

The State of South Carolina

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SOLICITOR'S OFFICE
Fifth Judicial Circuit

September 2, 2016

Captain John Bishop
South Carolina Law Enforcement Division
P.O. Box 21398
Columbia, South Carolina 29221

RE: South Carolina Law Enforcement Division Investigative File No. 32-15-0130

Dear Captain Bishop:

Upon completion of a thorough review of South Carolina Law Enforcement Division Investigative File No. 32-15-0130, the accompanying FBI case file, and medical records from Midlands Orthopedics, it is my legal opinion that the evidence in this case conclusively shows the following:

On October 26, 2015, Robert Long began his third period Algebra I class. During class, Mr. Long noticed a student playing with her cell phone and asked the student to put her phone away. She complied with his request at that time. He then told his students to take out their Chromebooks and work on an IXL website. Mr. Long utilized a program, Haptara, to monitor the information that students were reviewing and to ensure they were doing required schoolwork on their Chromebooks, rather than participating in unauthorized activities. While the students were working on their Chromebooks, Mr. Long noticed the same student that had previously been playing with her cell phone was now logged into her email. Mr. Long used his remote access to close the student's email program. A few minutes later, the student once again logged into her email and Mr. Long had to remotely close her email. This conduct continued approximately three or four times. Mr. Long approached the student and noticed that she had her cell phone in her lap. Mr. Long asked the student to give him her cell phone, at which point she refused and told Mr. Long to "get out of her face." As a result of her actions, Mr. Long wrote a discipline referral for the student. He then approached the student to advise her of the discipline referral and asked her to gather her things and leave the classroom. Mr. Long repeatedly requested that the student leave the classroom and she continued to refuse. Since it

was clear that she was not going to comply with his requests, Mr. Long contacted Administrator KaRon Webb.

Upon Mr. Webb's arrival to the classroom, Mr. Long gave the discipline referral to Mr. Webb and informed him that the student had refused to leave the classroom. Mr. Webb asked the student multiple times to leave the classroom and to come with him. The student sat quietly and refused to comply with Mr. Webb's directives or respond to him in any way. Mr. Webb then informed the student that he was going to call the school resource officer (SRO) if she did not leave the classroom. She sat quietly, ignored him, and did not leave the classroom. Mr. Webb left the classroom to notify SRO Benjamin Fields that his assistance was required.

When Fields arrived outside of the classroom, Mr. Webb explained to him the situation. Specifically, he stated there was a student being disruptive in class and that she had told the teacher to "get out of her face." Mr. Webb also informed Fields that he asked the student three or four times to leave and come with him, but she refused while shaking her head no. Mr. Webb and Fields walked into Mr. Long's classroom together. Mr. Webb advised the student that the "deputy is here and I am going to have to ask you to leave. So get your things and come on." The student again refused to comply.

Fields approached the student, told her to come with him, and reminded her that she knew him and that he was a fair guy. The student responded that she did not know Fields. Fields again asked the student to come with him and she responded that she didn't do anything. Fields then gave several more verbal directives for the student to leave the classroom, but these were without success. Fields asked another student who was seated in close proximity (to the noncompliant student) to vacate the nearby desk. Fields subsequently informed the student that she was under arrest for disturbing schools and attempted to place her under arrest. While Fields was attempting to effectuate a lawful arrest, an altercation between himself and the student occurred. A portion of the resulting encounter was filmed by other students in the classroom. Witnesses in the classroom were interviewed and gave detailed accounts of the events to law enforcement as summarized below.

Witness One gave the following account of the events to law enforcement:

Fields tried to move the student out of the desk and towards the front of the room. The desk came loose from the student and both the student and Fields landed on the floor. A second SRO, Officer Bradley, came into the room and had to assist Fields in order to get the student into handcuffs. According to Witness One, it took a long time to get the student into handcuffs and after being placed in cuffs, SRO Bradley stood the student up and walked her out of the classroom. Witness One further stated that "the incident looked worse in the video than it did in the classroom." Based on the circumstances, Witness One did not think that the student would have left the classroom unless Fields physically removed her. Witness One believed that Fields used the correct amount of force to remove the student from the classroom. In Witness One's opinion, any less force would not have had the intended result of getting the student to leave the room.

Witness Two gave the following account of events to law enforcement:

Fields informed the student that the student was under arrest. Witness Two then saw Fields go for his cuffs while informing the student she was under arrest. As he reached towards the student with one hand and said “give me your hands,” Fields attempted to place handcuffs on the student. The student resisted and it was at that point in time that Fields grabbed the desk. The student pulled away and from Witness Two’s perspective, everything was a blur. The desk was in the air and it came down. Witness Two turned back around and saw the student going across the floor and Fields trying to handcuff the student while both Fields and the student were down on the ground. Witness Two moved and was able to observe Fields still saying give me your hands numerous times while the student continued resisting. The student was down and Fields had one hand, but the student kept her other hand underneath her body to keep it from him. SRO Bradley came into the room and was able to grab the student’s other hand. When Witness Two saw the video he thought, “wow, it looked worse than what actually happened.” Witness Two believes that Fields gave the student ample time and opportunity to comply and respond to authority.

Witness Three gave the following account of the events to law enforcement:

When the student did not leave the classroom, Fields approached the student and the two got into a physical altercation. Witness Three could not see exactly what happened in the altercation. Witness Three thinks that the student should be held accountable for not doing what the teacher and administrator asked her to do.

Witness Four gave the following account of the events to law enforcement:

Fields approached the student and grabbed the student’s arm to pull her out of the seat. The student aggressively pulled her arm back away from Fields, at which time the desk, the student, and Fields all fell to the ground. Witness Four did not think that Fields threw the desk down, but rather that it just fell over. Witness Four stated that Fields threw the student across the floor of the classroom. Fields then told the student multiple times to put her hands behind her back. Witness Four stated that Fields had a hard time putting handcuffs on the student because he had to call SRO Bradley into the classroom to help get handcuffs on the student.

Witness Five gave the following account of the events to law enforcement:

Fields grabbed onto the student’s jacket in an attempt to get the student out of the desk. The student pushed Fields away with her arm. At this point in time, Fields attempted to pick the student up and the desk flipped over. Witness Five said that Fields grabbed the student and threw her across the floor. The student and Fields wrestled for a minute on the floor as Fields tried to get the student into handcuffs. Fields was eventually able to handcuff the student. Witness Five further stated that Fields was polite and nice when he entered the classroom. He asked the student multiple times to leave the classroom and that he did not yell at her or threaten her. Witness Five stated that if the student left the classroom “none of this” would have ever happened.

Witness Six gave the following account of the events to law enforcement:

Witness six recorded the incident and uploaded it to YouTube. Witness Six stated that the student refused to leave. Fields stated to the student, “if you don’t get up, I’m going to arrest you.” The student told Fields, “I don’t care” and did not get out of her seat. When the student did not get up, Fields tried to grab the student’s hand. The student resisted by pushing at Fields. Fields reached around the student and tried to grab the other hand. The student began to hit Fields with her other arm. Witness Six stated that the student’s hands were “flying at Fields” and “he had no choice but to try and grab the student and get them up.” Witness Six does not believe that Fields intentionally threw the student to the ground. Witness Six thinks that during the scuffle, the desk accidentally fell. Witness Six also feels that Fields did not intentionally throw the student across the room but that Fields was trying to “yank” the student out of the desk and he lost his grip. Fields then told the student multiple times to put both her hands behind her back. Fields had a hard time getting the student in handcuffs. SRO Bradley had to come into the classroom and help Fields handcuff the student because she was still resisting.

Witness Six thought that the student was disrupting class and should have gotten up and left the first time she was asked. Witness Six thinks that Fields did the right thing by removing the student from the classroom. Witness Six stated that if the student was not removed from the classroom, it would give the other students the “wrong idea” and let them think it was ok to disobey teachers and authority. Witness Six further stated “to some it looks bad but she wanted to prove that she was bad.”

Witness Seven gave the following account of the events to law enforcement:

Fields tried to get the student out of the desk, but the student resisted and held onto the desk. Fields did not slam or throw the student; he just tried to pull her out of the chair. When the student was on the ground, Fields asked the student three or four times to give him her hands before finally getting one handcuff on in spite of the student’s kicking and turning. Further, Witness Seven stated that the student hit Fields during the incident.

Witness Eight gave the following account of the events to law enforcement:

According to Witness Eight, Fields approached the student and asked “are you going to leave or will I have to make you?” The student responded, “No.” Witness Eight heard Fields ask her to leave one time. Fields then grabbed the student and tried to remove the student from the chair. In Witness Eight’s opinion, the student did not resist and once the student was out of the desk, Fields threw the student across the floor. Witness Eight did admit to seeing the student hit Fields. However, Witness Eight believes that the student should not be punished, but also conceded that none of this would have happened if the student had just done what she was told. Witness Eight did not believe that Fields should be fired, but did believe that he used excessive force.

Witness Nine gave the following account of the events to law enforcement:

Fields reached for the student’s hand and she pulled away. The student was clinging to the desk and when Fields tried to remove her from the desk, the student’s foot got caught. The student tried to hit Fields. As Fields pulled away, the student’s foot was caught in the desk, which may have caused it to flip.

Witness Ten gave the following account of the events to law enforcement:

Witness Ten recorded a portion of the incident. Witness Ten stated that Fields came into the room and asked the student to leave three times. Fields then told the student to put her hands behind her back because she was under arrest. Fields put his arm around the student and the chair flew back. Witness Ten could not see exactly what happened because other students were blocking Witness Ten's view. Witness Ten did hear Fields tell the student to stop refusing and to put both hands behind her back. Witness Ten stated that Fields called for another SRO to help him and when he arrived, they handcuffed the student and escorted her out of the room. Witness Ten feels that the student should have listened to the teacher and that Fields should get his job back.

Witness Eleven gave the following account of the events to law enforcement:

Fields asked the student to get up and leave the room a couple of times, and at one point specifically asked the student to "please get up." Fields tried to grab the student, but the student would not leave her desk. Witness Eleven believed that Fields flipped the student's desk and threw them. Witness Eleven stated that Fields kept telling the student to give him their hands but the student would not.

Witness Twelve gave the following account of the events to law enforcement:

Witness Twelve recorded the incident. Fields tried to grab the student's hands as the student moved back and hit Fields. The student tried to get up and the chair fell backwards. When the student was on the floor, Fields picked the student up and moved her. The student did not give Fields her hands when he instructed her to do so. When the student would not allow Fields to handcuff her, Fields called the other SRO, who helped him detain and arrest the student. Witness Twelve stated that Fields should not have been fired for just doing his job.

Witness Thirteen gave the following account of the events to law enforcement:

When Fields grabbed the student, Witness Thirteen saw the student's right arm go up. However, Witness Thirteen could not see what the student did with her arm. The student's legs straightened out and the chair flipped. Witness Thirteen is not certain if Fields still had hold of the chair when the chair hit the ground. Fields then grabbed the student and tossed the student to the side. Witness Thirteen was uncertain whether the student resisted Fields at any point. Fields told the student they were being arrested, but Witness Thirteen was not sure if it was before or after the altercation. Witness Thirteen also did not know whether the student hit Fields or if the student was resisting him during the altercation. Witness Thirteen does not believe that Fields was wrong to physically remove the student from the classroom, but feels that Fields should have used a different approach.

Witness Fourteen gave the following account of the events to law enforcement:

Fields put his arm around the student's neck while saying "put your hands behind your back." The student hit Fields arm to try and get his arm off of her. When Fields had his arm on the student's neck, his left hand went underneath the chair and the student's desk flipped backwards and the student's legs were in the air. Fields told the student several

times to put her hands behind her back. The student's hand was on her arm pit on the ground. While the student was on the ground, Fields used his walkie talkie and asked for another officer to come to the third floor "because the student did not want to let their arms go neither." Later that afternoon, Witness Fourteen asked the student through KIK messenger, if the student was ok. The student responded that she was fine. The student then asked Witness Fourteen if Witness Fourteen saw the student hit SRO Fields. According to the statement made to law enforcement, Witness Fourteen had not seen the student hit Fields. However, the student admitted "yeah I did."

Niya Kenny gave the following account of the events to law enforcement:

Fields did not tell the student that the student was under arrest. Fields grabbed the student's left upper arm near the student's bicep and the student started to squirm in her seat. Fields put his arm around the student's neck and she put her hand up towards Fields as if to hit him. Fields held onto the student and flipped the student in her desk. Fields then grabbed the student out of the desk and threw the student across the floor. The student rolled across the floor to the front of the room. Fields walked over to the student and tried to handcuff her. Fields told the student to "put your hands behind your back." The student would not comply. The student had one arm behind her back and one arm out in front of her. Fields and the student were on the ground for a few seconds while he was trying to put the student in handcuffs. At this point, another deputy entered the classroom and helped Fields get the student into handcuffs.

Ms. Kenny stated that the student could have gotten up from her seat in the classroom. Ms. Kenny thought that the incident would not have happened if the student had listened to the teacher.

Further, Ms. Kenny admitted that she made statements in the media that Fields was known as "Officer Slam." However, when questioned by law enforcement Ms. Kenny admitted that she made up the name "Officer Slam" and that her statement to the media stating that Fields was known as "Officer Slam" was false.

Benjamin Fields gave the following statement through his attorney:

"Upon approach of the student, I asked her to come with me and told her that she knew me and that she knew I was a fair guy. The student responded by telling me that she didn't know me. I then asked her again to come with me to which she responded along the lines of "I didn't do anything." I then told her something along the lines of "I didn't say you did but let's go talk about it." The student continued to refuse to get up and comply with my instructions. At that point in time I asked the young man sitting at the desk in front of the student to stand up and move...

As a result of the students continued refusal to leave the class after being asked to do so by Mr. Long, Mr. Webb, and I, I determined that there was probable cause to effectuate an arrest of the student for disturbing schools. I then approached the student to place her under arrest for disturbing schools and asked her to get up and she again refused. I advised the student that she could go with me or that I would have to make her go with me. After several moments I realized that I was going to have to physically remove the

student from her seat to effectuate her arrest. It was my objective to simply help the student to stand up and out of her desk to take her into custody. Consistent with my training and experience, I attempted to help the student stand up and out of the desk by gaining control of her left arm and the student immediately pulled away from me. Instinctively, I recognized the students physical reaction to my attempt to help her out of the desk as defensive resistance. I then attempted to gain control of the students right arm and she became actively aggressive towards me and punched me in the face with her right arm and began to move around. I had placed my right arm over the students shoulder in an effort to prevent her from hitting me further and the desk began to fall backwards because of the momentum that the students movements had created. As the desk fell back I held the student by her left pant leg and her left arm and was trying to pull her up and out of the desk but the students right leg was locked in the desk preventing my efforts. As I continued to use the muscling technique the students leg broke free from the lock the student had on the desk and the student slid across the floor.

While the student was on the floor I was still trying to gain control of her while giving repeated verbal commands of “put your hands behind your back.” The student was continuing not to comply with my commands and was actively still fighting against me. The student punched me in the chest while on the ground and continued to resist arrest. I was finally able to place one handcuff on her right arm while she tucked her left arm under her body. I then told the student it was over and to give me her hand. The student continued to refuse to comply with any of my commands. At that point in time Deputy Bradley entered the classroom and gained control of the students left hand and forced it behind her back and I was able to finish the handcuffing process.”

The student’s guardian gave the following statement to law enforcement:

When the guardian arrived at Fields’ office at Spring Valley High School, Fields and the student were talking. The guardian was of the opinion that the conversation between the student and Fields was friendly. Fields said he was called into Mr. Long’s classroom, because the student was using a cell phone and Long told her to put it away. Fields then told the guardian that the student refused to put up the cell phone after being told to do so many times. Fields said Long asked the student to leave the classroom, but she refused. Fields said Mr. Webb was called to assist Long. Fields told the guardian that Webb asked the student to leave the classroom repeatedly but the student refused. Fields said he was then called to the room to assist. Fields said he talked to the student in a friendly manner because he knew her and was aware of her prior problem. Fields said he asked the student to leave the classroom several times. Fields told the guardian that when she refused to leave the classroom, he had to use force. At the time, the guardian equated force as to Fields having to put handcuffs on the student. Fields told the guardian that they had an altercation because the student resisted, which was the cause of what the guardian described as carpet burn above the students right eyebrow. The carpet burn was approximately the size of a dime. The student agreed with Fields’ account of the incident.

Upon seeing the video, the guardian could not believe that happened and she could not believe that the student did not tell her what happened. Later, the guardian asked the

student why the student didn't tell the guardian about the details of the altercation with Fields. The Student responded that she didn't think the altercation was that bad. When the guardian watched the video with the student the student said "oh", shrugged her shoulders, and went back to her room. When the guardian asked the student how she felt, the student responded that she was fine, but sore.

On October 27, 2015, the student told the guardian that a friend said that the video showed that the student did not hit Fields. The student told the guardian that she thought she did hit Fields.

According to the guardian, after viewing the video of Fields' altercation with the student, the guardian believes that Fields did not do anything that was inappropriate. The guardian believes that the chair fell over because Fields was trying to remove the student from the chair. The guardian does not believe that Fields tried to body slam the student by turning over the chair. Instead, he appeared to have tried to stop the chair and soften the fall. The guardian was of the opinion that after the chair turned over, Fields was trying to separate the student from the chair and the student was resisting. The guardian believes that resistance caused the student to sling forward because of the force to separate the student from the chair. The guardian does not believe that Fields slung the student across the room. The guardian believes the student looks like they were slung across the room because Fields was pulling the student away from the chair and the student slipped out of his hands when the student separated from the chair.

Further, the guardian believes that the student should have been disciplined by serving the three day suspension that was initially imposed by the school and then later retracted. The guardian believes that not requiring the student to serve the suspension allows her to get away with things.

The student also provided a statement to law enforcement. The student told investigators that:

"I just went in and sat down and he (Mr. Long) was like take out your chrome books so you can work on your IXL. And I had my Gmail up so if I get an email from a teacher or something, and I was on it so I wasn't even looking at it. He was logging out all my stuff so I was like, I turned around to the girl, and I was like why would he log me out of my work? She was like I don't know I guess he's in one of his moments or something. And he was like, put the phone up, and I did. So I was, I started back doing my work or whatever and I didn't know what was going on cause I didn't know how to do it so I was just looking in my lap like this playing with my fingers or something. And he was like, came over there like give me your phone, and I said you can get out of my face. That's what you can do, cause I don't have no phone. But he didn't really ask me, he didn't see me with the phone he as just like give me your phone cause he saw me looking down. And I was like, that's when he went to write me up and take your stuff and get up out. I didn't move cause I didn't do nothing so he called the administrator in and he asked me the same thing but I didn't say anything then he said he gonna have to call the resource officer. Then he came in and he was like, something I know you from last year, we had a good something, you wanna keep it that way? And I was like, I don't know you cause I

couldn't remember him. I didn't remember him, and he was like yes you do, and I was like whatever. And then, umm he was like are you gonna get up? Or am I gonna have to make you? And I didn't say anything. And then he asked the boy to move or whatever. And took my chrome book off the desk and I don't remember. I just saw the video." According to the student the next thing she remembers is going to the office.

Medical records for the student were also provided for my review. The student was treated at Providence Hospital and Midlands Orthopedics as a result of sustained injuries and the relevant findings with respect to the student are as follows: In addition to minor abrasions, X-Rays of the distal radius demonstrated suspicion for a minor nondisplaced fracture at the distal radial physis. Follow-up radiographic findings indicated that the fracture was healing satisfactorily, alignment without change, the minor radiolucency appeared to be nondisplaced and healing well.

In addition to interviewing numerous witnesses as summarized above, a forensic analysis was performed on the student's cell phone, pursuant to the joint FBI/SLED investigation. The analysis revealed specific messages sent from the student's phone discussing the incident. On October 26, 2015, at 2:27:21 P.M the student made the following statement over electronic messaging: "Yeah I was talking to the resource officer nd shit I fought him got thrown across the room pit nd handcuffs nd everythang I Dnt feel like talking right now." At 2:28:36 the student stated "I was Fighting the resource officer nd got thrown across the room I got a srape on my forehead nd he put me in handcuffs nd no why."

Upon review of all relevant evidence, to include interviews with the witnesses, the statement given by Fields, the student's own admissions with respect to the incident, coupled with the information gathered throughout the course of the joint investigation by SLED and the FBI, including, but not limited to, the student's messages revealed in the forensic analysis of the student's phone, it is my legal opinion that under the relevant law, SRO Fields' conduct on October 26, 2015, does not warrant criminal charges.

Police officers should use only the amount of force necessary to control an incident, effect an arrest, or protect themselves or others from harm or death. Fourth Amendment jurisprudence has long recognized that the right to make an arrest or investigatory stop necessarily carries with it the right to use some degree of physical coercion or threat thereof to effect it. *See Terry v. Ohio*, 392 U.S., at 22–27, 88 S.Ct., at 1880–1883. Because "[t]he test of reasonableness under the Fourth Amendment is not capable of precise definition or mechanical application," its proper application requires careful attention to the facts and circumstances of each particular case, including the severity of the crime at issue, whether the suspect poses an immediate threat to the safety of the officers or others, and whether he is actively resisting arrest or attempting to evade arrest by flight. *See Bell v. Wolfish*, 441 U.S. 520, 559, 99 S.Ct. 1861, 1884, 60 L.Ed.2d 447 (1979).

The "reasonableness" of a particular use of force must be judged from the perspective of a reasonable officer on the scene, rather than with the 20/20 vision of hindsight. *See Terry v. Ohio*, supra, 392 U.S., at 20–22, 88 S.Ct., at 1879–1881. The United States Supreme Court stated that the calculus of reasonableness must embody allowance for the fact that police officers are often forced to make split-second judgments—in circumstances that are tense, uncertain, and rapidly

evolving—about the amount of force that is necessary in a particular situation. *Graham v. Connor*, 490 U.S. 386, 396, 109 S. Ct. 1865, 1871-72, 104 L. Ed. 2d 443 (U.S. 1989).

Based on all available evidence, it is my legal opinion that there is not sufficient probable cause to warrant criminal charges against Former Deputy Benjamin Fields. Further, I am unable to conclude that Benjamin Fields' use of force was criminal based not only on his perceptions of the events that occurred on October 26, 2015, but also both the admitted resistance of the student, as well as the subsequent information obtained via the joint FBI and SLED investigative file as set forth, in part, herein.

The analysis here should not be focused on whether or not Fields had the ability to affect an arrest, but rather *how* he did so. While the manner in which the arrest was conducted on October 26th did not rise to the level of a criminal offense, Sheriff Lott was well within his rights to terminate Fields' employment for said conduct. There is a large section of the public that does not approve of Fields' action on that day, and while Sheriff Lott was certainly entitled to take, and in my opinion, should have taken, the same position, the ramifications of said termination and the timing of it cannot be ignored.

When potentially volatile and controversial situations such as this arise, there is frequently a call for immediate action by the public. That being said, it is vital for both the public and those in positions of authority to remember that actions that officials take in the immediate aftermath of these types of incidents can and will affect the outcome of any potential criminal cases associated therewith. Public officials are not being allowed the necessary time to fully investigate an incident before action is demanded to be taken. It has become far too commonplace for people to jump to conclusions and make assumptions, or flat out speculate, rather than allowing for the acquisition of relevant information via an official investigation.

In this instance, not only was Fields terminated from employment, school personnel who responded to the situation were subject to administrative action by Richland School District Two for their roles on October 26th. The reality, from a prosecutorial standpoint, is that these administrative actions, taken prior to the completion of the investigation, have been injurious to the prosecution of the case(s).

Under Section 16-17-420 of the South Carolina Code of Laws, our legislature defined the offense of Disturbing Schools as follows:

A) It shall be unlawful:

(1) for any person wilfully or unnecessarily (a) to interfere with or to disturb in any way or in any place the students or teachers of any school or college in this State, (b) to loiter about such school or college premises or (c) to act in an obnoxious manner thereon; or

(2) for any person to (a) enter upon any such school or college premises or (b) loiter around the premises, except on business, without the permission of the principal or president in charge.

An objective analysis of the evidence in this case reveals that the student removed from the chair by Fields did disturb the school. However, once administrative action was taken against school personnel, and the officer was fired, prior to the completion of an official investigation, the prosecution of the case was compromised. Prospective jurors may conclude that the school district's administrative actions effectively advanced the position that those personnel acted improperly in regards to their interactions with the student. Once that fact has been exposed, the likelihood of proving the student guilty beyond a reasonable doubt diminishes significantly to the point that it is no longer in the interest of justice to pursue prosecution of that student. As such, the charges against the then juvenile will not be prosecuted.

As for the second student charged with Disturbing Schools, there is simply not enough evidence to prove each and every element of the offense beyond a reasonable doubt. The student witnessed a seemingly upsetting situation involving a classmate while simultaneously expressing verbal objections to what she was witnessing. Her objections to the officer's actions do not violate the statute and cannot be proven beyond a reasonable doubt to have "willfully or unnecessarily...interfere[d] with or to disturb in any way or in any place the students or teachers of...[the] school." As such, the charges against Niya Kenny are being dismissed.

When one puts law enforcement officers in schools and provide them with the same tools that are provided to line officers – guns, pepper spray, tasers, hand to hand skills, etc. – one must consider what one is asking them to do with those tools. As a society, we need to think long and hard about what we want law enforcement's role to be and what tools they should be equipped with. Is there a better way to handle these situations? Are the officers being trained in a suitable manner? Does everyone involved understand their role? I believe that the public has a right to question if the use of SRO's in our schools is an appropriate use of law enforcement personnel and resources. However, these are the types of questions that both the public and law enforcement agencies should be asking themselves.

In conclusion, while I do not believe that the actions of Benjamin Fields in this incident rise to the level of criminal conduct, the manner in which he performed his duties on October 26, 2015 is of great concern to me not only as a prosecutor, but also as a citizen of this community with a deep interest in the manner in which law enforcement personnel are being utilized in our schools. Put simply, the firing of Fields was both appropriate and necessary. That said, the unique circumstances that can be presented in an educational environment, as opposed to "ordinary" encounters on the streets, require law enforcement agencies to take a closer look at how they are enforcing laws in our schools. It is my strong belief that the Richland County Sheriff's Department should continue to undertake additional training in this arena such that officers can take appropriate, lawful and respectful action, when necessary, to protect the safety and well-being of not only our students and teachers, but all citizens of Richland County.

As of September 2, 2016, the Fifth Circuit Solicitor's Office considers this matter closed. Please do not hesitate to contact me with any questions pertaining to this matter.

Sincerely,

A handwritten signature in blue ink, consisting of a large, stylized 'D' followed by a horizontal line.

Dan Johnson
Solicitor
Fifth Judicial Circuit

cc: Federal Bureau of Investigation
South Carolina Law Enforcement Division
Sheriff Leon Lott, Richland County Sheriff's Department