

RICHARD HRICIK
FOR SC ATTORNEY GENERAL
YOUR ATTORNEY

July 6, 2026

jblackmon@scfop.org

John Blackmon, President,
South Carolina Fraternal Order of Police

Dear President Blackmon and Members of the SCFOP Board of Directors:

Thank you for sending this questionnaire. I understand it was originally circulated during the primary and that my delayed submission reflects my running unopposed in the Democratic primary. I've answered every question as thoughtfully and earnestly.

Here's what I've come to learn about your chosen profession. The officers reading this built their careers on something a paycheck doesn't explain. No one who wears the badge for any length of time does it to get rich. You do it because you have a clear sense of right and wrong, a commitment to your community, and the courage to line your career up with your values. I've watched that up close, and every answer I have written here is rooted in that respect.

When I first came to South Carolina, I taught in the criminal justice department at Charleston Southern University — graduate and undergraduate — and taught Constitutional Law in political science. A number of the officers now leading departments across the Lowcountry sat in my classroom, and many times it was night classes. Before that, I clerked for the U.S. Attorney's Office Felony Trial Division in Washington, DC — then one of the most dangerous law enforcement environments in the country — and saw firsthand what this job costs an officer. Since then, I've represented many officers injured in the line of duty, and had many more as clients.

In addition to my current law practice, I also teach 42 U.S.C. §1983 constitutional civil rights litigation at both William & Mary Law School and Charleston School of Law — the exact body of law that governs what happens to an officer and a department when a case goes federal. I've won in that area at the Fourth Circuit and at the United States Supreme Court. That should be a comfort to your members: you'll have a resource who understands the intricacies of this complex law, and who has litigated them and argued where these cases are actually decided.

I support The Rule of Law — same as you and your members. That means I support law enforcement, and I support accountability. Those aren't opposites. They're mutually dependent. Always. The safety of every officer and every community they serve depends on it.

Yours is a profession that's chronically underpaid for the risk it carries, underappreciated by too many, and chronically under-resourced. My commitment is that the AG's office looks more like my classroom than a political platform — a place that hands every agency across all 46 counties better tools and more professionalism, and that listens to and advocates for the officers too often siloed inside county structures.

You may not have expected these answers from me. But they reflect who I've been throughout my career. I am not a politician at all. I'm also not a criminal defense attorney. And I did my undergraduate degree at night while I worked full-time to put myself through school—just like the officers I taught at CSU years ago.

Thank you for everything your members do every day. I do not take it for granted. I never have.

Respectfully submitted,

/s/ Richard A. Hricik, Esq.

Candidate for Attorney General of South Carolina

Candidate Name as it will appear on the ballot: Richard A. Hricik

Campaign Website: www.RichardForAttorneyGeneral.com

QUESTION 1 — HALO PROTECTIONS

Law enforcement officers frequently face interference while performing official duties. SCFOP supports legislation establishing HALO protections that create a defined safety perimeter around officers actively engaged in their duties in order to reduce interference and improve officer and public safety.

Please describe your position on HALO protections. If elected, what actions would you take to support or advance legislation establishing a safety perimeter around officers performing official duties? If enacted, how would your office approach defending its constitutionality and advising prosecutors and agencies regarding consistent enforcement?

I support constitutionally principled HALO legislation. The core law enforcement safety issue is sound and real: officers engaged in lawful duties should not have to manage interference that creates or enhances danger. That said, this is an area with a recognized First Amendment dimension. The Fourth Circuit — the court a South Carolina Attorney General actually practices in — has already held that recording and livestreaming police is protected speech:

“[L]ivestreaming a police traffic stop is speech protected by the First Amendment,” pointing out that “[r]ecording police encounters creates information that contributes to discussion about governmental affairs.”

[Sharpe v. Winterville Police Dept., 59 F.4th 674 \(4th Cir. 2023\)](#) cert. denied, 144 S. Ct. 489 (2023); Very good discussion of *Sharpe* [HERE](#):

The courts recognize both officer safety and First Amendment rights. My job is to help write laws that protect both. The court laid out a clear test: a restriction survives if the government has a weighty enough interest — officer safety plainly qualifies — *and* the law is narrowly tailored.

Current South Carolina HALO Bills: S.175, H.4763 — pending before the General Assembly.

As of this writing, the current version is drawn much closer to something that likely survives a constitutional challenge than the original hard-25-foot version with the "intent to impede" plus "reasonable distance" construction substantially reducing the First Amendment problems.

As a constitutional scholar, and litigator, I would bring three things to this issue as AG:

1. Provide drafting input prior to enactment.

The AG's office should be part of the legislative drafting process — being handed a constitutionally defective statute to defend after-the-fact defeats its core purpose. I would work with the General Assembly with input from SCFOP to ensure the final bill includes the intent element, warning requirement, and specificity that have protected similar laws in other states. A well-drafted statute will ensure both the safety the HALO is meant to provide and its constitutional defense.

2. After passage, provide Statewide enforcement guidance.

Once enacted, the AG's office would issue written guidance and FAQs to all 16 solicitor circuits and law enforcement agencies on enforcement standards — what constitutes interference, documentation requirements, and consistent application across South Carolina's 46 counties. Inconsistent application would create legal vulnerability and fail the officers the laws are designed to protect. (*See above as to Sharpe – giving the law to law enforcement only requires the will to teach and serve as a resource*)

3. Defend the statute in all federal courts, including the Fourth Circuit and SCOTUS.

When HALO legislation is challenged — and it will be — I can and will defend it as I have briefed and argued constitutional cases at the Fourth Circuit and have actual SCOTUS experience. I know how to defend legislation where it actually matters.

QUESTION 2 — PROTECTION OF LAW ENFORCEMENT K-9S

Law enforcement K-9s are critical public safety assets and serve alongside officers in high-risk situations. SCFOP supports legislation increasing felony penalties for individuals who intentionally harm or kill a law enforcement K-9.

Please describe your position on increasing felony penalties for crimes committed against law enforcement K-9s. If elected, what actions would you take to support or advance this legislation and promote consistent prosecution across South Carolina?

The hard work here is already done, and the SCFOP did much of it. Your members, the handlers, and the families of these K-9s got "Fargo's Law" enacted and it passed nearly unanimously. Saying "I support it" after the fact costs a candidate nothing — so I won't pretend that's courage. What matters is what happens now that it's the law.

A penalty on the books is a promise, not a result. This new law now makes intentionally injuring or killing a police dog a felony of up to fifteen years and a twenty-thousand-dollar fine, and requires the offender to pay the agency back for the full cost of the animal and its training. Whether that promise is kept depends entirely on enforcement — and that's where I can go to work for you going forward.

Consistent prosecution in all forty-six counties. I'd provide model charging guidance and training / support to all sixteen solicitor circuits so these cases are treated with the same seriousness everywhere, and I'd track how they're actually charged and resolved, including how this new charge is being sentenced. What gets measured gets done.

Restitution collected, every eligible case. The law says the person who did this pays the agency back — not the taxpayers, not the department's budget. I'd make sure prosecutors actually pursue that money in every case that qualifies. Making the wrongdoer pay for the damage caused is exactly the kind of accountability this office should deliver, and too often it gets left on the table.

The legislature gave these K-9s the protection they earned. My job as Attorney General would be to make it real — enforced the same way, in every county, every time.

QUESTION 3 — LAW ENFORCEMENT OFFICERS' BILL OF RIGHTS

Law enforcement officers deserve clear statutory protections ensuring fairness during internal investigations and disciplinary proceedings. SCFOP supports establishing a Law Enforcement Officers' Bill of Rights.

Please describe your position on establishing a Law Enforcement Officers' Bill of Rights in South Carolina. If elected, what role should the Attorney General play in supporting legislation that provides meaningful due process protections for officers while preserving public confidence?

I support the Rule of Law — the same as you and your members. That means I support law enforcement, and I support accountability. A well-written Law Enforcement Officers' Bill of Rights — one that sets clear procedural standards for internal investigations — is good for officers and good for the integrity of the entire system.

As you know, there is no pending South Carolina LEOBR legislation, and efforts in other states have been mixed — Maryland, the first state to enact one, repealed its version in 2021. So this is a chance to learn from what has worked elsewhere and what hasn't, and to get it right the first time.

Here is what I'd propose:

Draft it from the bottom up. Effective LEOBR legislation — and any complaint-and-discipline system built alongside it — has to reflect what actually happens in an internal investigation: the pressures officers face, the documentation challenges, the inconsistencies across forty-six counties. Before a single line is drafted, I'd convene working sessions with the SCFOP, line officers, and internal-affairs personnel. The people doing the job know where the gaps are, and that knowledge makes better law. I'd want them shaping the criteria, the access rights, the challenge procedures, and what counts as a reportable event — because the people whose careers depend on this should help build it. And I'd make sure the protections officers already rely on — the *Garrity* safeguards — are respected and built in from the start.

Build a standardized statewide complaint-and-discipline record. This is a reform I'd advance alongside a LEOBR, because it solves two problems at once — which is how the best policy works. Right now South Carolina has no standardized statewide system for recording formal complaints and disciplinary actions against officers, and that gap hurts officers, agencies, and communities.

It enables whisper campaigns. When a complaint lives in rumor instead of in a formal, reviewable record, a good officer has no way to clear their name — and an officer who transfers between departments can be poisoned before they ever walk through the door, informally, with no process and no chance to respond. A formal record — with defined criteria, officer access, and a right to challenge — replaces the whisper with the document. And it makes genuine patterns of misconduct visible before they become catastrophic — for communities, for departments, and for every honest officer whose reputation and safety are put at risk by a bad actor in the ranks. The officers who serve with integrity are hurt most by the ones who don't.

It also solves the "wandering officer" problem — the one who quietly leaves a department under a cloud and turns up wearing a badge two counties over, with no record following him. Other states have built versions of this, and their experience — successes and stumbles alike — is what South Carolina should learn from. Colorado created a statewide misconduct database so hiring agencies can check an officer's disciplinary history before bringing them on; the concept is sound, but the details — clean data, clear criteria, real access and challenge rights — have to be built carefully from the start. California and Connecticut also maintain centralized decertification and discipline records that agencies rely on when hiring — each with a defined process giving the officer notice and a right to respond before any action is final. The through-line: done right, these systems keep documented bad actors from quietly moving between departments, while giving officers with clean records the benefit of a system that tells them apart from those who don't. And throughout — in the drafting and in any court defense — I'd bring my constitutional experience to bear.

QUESTION 4 — BRADY/GIGLIO STANDARDIZATION

Brady/Giglio-related credibility determinations can have permanent career consequences for officers and can vary across jurisdictions. SCFOP supports statewide standardization, clear due process, and an avenue for review or appeal when an officer is identified for credibility-related disclosures.

If elected, would you support establishing uniform statewide standards governing Brady/Giglio-related determinations involving law enforcement officers, including notice, an opportunity to respond, and a defined review or appeal process? Please describe how you would approach this issue to ensure fairness and consistency while maintaining constitutional disclosure obligations.

The current Brady/Giglio framework in South Carolina is a patchwork. Different solicitors in different circuits handle credibility determinations differently. There's no uniform notice standard, no consistent opportunity to respond, no defined appeal. An officer in one county gets treated one way; an officer in the next county gets treated another. That's a lottery with a career on the line.

Fair process for officers and fair trials for defendants are not competing values — they are both constitutional requirements, and my job is to protect both. A well-designed framework does exactly that. Two states show the difference between getting it right and getting it wrong.

New Hampshire built in the due process. New Hampshire moved from a patchwork of county-kept lists to a single statewide system administered by the Attorney General — and its courts have steadily strengthened the fairness side. New Hampshire now requires that the underlying conduct actually bear on courtroom credibility, considering its nature and how old it is, rather than sweeping in stale or administrative matters — and it gives an officer a defined path to challenge placement. Its highest court has recognized that landing on such a list touches real liberty and property interests, which means real process is owed. That's the direction to go: one standard, statewide, with genuine process for the officer.

North Carolina shows the danger of getting it wrong. North Carolina's statute created a statewide reporting database but almost no due process. An officer can get a hearing only to confirm whether a letter was *issued* — not to contest whether it was *justified*. The predictable result is exactly the unfairness this question is about: officers listed with no meaningful way to respond, and litigation now working through the courts challenging the law on constitutional grounds. South Carolina should learn from that mistake, not repeat it.

Here's what I'd propose.

Develop uniform statewide protocols. Working with the SCFOP, solicitors, SLED, and law enforcement across all forty-six counties, the Attorney General's office would develop model protocols (similar to New Hampshire) establishing: clear criteria for what triggers a credibility determination; mandatory written notice to the officer before any determination is made; a defined period to respond with evidence and context; a structured review before the determination is final; and a defined avenue for appeal or reconsideration. These would be adopted across all sixteen solicitor circuits. This is adjacent work to a LEOBR and serves the same purpose — one fair standard, applied the same way everywhere.

Distinguish real credibility issues from administrative disputes. The most important reform is definitional. There is a world of difference between documented dishonesty — perjury, tampering with evidence, falsifying a report — and administrative or disciplinary matters that have nothing to do with an officer's honesty on the stand. This creates fairness at both ends.

Respect the constitutional disclosure obligation. *Brady v. Maryland* is not optional. Prosecutors have a constitutional duty to disclose material information that could affect a witness's credibility, and any framework has to preserve that duty in full. What standardization can and should do is guarantee an officer fair process *before* a determination is made.

QUESTION 5 — OFFICER-INVOLVED USE OF FORCE INVESTIGATIONS

Attorney General involvement in officer-involved use-of-force matters can significantly impact public confidence and officer morale statewide. Clear investigative procedures and consistent decision-making reduce uncertainty for officers, agencies, and the public.

As Attorney General, what role should your office play in establishing or supporting a standardized statewide process for investigating officer-involved shootings? In your view, when should SLED lead these investigations, and under what circumstances, if any, should the Attorney General assume jurisdiction from a local solicitor to ensure objectivity and reduce public pressure?

This is the most careful answer on the questionnaire, because the stakes are highest — for officers, for families, for communities, and for the Rule of Law.

Every officer-involved shooting investigation has to serve two people at once: the officer, who deserves a thorough, impartial process that respects his rights; and the public, which needs confidence the outcome reflects the facts, not institutional loyalty. Those aren't competing interests. A fair, transparent, independent investigation is the best thing that can happen to an officer who acted lawfully — and the only thing that will satisfy a community that needs to trust the result. Same process, both ends.

The states that get this right share one design principle: **separate the investigation from the charging decision, and keep the investigation out of the officer's own department.** Minnesota routes cases to its state bureau — the SLED equivalent — which investigates and hands the facts to the prosecutor *without a charging recommendation*, and lets a local prosecutor refer a case to the Attorney General when independence demands it. New Jersey built its framework in consultation with *both* law enforcement and civil-rights groups — proof a process can protect officers and satisfy communities at once.

I can't impose that system by fiat, and I wouldn't want to — a durable one has to be built with the people it affects. Here's the roadmap I'd drive:

Convene. Bring law enforcement, the SCFOP, solicitors, and community stakeholders to the table to design the standard together — the New Jersey lesson.

Make SLED the investigative default. SLED has the capability, the training, and independence from the local department. A department investigating its own officers, however well-meaning, creates the appearance of conflict that undercuts public confidence — and the officer's own exoneration. SLED investigates the facts; it doesn't decide the charge. That separation is what makes the result credible.

Define, narrowly and in writing, when the AG steps in. Clear, public criteria — a demonstrable conflict, irreparably compromised local confidence, or the need for consistent statewide treatment. Used sparingly. Never a political tool. A high bar and an objective standard, so that when the office does step in, everyone understands why.

Standardize and publish. Uniform protocols across all forty-six counties — timelines, documentation, officer notification, and honest communication with the affected family — so outcomes never turn on geography or politics.

None of this is about second-guessing the officer who acted lawfully. It's the opposite. A clean, independent, transparent process is what lets a good officer walk out the other side fully cleared — with nothing left for anyone to question.

QUESTION 6 — QUALIFIED IMMUNITY AND CIVIL LIABILITY

Law enforcement officers increasingly face civil litigation arising from actions taken in the course of their official duties. Legal uncertainty can impact recruitment, retention, and operational decision-making.

Please describe your position on qualified immunity and other legal protections that limit unwarranted civil liability for officers. If elected, what actions would you take to defend or support those protections in litigation and legal proceedings affecting law enforcement officers in South Carolina?

I teach this. This past semester, in my §1983 class, I started where the doctrine started: *Pierson v. Ray* (1967), where the Supreme Court first held that a police officer sued under §1983 could raise a good-faith defense — an officer who enforced a law in good faith, before it was struck down, wasn't automatically on the hook for money damages. That is the origin of qualified immunity. Fifteen years later, in *Harlow v. Fitzgerald* (1982), the Court set the standard officers actually rely on today: an officer is protected unless his conduct violated "clearly established" law that a reasonable officer would have known. An officer cannot be expected to be a constitutional lawyer in the middle of a dangerous, fast-moving call — and the doctrine exists so that he isn't punished for a reasonable, split-second judgment. It also rewards the officer who knows the law.

Let me be clear where I stand. Qualified immunity is settled law. It is recognized by every court, including the Supreme Court, and its core purpose — protecting officers from personal liability for good-faith, split-second decisions in uncertain situations — is legitimate and important. As Attorney General, I would defend it in the cases that come before this office.

But here is what I teach my students that matters most for the officer on the street, and it is where I would put real effort: **the strongest protection an officer has isn't the doctrine — it's knowledge of the law and access to that knowledge when in doubt.** The law turns on a simple axis. The more time an officer has to deliberate — to pause, to ask a supervisor, to call an attorney, to change course — the more the law expects of him, and the more liability can attach if he presses ahead into a clear violation. The less time he has — a genuine emergency, no chance to consult, the law itself unsettled — the more the doctrine protects him. That axis is *education and access to guidance*. An officer who knows the law, seeks direction when there is time to seek it, is very rarely the officer who ends up violating "clearly established" rights.

This isn't abstract — it's the newest word from the Supreme Court, and it cuts in the officer's favor more than people realize. In May 2025, in [*Barnes v. Felix*](#), a unanimous Court said a shooting has to be judged on the "totality of the circumstances" — the whole encounter, not just the final two seconds. Reform advocates cheered, expecting that to mean an officer's earlier tactics could be used to strip his defense. But read what the Court actually did: it **pointedly declined** to adopt that "officer-created-danger" theory, and four Justices — in Justice Kavanaugh's concurrence — went further, warning courts not to second-guess an officer's split-second choices from the safety of hindsight, and reminding everyone how dangerous these encounters are.

Here's the part that matters for officers. Looking at the whole picture doesn't just help plaintiffs — it helps the officer who did it right. The lead-up is often what *justifies* the force: a genuine threat, a suspect who fled, a danger the officer didn't create. That's the officer's shield. So the practical lesson I'd want every South Carolina officer to hear is simple and it's the same thing good training already teaches: **control the encounter, don't escalate it.** The officer who doesn't manufacture the danger is the officer the totality protects — because when a court looks at everything, everything is on his side. The totality of the circumstances, understood right, is the good officer's best defense — and knowing where that line is drawn is exactly the kind of current, practical guidance this office should be getting into officers' hands.

So my approach isn't only to defend qualified immunity in court. It is to make sure fewer officers ever need to rely on it. Here is how.

Defend it, competently, where it is raised. When qualified immunity is properly invoked in litigation affecting South Carolina officers, the office should defend it with real appellate skill. I've briefed and argued constitutional cases at the Fourth Circuit and the Supreme Court — this is the law I actually practice and teach.

Modernize how the office gets the law to the officer. Here I'll be candid: I don't yet know how — or how quickly, or even whether — the Attorney General's office currently pushes legal guidance out to law enforcement and other agencies when the courts move the line. That is one of the first things I would assess, because it is the whole ballgame. The best §1983 defense is conduct that was lawful to begin with, and an officer can only follow the current law if someone gets it to him in time. If that pipeline is strong, I would strengthen it. If it is thin, slow, or doesn't exist, building it would be a priority — clear, plain-language advisories when the Fourth Circuit or the Supreme Court changes what is "clearly established," so that an officer with a moment to ask has somewhere good to call.

Get it out fast, and statewide. Whatever that system looks like today, the standard should be the same everywhere: an officer in a rural county should learn what the law now requires the same way, and as fast, as an officer in Charleston. Officers should not have to find out the hard way — in a courtroom, years later — that the line moved.

An officer who knows the law and follows it in good faith is protected — and, just as important, has not harmed anyone in the first place. Fewer rights violated, fewer good officers exposed. The officer who knows the line is the officer who never has to cross it.

QUESTION 7 — ONGOING CONSULTATION WITH SCFOP

Effective public safety policy requires ongoing consultation with law enforcement professionals. SCFOP values constructive engagement between elected officials and the officers who serve communities across South Carolina.

If elected, how would you ensure regular consultation with the South Carolina Fraternal Order of Police regarding issues affecting officer protections, due process rights, and public safety?

My earlier answers show how much I want to work with the SCFOP as Attorney General. Stated plainly: I'll have an open door. If you have an issue that affects your members, or one where I as AG or my office can help, or make public safety better, let's sit down and figure it out.

I understand the county structure — but I also understand that structures create turf, and that "the way it's always been done" has a way of becoming the only reason a thing is still done that way. I'm not coming in with an agenda or an axe to grind. I owe no favors to anyone. I'm an attorney and a law professor who answers to two things — The Rule of Law and the people — and who genuinely wants to serve the public good.

There's one issue I want to raise that sits mostly outside the AG's legal authority — but squarely inside the AG's responsibility to be a voice for law enforcement across this state.

Officer pay, rural shortages, and the economics of the profession.

I grew up working class and have worked since I was thirteen. I put myself through college at night while working full-time, and later I taught night classes at CSU to many in law enforcement — I understood them and shared my experience and admiration for them coming off a long day and heading straight into more work just to get ahead. I lived their experience and now want to advocate for them.

Smaller sheriffs' offices and rural departments are struggling to recruit and keep qualified officers. They can't compete on salary with big metro departments — or even with private security. The result is understaffed agencies, burned-out officers covering too many shifts, and communities with less protection than they need.

And there's something underneath the pay problem worth naming. There was a time when policing was treated as a trade — something you learned on the job, picked up as you went. That time is over. Look at what we now ask of an officer: know constitutional law well enough to get it right in two seconds, de-escalate a mental-health crisis, handle evidence to a courtroom standard, and apply use-of-force rules the Supreme Court can change in a single term. That is not a trade. That is a profession — trained, certified, tested, and held legally accountable every day. But too often we still pay for it like a trade. You cannot demand professional knowledge, professional judgment, and professional responsibility and then hand over a trade paycheck. Officers should be trained as professionals, respected as professionals, and paid as professionals — because the job became one a long time ago, even if the pay scale never got the message.

The state has started to notice. The General Assembly has loosened some hiring rules to widen the applicant pool — and that's a start. But it doesn't reach what's actually driving the crisis in rural counties: pay and the economics of the job. You can recruit from more places and still lose the officer to the department one county over that pays more. That's the part almost no one is speaking to — and it's a public safety crisis that compounds quietly.

The AG doesn't set officer salaries — that's the legislature's job. But there are things the AG *can* do, and I would.

Measure it. Commission or advocate for a comprehensive statewide survey of officer compensation across all forty-six counties — base salary, benefits, retirement, overtime exposure, retention rates. Right now that data doesn't exist in one place, and you can't fix what you can't measure. Published numbers make a case that legislators and county councils can't wave off.

Carry it to the General Assembly — publicly and directly. The AG has a platform, and a standing with legislators, that most advocates don't. I'd use it to make the case for rural law-enforcement funding — not as a political favor, but as a public safety necessity backed by evidence.

Support what actually moves the needle. Incentive structures for rural recruitment — loan forgiveness, housing assistance, retention bonuses for officers who commit to underserved counties. Other states have built these and made them work. South Carolina can too.

Keep it on the table. Make officer compensation part of the ongoing conversation with the SCFOP. If the AG is hearing regularly from officers in all forty-six counties, the pay and staffing picture becomes part of the policy discussion at the right level — not an afterthought raised once a year at budget time.

I can't promise you a raise, but I can promise you a voice that won't go quiet on the issue.