



South Carolina Criminal Justice Academy

SOUTH CAROLINA
LAW ENFORCEMENT TRAINING COUNCIL
MEETING MINUTES

Monday, February 22, 2021
10:00 a.m.

A meeting of the South Carolina Law Enforcement Training Council (LETC) was held at the South Carolina Criminal Justice Academy on Monday, February 22, 2021. This meeting was advertised in accordance to the South Carolina Freedom of Information Act.

CALL TO ORDER

Agenda Item 1

Chief Mark Keel, Chair of the Law Enforcement Training Council, called the meeting to order at 10:03 a.m. Chief Keel called for a roll call of the Council members. The roll was called by Scheri Francois.

Chief Keel, State Law Enforcement Division (SLED) and Sheriff Barry Faile, Lancaster County Sheriff's Office, attended this meeting in person.

Members present via video/conference call were Attorney General Alan Wilson, S.C. Attorney General's Office; Director Bryan Stirling, S.C. Department of Corrections; Director Jerry Adger, S.C. Department of Probation, Parole and Pardon Services; Director Robert Boyles, S.C. Department of Natural Resources; Director Robert Woods, S.C. Department of Public Safety, Sheriff Lee Foster, Newberry County Sheriff's Office; Director John Thomas, North Augusta Department of Public Safety; Chief Tony Taylor, Williamston Police Department; Captain Nick Gallam, Aiken County Detention Center.

Guest attendees were Chief Deputy Attorney General Jeff Young, S.C. Attorney General's Office; Jarrod Bruder, S.C. Sheriffs Association; Ryan Alphin, S.C. Chiefs Association/S.C. Law Enforcement Association; Mark Gosnell, S.C. Troopers Association; Captain Lee Ellis, S.C. Department of Natural Resources; Major Jim Stewart; Richland County Sheriff's Office; Joanna McDuffie; Richland County Sheriff's Office; Chief Mario Evans, Trident Technical College Public Safety; Dan Cooper; Trident Technical College; Ryan Hicks; and James Battle.

A full list of guest attendees may be obtained upon request.

SC Criminal Justice Academy attendees were Director Jackie Swindler; Scheri Francois, Executive Assistant; James Fennell, General Counsel; Lauren Fennell, Standards and Accreditation Manager; Justin Miller, IT Manager; Christopher Brumlow, Investigator.



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APPROVAL OF AGENDA

Agenda Item 2

Upon a motion made by Director Boyles and seconded by Director Adger. Council voted unanimously to adopt the agenda as presented.

APPROVAL FOR MEETING MINUTES

Agenda Item 3

A motion to approve the minutes of the January 27, 2021, meeting was made by Director Boyles and seconded by Director Adger. Council voted unanimously to accept the meeting minutes as recorded.

DIRECTOR'S REPORT

Agenda Item 4

A. General Counsel Report

- Misconduct Cases

Scott Hess: 2020-CJA-01-16 (Myrtle Beach Police Department)

Summary: Allegation of physical or psychological abuse of members of the public and/or prisoners. **Request for Final Agency Decision.**

Hearing Officer recommended that Council:

- A) Issue its final agency decision, pursuant to S.C. Code Ann. Regs. 37-107 D., finding that the allegations of misconduct reported against Scott Hess by the Myrtle Beach Police Department have not been proven by substantial evidence; and
- B) Expunge within thirty (30) days of the final agency decision in this matter, pursuant to the requirements of S.C. Code Ann. § 23-23-150 (M), all evidence related to the allegations of misconduct filed against Scott Hess by the Myrtle Beach Police Department.

Attorney Ryan Hicks was in attendance to represent Mr. Hess and answer any questions from Council, if applicable. Mr. Hicks asked Council to adopt the recommendation of the Hearing Officer.

Mr. Hess was in attendance to speak on his own behalf and to answer any questions from Council, if applicable.



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Attorney James Battle was in attendance to represent Myrtle Beach Police Department and to answer any questions from Council, if applicable.

Council heard details from and had questions answered by both attorneys regarding the misconduct allegations against Mr. Hess.

Upon hearing from both attorneys, Director Boyles made a motion to adopt the recommendation of the Hearing Officer. The motion was seconded by Captain Gallam.

Before the voting process, there was discussion amongst Council in regards to the best course of action as it relates to Mr. Hess' law enforcement certification.

Upon conclusion of this discussion, Director Boyles withdrew his motion. Director Adger made a new motion to deny Mr. Hess' eligibility for law enforcement certification. Sheriff Faile seconded the motion. Council voted unanimously to permanently deny Mr. Hess' eligibility for law enforcement certification.

Victoria Cheek: 2021-CJA-02-04 (Marlboro County Sheriff's Office)

Summary: Ms. Cheek was arrested by the Florence Police Department and charged with Driving with an Unlawful Alcohol Concentration (DUAC) .16 1st Offense. **Request for Suspension of Law Enforcement Certification.**

Sheriff Faile made a motion to suspend Ms. Cheek's law enforcement certification. Director Boyles seconded the motion. Council voted unanimously to temporarily suspend Ms. Cheek's law enforcement certification pending the outcome of the criminal charges.

Vishal Patel: 2021-CJA-02-09 (Bishopville Police Department)

Summary: Mr. Patel was arrested by the South Carolina Highway Patrol and charged with Driving Under the Influence 1st Offense. **Request for Suspension of Law Enforcement Certification.**

Sheriff Faile made a motion to suspend Mr. Patel's law enforcement certification. Director Boyles seconded the motion. Council voted unanimously to temporarily suspend Mr. Patel's law enforcement certification pending the outcome of the criminal charges. ***Please note that Director Woods recused himself from the voting process in this case.***

Joshua Kirby: No assigned case number (Kingstree Police Department)

Summary: Allegations of willfully making false, misleading, incomplete, deceitful, or incorrect statements to a law enforcement officer, a law enforcement agency, or a representative of the agency, except when required by department policy or the laws of this State. Allegations of willfully providing false, misleading, incomplete, deceitful, or incorrect information on a



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document, record, report or form, except when required by departmental policy or the laws of this State.

After receiving information from officers of their department that Mr. Kirby had falsified firearms qualifications of an officer by “punching holes in the targets on the firing line” in effort to assist the officer with qualifying, the Kingstree Police Department filed a misconduct allegation. This information was discovered after Mr. Kirby had been separated from the Kingstree Police Department for approximately 9 months. **Acceptance Request.**

Sheriff Faile made a motion to accept the amended PCS form. Director Boyles seconded the motion. Council voted unanimously to accept the amended PSC Form to reflect misconduct.

Dunea Lockwood: No assigned case number (Myrtle Beach Police Department)

Summary: Allegations of willfully making false, misleading, incomplete, deceitful, or incorrect statements to a law enforcement officer, a law enforcement agency, or a representative of the agency, except when required by department policy or the laws of this State. **Acceptance Request.**

After conducting an audit of the agency ACADIS files, the Myrtle Beach Police Department discovered that Mr. Lockwood was listed as an active officer with the agency. The Myrtle Beach Police Department advises a misconduct separation was submitted in January of 2020; however, a thorough review of Academy records does not show the allegation was ever received. A technical error may have occurred which could have prevented the submitted allegation from being received. Myrtle Beach Police Department advises that Mr. Lockwood was granted 6 months, unpaid, non-FMLA, leave of absence from the agency so that he could address personal matter at home in New York. A review of his personal social media page discovered he was sworn in as a police officer in Troy, New York on January 13, 2020.

Sheriff Faile made a motion to accept the late PCS Form. Director Boyles seconded the motion. Council voted unanimously to accept the late PCS Form of Misconduct.

Ronald Tindal: No assigned case number (Trident Technical College Public Safety)

Summary: Ronald Tindal, a Class 3 Officer candidate, was convicted of Fraudulent Check less than 500 dollars 1st Offense in 2005. Mr. Tindal has applied for expungement. **Request for Eligibility for Law Enforcement Certification.**

Chief Mario Evans of the Trident Technical College Public Safety Department was in attendance to speak on behalf of Mr. Tindal and requested the Council grant Mr. Tindal eligibility as a candidate to receive law enforcement certification.

Mr. Tindal was in attendance to speak on his own behalf and answer any questions from Council, if applicable.



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After hearing from Chief Evans and Mr. Tindal, Sheriff Faile made a motion to grant Mr. Tindal eligibility for certification. Director Thomas seconded the motion. Council voted unanimously to grant Mr. Tindal eligibility as a candidate to receive law enforcement certification as a Class 3 Officer

B. Director's Comments

Director Swindler

Director Swindler gave updates on class and graduation numbers since the last meeting. He also gave information on how many staff and students tested at the last routine COVID testing that occurs every two weeks on site.

Lastly, Director Swindler gave an update on the utilization of the Tactical Training Center.

UNFINISHED BUSINESS

Agenda Item 5

A. Training Proposal by Technical Schools

Director Swindler gave an update on the proposal made by the technical schools to assist the Academy with training law enforcement officers. The technical colleges proposed that law enforcement agencies send their candidates to technical schools where they would provide the four weeks of training that is currently being conducted in the fields by the hiring department. The technical schools would also provide additional training to further enhance the training. Further, the technical school would give training to students who have not yet been hired by a law enforcement agency. These students would receive a certificate of completion and be able to present this to a law enforcement agency upon applying for a position to show they have already had some training to become an officer.

The technical schools have been able to secure scholarship money and WINS scholarship money for this program. In order to receive the scholarship money, the technical schools would need to expand the training, which would be for 14 weeks. This 14 weeks of training would apply to candidates sent to their schools by law enforcement agencies or students who have not yet been hired by an agency.

The technical schools would vet the candidates that have not been hired by agencies and would have those students meet all minimum requirements necessary to be hired by an agency.



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The training would be broken down into various semesters. There would be two different sessions in a semester which would last for 7 weeks for each session. These sessions would be broken into 4 modules. The school would administer each module's test.

After completion of this training by the technical schools, candidates would still be required to come to the Academy to take the cumulative and physical abilities test and go through their 8 weeks of training at the Academy.

There will be no cost to the agency and quite possibly no cost to the student if they receive any of the scholarship money.

The technical schools would be assigned an ACADIS number and would count the students as pre-hires in ACADIS.

Upon conclusion of the overview of the proposal by the technical schools given by Director Swindler, Council had questions answered by Director Swindler and Dan Cooper of Trident Technical College and had discussion regarding the proposal.

After the discussion, Director Boyles made a motion to adopt the Academy pre-training proposal made by the technical school system. The motion was seconded by Director Stirling. Council voted unanimously to adopt the proposal made by the S.C. Technical School System to provide pre-Academy training to candidates for law enforcement certification.

B. Duties and Limits of Class 3 Officers

Chief Keel opened the discussion on this subject by stating that he certainly understands the need to address this issue sooner than later. Before making a final decision, however, he believes it is important that everyone has an opportunity to voice their thoughts and opinions on the matter.

Chief Keel gave information on the approximate number of Class 3 Officers employed by various agencies in the state. There are approximately 860 Class 3 Officers working in the field. The larger number of Class 3 Officers working in the field work in police departments, which have approximately 174 Class 3 Officers; sheriffs' departments, which have approximately 346 Class 3 Officers; and state agencies, which have approximately 188 Class 3 Officers.

This discussion has been going on since late last year, and Chief Keel and Director Swindler have had two meetings with the Sheriffs Association. Jarrod Bruder, Director of the S.C. Sheriffs Association, submitted a document listing ideas of what Class 3 Officers should be allowed to do in regard to their duties based upon a thorough survey conducted on sheriffs' departments to identify the exact duties their Class 3 Officer are performing.



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The Academy has found that Class 3 Officers are performing duties of Class 1 Officers, but they do not have the appropriate training to do so. Chief Keel stated that he understands that Class 3 Officers help with some of the needs of the law enforcement agencies by which they are employed. However, these officers should only be performing the duties for which they have been trained. Council has the responsibility of making the best decision regarding the duties and limits of these officers to ensure that officers have the necessary certification to do the specific duties they are performing.

After Chief Keel's opening statements, Council was addressed by Jarrod Bruder, who spoke on behalf of sheriffs regarding their concerns and thoughts on Class 3 Officers, the duties they can perform, and what duty limits apply to these officers.

Upon hearing from Mr. Bruder, it was decided that a sub-committee of Council members would be established, as suggested by Director Stirling, to go in-depth to look at the current duties of limited duty officers and bring the information back to the full Council in order to gain resolution in this matter that will be satisfactory to Council and the law enforcement agencies in the field.

Please note that after this meeting, Chief Keel appointed Sheriff Faile (Committee Chair), Director Adger, Director Woods, Director Thomas and Chief Taylor as the sub-committee that will address and make recommendations on the duties of and limits placed upon Class 3 Officers.

CLOSING REMARKS/ADJOURNMENT

Agenda Item 6

Chief Keel asked if there were any comments or any other matters that needed to be addressed before adjournment.

There were no other comments or matters that needed to be addressed.

Sheriff Faile made a motion to adjourn the meeting.

The meeting was adjourned at 11:59 a.m.

Respectfully submitted by:

Scheri E. Francois
Executive Assistant