



Fearless Advocates. Fierce Challengers.

June 19, 2023

Via Electronic Mail

City of Beaufort Police Department
Attn: Dale McDorman, Chief of Police
dmcdorman@cityofbeaufort.org

Re: [REDACTED]

To Whom it May Concern:

Please be advised that I represent Officer [REDACTED]. As you know, Officer [REDACTED] has been an upstanding member of your department for approximately 15 years, most recently serving as Lieutenant of Investigations.

I understand that Officer [REDACTED] is currently suspended with pay, pending an investigation which has drug on, without progress, for nearly three months. It appears that this suspension is a retaliatory response intended to damage or end Officer [REDACTED]'s career, after Officer [REDACTED] has engaged in activity which is protected under Title VII of the Civil Rights Act of 1964, and/or the South Carolina Whistleblower Protection Act.

I am aware that in November, Officer [REDACTED] and other officers came forward to support a female colleague who complained of sexual harassment and a hostile work environment perpetrated and caused by you, the Chief of Police.

It is particularly alarming to know that when these reports were made to City of Beaufort's Human Resources Direct, Ivette Burgess, Ms. Burgess tearfully asked "I can't promise this won't get swept under the rug, are you sure you want to proceed with this?"

I am aware that an attorney was hired to investigate the claims of sexual harassment, and that Officer [REDACTED] along with others confirmed the allegations and further reported other harassing activity. I understand that no determination was made as to whether the allegations of sexual harassment were true or false, but that you were nonetheless disciplined by the City.

I know that approximately one month later, in January, you removed the complaining female from the Child Sex Crime Task Force. This removal is illogical, outside

of retaliation for their protected activity, as their service in the group has been highly successful, generated positive publicity for the department, and came at no expense to the City. At the same time, I'm aware that another Officer who spoke up regarding the sexual harassment was forced out of the Department.

Approximately a month later, in February, Officer [REDACTED] discovered and dutifully reported the shocking discovery that hundreds of pieces of evidence had gone missing from your evidence room. This includes weapons, drugs, cash, rape kits, jewelry, fingerprinting results, and more.

A study of the various audits of the evidence room reveals that this evidence was lost under the tenure of [REDACTED], a civilian employee in charge of the evidence room. I understand that you recently re-hired [REDACTED], who is the daughter of your administrative assistant.

Officer [REDACTED] disclosed this information to his superiors, including you, in writing, on multiple occasions. These reports are protected from retaliation pursuant to the South Carolina Whistleblower Protection Act. Nevertheless, when Officer [REDACTED] spoke to you about it, I understand that you became upset, and began to blame the lost evidence on other officers, despite the indisputable audit trail showing that the evidence was lost under [REDACTED] tenure.

I am aware that less than one week after Officer [REDACTED]'s report, you confronted him with flatly false allegations that he had witnessed a crime and failed to report it. You placed him on administrative leave effective immediately, escorting him from the building in humiliating fashion, in front of a large event filled with city and community leaders.

As I mentioned, Officer [REDACTED] remains on administrative leave to date. I am aware that you have launched an internal investigation, which has laid dormant for two months.

I am also aware that you reported the false allegations against Officer [REDACTED] to SLED. After meeting with SLED, one day after being placed on administrative leave, Officer [REDACTED] was questioned by the SLED officer "Does the Chief just not like you?" He asked this, he stated, because the allegations were not of the type that SLED would ordinarily even investigate, and the only person who had accused Officer [REDACTED] of doing anything wrong, was you. To date, SLED has not taken any action against Officer [REDACTED].

I have advised Officer [REDACTED] that he already has multiple strong claims under which to pursue litigation against BPD, most notably for Title VII retaliation, Whistleblower retaliation, and defamation.

Please know that the purpose of this letter is to bring these legal issues to your attention, so that you may resolve them before a lawsuit is necessary. I encourage you to share this letter with legal counsel so that they may advise you of the best path forward.

You should further understand that Officer [REDACTED] is more than willing to pursue litigation if necessary to protect his rights. He would much prefer, however, to resolve these issues and continue with his employment, free from harassment or retaliation.

Officer [REDACTED] therefore requests that the retaliatory administrative leave end immediately, and that he be returned to duty. If you do not intend to return Officer [REDACTED] to duty and are set on terminating his employment in spite of the lack of justification to do so, we request that you make such a determination immediately, and do not leave Officer [REDACTED] in this continuous state of limbo.

We hope to hear from you on this matter no later than June 30, 2023. If we do not hear from you by this date, we will proceed with appropriate litigation or administrative action against you and your department.¹

If you have any questions or wish to discuss this matter further, please send me an email at Chance@CBPHLaw.com or give my office a call. Thank you in advance for your good faith efforts to fix this situation.

Sincerely,



Chance T. Sturup

Attorney At Law

¹ City of Beaufort and Beaufort Police Department, and the employees and representatives of each, should make all efforts to protect from spoliation or destruction all documents, including hard copy and electronic, that are related to Officer [REDACTED] his employment, his departure, any investigation, or any of the allegations raised herein. This includes, but is not limited to, investigation documents, statements, contracts, communications, emails, text messages, notes, his employment file, or any other document or record relevant to Officer [REDACTED]s employment or the issues discussed herein.