***1-09 Agency Rules and Regulations, Section III, "Procedure," sub-section A23, "Request for Assistance:"***

*When any person applies for assistance or advice or appears to need assistance or makes complaints or reports, either by telephone or in person, all pertinent information will be obtained in an official and courteous manner and will be properly and judiciously acted upon consistent with established agency procedures whether on or off duty.*

***1-09 Agency Rules and Regulations, Section III, "Procedure," sub-section A27, "Public Statements and Appearances:"***

*Employees will not publicly criticize or ridicule purposely or recklessly the Charleston County Sheriff's Office, its policies, or other employees by speech, writing, or other expression, where such speech, writing, or other expression is defamatory, obscene, unlawful, undermines the effectiveness of the agency or interferes with the maintenance of discipline. Employees will not address public gatherings, appear on radio or television, prepare any articles for publication, act as correspondents to a newspaper or a periodical, release or divulge investigative information, or any other matters of the agency while holding themselves out as representing the Charleston County Sheriff's Office in such matters without proper authority. Sworn personnel may lecture on "law enforcement" or other related subjects with the prior approval of the Sheriff, Assistant Sheriff, or a Chief Deputy.*

***15-02 Collection and Preservation of Evidence, Section IV, "Procedure," sub-section A1, "Collecting, Processing & Preserving Physical Evidence in the Field:"***

*The scene of a crime must be secured as soon as possible to prevent the loss of evidence. It is the responsibility of the first deputy at the scene of a crime to secure and protect the scene from all nonessential personnel to prevent the loss of evidence. The deputy securing the crime scene will initiate an Incident Supplement listing the time, name and reason for all personnel who enter the crime scene. If Forensic Services is summoned to the scene, then the securing crime scene deputy will list the aforementioned information on a Major Crime Scene Log (CCSO form-164) instead of an Incident Supplement form.*

***9-15 Domestic Violence, section IV, "Procedure," sub-section Bj, "Responding Units' Responsibilities:"***

*Complete appropriate crime or incident reports necessary to fully document the deputy sheriff's response whether or not a crime was committed, or an arrest made. Incident reports will be completed on all domestic calls where complainant or victim contact is made (see §16-25-70(A)).*

***7-11 Mobile & Body-Worn Video/Audio Recording Equipment, Section IV, "Procedure," sub-section A4I, "BWVAR Equipment:"***

*Once a deputy sheriff has activated the BWVAR, the recording will remain activated until the incident has been resolved. The recording should begin when the deputy reports to Charleston County Consolidated 911 Center (911 Center) that they are on scene.*

***13-03 Motor Vehicle Stops, Section IV, "Procedure," sub-section B3, "Issuing Citations,:"***

*During any motor vehicle stop, the violator must be issued a written warning citation and/or a uniform traffic ticket documenting the violator's name, race, gender, and date of birth (see §56-5-6560 of the South Carolina Code of Laws, 1976, as amended). The deputy sheriff should, when possible, complete these forms using the South Carolina Collision and Traffic Ticketing System (i.e., ReportBeam).*

**9-02 Patrol Operations, Section IV, "Procedure," sub-section G7, "Patrol Personnel Responsibilities:"**

*Deputy sheriffs will be held accountable for failure to discover and/or report any criminal action, occurrence, or situation which should have been reasonably discovered by the deputy sheriff during their watch.*

**2-14 Vehicle Operations, Section IV, "Procedure," sub-section W8, "Responding to Calls for Service:"**

*Section 56-5-760 of the Code of Laws of South Carolina, 1976, as amended, addresses the privileges the driver of an authorized emergency vehicle is entitled to exercise when responding to an emergency call or when in the pursuit of an actual or suspected violator of the law. The provisions of this section do not relieve the driver of an emergency vehicle from the duty to drive with due regard for the safety of all persons.*

Therefore, as the unit commander of Patrol Services, I find that it is in the best interest of the Sheriff's Office that you be suspended from duty, without pay, for a period of seven, eight (8) hour days, equaling 56 hours. Since Patrol Services operates on a 12-hour workday, you will be suspended from duty, without pay, for a period of 48 hours of a 12-hour working day, and eight (8) hours for your short day, totaling 56 hours. The suspension will begin on March 13, 2023, at 1800 and end on March 20, 2023, at 0600. You are mandated to attend EAP. Following your suspension, you will be placed in remedial training with a Field Training Instructor, for a period of one month, unless otherwise agreed upon by Captain Ferguson of the Training Division and myself. When your remedial training period is finished, you will be placed on a Corrective Action Plan for a period of 90 days, that your immediate supervisor will administer. Additionally, you will be placed in a one (1) year probationary status.

During this period of suspension, you will have no authority to represent the Charleston County Sheriff's Office. Pursuant to Policy 3-08, Disciplinary Procedures, you will relinquish your identification, badge, weapon(s), and vehicle. Any questions pertaining to training, court, or other Sheriff's Office matters scheduled during this period of leave should be addressed to your immediate supervisor. I also direct you to review the specified directive to ensure your future compliance with departmental procedures.

In conclusion, you may appeal this action in accordance with Sheriff's Office Procedure 3-07, Grievance Procedures. Such appeal must be in writing and submitted within five (5) working days to your immediate supervisor.

I HAVE ACKNOWLEDGED THIS LETTER OF SUSPENSION AND UNDERSTAND IT CONTENTS.

  
Deputy C. Sacks

3-1-23  
Date

  
Witness

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