

From: Patel, Swati <SwatiPatel@gov.sc.gov>
To: Chip Campsen <chip@spiritlinecruises.com>
Shane Massey <asmlaw30@bellsouth.net>
CC: Veldran, Katherine <KatherineVeldran@gov.sc.gov>
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Subject: H.3945 - SLED issue

Senators,

I was listening to the debate yesterday and wanted to share my thoughts on the new idea (or “poison pill”) presented by Sen. Leatherman and apparently supported by Sen. Jackson on using SLED to do independent investigations. In addition to all of the good points you made against this idea, I wanted to make sure you understood these points as well:

- (1) SLED only has jurisdiction to investigate potential criminal violations. The State Ethics Commission (SEC), the House and Senate Ethics Committees only have jurisdiction to investigate potential civil violations. Under current law, if a matter may arise to a criminal violation, the SEC, House and Senate Ethics may refer the matter to the Attorney General which would have SLED perform the investigation.
- (2) Therefore, it sounds like Leatherman and Jackson want to completely change jurisdictional boundaries of SLED to now investigate civil violations (violations that lack criminal intent). There should be cause for concern that a public official is now subjected to a SLED investigation for civil matters because the possibility of criminal action could be higher.
- (3) There are good reasons for the separation of entities charged with investigations for civil actions and criminal actions. Ethics laws are not in the criminal code and usually do not rise to the level of criminal action. Those ethics statutes that are criminal, like bribery, use of office for significant financial gain, etc. are already investigated by SLED usually at the outset.
- (4) SLED has always been seen as fair and possibly apolitical; however if SLED has any doubt about whether a civil matter is criminal it usually asks the AG to go to the State Grand Jury to further investigate (before any probable cause is found). The AG is NOT always seen as apolitical.
- (5) Jackson made a point about growing government by changing the composition of the new State Ethics Commission. That is false and, in fact, if SLED were to conduct civil investigations, SLED would likely have to create a new unit to handle them while the SEC already has that capability.

Let me know if you'd like to talk further about this. I'm available anytime and will be watching today.

Swati