



South Carolina Criminal Justice Academy

SOUTH CAROLINA
LAW ENFORCEMENT TRAINING COUNCIL
MEETING MINUTE
January 30, 2019
10:00 a.m.

A meeting of the South Carolina Law Enforcement Training Council (LETC) was held at the South Carolina Criminal Justice Academy (Academy) on Wednesday, January 30, 2019

Chief Mark Keel, Chair of the Law Enforcement Training Council called the meeting to order at 10:03 a.m. and asked Jeanne' Crump to call the roll.

ROLL CALL

Members Present

Chief Mark A. Keel/State Law Enforcement Division (SLED) (Chair)
Director Leroy Smith/ S.C. Department of Public Safety (DPS) (Co-Chair)
Director Jerry Adger/ S.C. Probation, Parole and Pardon
Director John C. Thomas/North Augusta Department of Public Safety
Sheriff Barry Faile/Lancaster CO SO
Sheriff Lee Foster/ Newberry CO SO
Jail Admin. Capt. Nick Gallam/ Aiken County Det. Center
Attorney General Alan Wilson/Attorney General's Office
Director Jackie Swindler/ S.C. Criminal Justice Academy

Members Absent

Director Bryan P. Stirling/S.C. Dept. of Corrections/Brian Bolchoz (proxy)
Director Alvin A. Taylor/S.C. Dept. of Natural Resources/ Robert McCullough (proxy)

Guest Attendees

Executive Director Ryan Alphin/ SC Law Enforcement Officers' Assoc./ SC Police Chiefs' Assoc.
Executive Director Jarrod Bruder/ S.C. Sheriffs' Association (SCSA)
Executive Director Mark Gosnell/ S.C. Troopers' Association (SCTA)
Marcus Gore/ SC Dept. of Public Safety
K.D. Kelps / SC Dept. of Public Safety
Robert Stewart/F.O.P.
Attorney John O'Leary
Jeff Young/Attorney General's Office
Chito Walker/ Charleston Police Department
Luther Reynolds/Charleston Police Department
Terrance Green/Lexington Police Department
Charles Kyzer/Summerville Police Department

Frank Nigro/Summerville Police Department
Philip Willis/Senate
Andrew Donaldson/Johnston Police Department
Jamie M. Arnold
Trent Williams/ Irmo Police Department
Don Perry/Irmo Police Department

SC Criminal Justice Academy Attendees:

Mike Lanier/ Deputy Director
James Fennell / General Counsel
Tom McQueen/ Financial Operations Manager
Lennie Hicks/ Facilities Operations Manager
Florence McCants /Administrative Operations Manager
Lauren Fennell/Standards & Accreditation Manager
Jeanne' Crump /Director's Administrative Assistant
Chris Brumlow/Investigator
Debbie Bryant/Human Resources
Justin Miller/IT

APPROVAL OF MINUTES

Chief Keel asked if everyone had a chance to review the October 31, 2018 meeting minutes and if there are any corrections to the minutes as submitted.

Robert McCullough: I make a motion to approve.

John Thomas: I second the motion

MOTION: Robert McCullough made a motion to approve the October 31, 2018 minutes as submitted. Director Thomas seconded the motion and the minutes were unanimously approved.

ELECTIONS

Chief Keel opened the floor for nominations for the Law Enforcement Training Council Chair and Co-Chair.

Committee Chair Election

Director Smith nominated Chief Keel to continue to serve as the Chair of the Law Enforcement Training Council.

Director Adger: I make a motion Chief Keel and Director Smith to remain the Chair and Co-Chair of the Law Enforcement Training Council.

Robert McCullough seconded the motion and moved that the nomination for Chair be closed.

MOTION: A motion was made that Chief Keel continues serving as Chair of the Law Enforcement Training Council. The motion was seconded and unanimously approved.
Chief Keel opened the floor for nomination for the Law Enforcement Training Council Co-Chair.

Committee Co- Chair Election

Director Adger made a motion that Director Smith continues to serve as the Law Enforcement Training Council Co-Chair.

Robert McCullough seconded the motion and moved that the nominations for Co-Chair be closed.

MOTION: a motion was made to re-elect Director Smith as the Co-Chair of the Law Enforcement Training Council. The motion was seconded and unanimously approved.

BYLAWS

Chief Keel: Sometimes we have issues with proxies and them not being able to vote regarding misconduct matters. At this time there are two items that I would like us as a Council to review and try to make this more efficient than they have been in the past.

The first one would amend Section 108. (Recommended amendment is included below in red).

Section 108 - Council Decisions

The act of the majority of the members of the Council present at the meeting at which a quorum is present *and voting* shall be the case of the Council, unless the act of a greater number is required by law or by these bylaws. All adopted policy decisions, directions, and instructions are to be conveyed on behalf of the Council by the Council's Chairman, or in his absence, by the Vice President.

James Fennell: The addition of the two words, and voting, takes out an odd mechanism abstain voting. Currently, if a voting member were to abstain it is counted as a no vote, whereas if the two words, and voting, are there any abstaining votes are counted. Yea or Nay votes.

Chief Keel: On occasion we all have to abstain because of type of conflict, so this would allow everyone here to have a vote and not putting matters off until we have a full Council present.

Robert McCullough made a motion to change *Section 108* of the Bylaws to add the wording, and voting.

Brian Bolchoz seconded the motion.

MOTION: a motion was made to amend *Section 108* of the Bylaws to add the words, and voting, which would allow those abstaining votes to be counted. The motion was seconded and unanimously approved.

Section 109 - Voting

Each member of the Council shall have one vote. Voting will be by voice vote, show of hands or written ballot at the discretion of the Chairman. A Council member need not be physically present in order to vote at the time a vote is taken, but may vote by postal or electronic mail, or facsimile.

Chief Keel: What we want to add to *Section 109* is by proxy. Again, currently they can vote when not present either by mail, electronic mail, or facsimile, but we want to have that vote done by proxy. Generally, most everyone will have a proxy representing them upon their absence, so this change will make things more efficient for the Council.

Director Smith made a motion to make the recommended change to Section 109.

Attorney General Wilson seconded the motion.

Sheriff Foster: Just for clarification, the proxy could not vote on the misconduct matters, but vote on other business?

Chief Keel: Correct. Proxies still cannot vote on misconduct, but can vote of the other business of the Council, otherwise.

MOTION: a motion was made to change *Section 109* of the Bylaws to include proxies voting on business matters, other than misconducts, on behalf of Council members. The motion was seconded and unanimously approved.

GENERAL COUNSEL

Andrew Donaldson

Summary: Director Morse held a hearing for Andrew Donaldson, who had been convicted and pardoned for a crime of moral turpitude and as a result Director Morse found that Mr. Donaldson was not of good character and denied him his ability to attend training at the Academy.

Hearing Officer – Director Robin Morse

Attorney O’Leary representing Andrew Donaldson addressed the Council on Mr. Donaldson’s behalf.

Attorney O’Leary: In 2003 Mr. Donaldson got into some trouble for impersonating a police officer. He had purchased the Wagner Police Department uniform which was found in his house when it was searched by Sheriff’s Deputies. In 2013 Mr. Donaldson was pardoned, then in 2014 he applied to work with the Allendale Police Department. At that time Director Harrell looked at all the facts after the pardon and approved Mr. Donaldson and was going to let him attend the Academy. It seems unfair that one director approves him to attend the Academy and then a new director changes it. It turned out that Mr. Donaldson was terminated from the Allendale Police Department because he missed a meeting. He has currently been hired by the Johnston Police Department and now wanting the opportunity to go through the Academy. I feel that this man deserves a chance.

Attorney O'Leary introduced Johnston Mayor Pro-tem Frank Nicolson, Chief Lamaz Robinson and Terrance Culbreath, who were there on behalf of Andrew Donaldson.

James Fennell: As clarification, there is some confusion about the prior attendance. Under the old way of doing business the Director was given the authority of determining eligibility for candidates. The Administrative Law Court (ALC) said that it wasn't proper and that the Training Council has to make those determinations. Mr. Donaldson presented 23-23-60 to the Academy for a potential certification. This statute says that when a candidate is being presented to the Academy for certification they have to be of good character, so this is why this case is before the Council again. In the interest of justice, it had to come back this way.

Attorney O'Leary: Now, I would like to address what you said about having to be of good character. The courts seem to have said in those decisions that you have to look at the underlying facts of a particular crime and in this case, those facts were that he had possession of a uniform purchase from a former employer.

Director Adger: I need to abstain from voting since there is a lot of emphasis on pardon and pardon process.

Chief Keel: Jimmy, for future reference, when we vote on these cases because of the change we made in Section 108 all we need to do is either vote Yea or Nay, so if you just don't vote that is your abstention. From this point going forward, we will just vote yea or nay, raise our hands and count the vote.

James Fennell: Yes, sir, that is correct.

Chief Keel asked James Fennell for the benefit of the entire Council give a summary of the facts again in this case.

James Fennell: It is my understanding of the facts, Mr. Donaldson lived in Richland County and there was interaction with Richland County Sheriff's Office and Mr. Donaldson where there was a search warrant at Mr. Donaldson's residence where they found these items. As a result of locating these items he was charged with impersonating a police officer. He was convicted of the charge and then pardoned several years later. These are the facts that are on the record.

John O'Leary: The Richland County deputy that was involved was dating the same girl and lived in the same apartment complex in Richland County.

Director Smith: As I have said before, these are some tough decisions that we as a Council have to make. We are not only ruling on Mr. Donaldson today, but we are ruling for everything that we do for every officer in the state of South Carolina. Just by looking at the facts of this case, he was convicted in a court of law for impersonating a police officer, convicted of trespassing after notice, convicted of resisting arrest and convicted of unlawfully carrying a weapon. Looking at the AG's Opinion impersonating a law enforcement officer is a crime of moral turpitude which is one of the misconducts we as a Council look at. Also included in the AG's Opinion a pardon can be considered in determining whether or not an applicant is suitable for admission into the training academy. To

me it is crystal clear from the conviction, based on the AG's ruling and based on you can use a pardon to consider whether a person is suitable for admission into the Academy.

Director Smith: I make a motion that the Council accepts the hearing officer's recommendation to permanently deny certification.

Sheriff Faile: I seconded the motion.

Chief Keel: All those in favor please raise your right hand. The vote is 6-0, so certification is denied.

MOTION: a motion was made to uphold the hearing officer's recommendation to permanently deny Andrew Donaldson certification. The motion was seconded and approved.

Charles Kyzer

Summary: SC Department of Public Safety alleged that Mr. Kyzer engaged in misconduct by dishonesty/untruthfulness with respect to his employer. Sheriff Faile found that Mr. Kyzer engaged in misconduct and recommended permanent denial. This case was reheard by Bill Smith, CJA Attorney, based upon a motion by Mr. Kyzer's Counsel that there was new additional evidence. Bill Smith's recommendation of permanent denial due to dishonesty/untruthfulness.

Attorney O'Leary spoke on Mr. Kyzer's behalf and feels that he should not lose his certification based on the inconsistencies in the evidence.

Charles Kyzer stated that he violated a policy, but was not dishonest.

Marcus Gore stated that hearing officer found two untruthful statements in this case. One was the statement about the spare car being returned on a particular date was untrue and the second was the statement to his supervisor that he normally followed the policy which was contradicted by the statement he made to OPR that he never followed the policy.

Director Adger: I make a motion to uphold the hearing officer's recommendation.

Director Thomas: I second the motion.

Chief Keel: All those in favor please raise your right hand. The vote is 7 - 0, so the certification is denied.

MOTION: A motion was made to uphold the hearing officer's recommendation to permanently deny certification. The motion was seconded and approved.

James Fennell: At this time I would like to review several cases that have been addressed prior to today's meeting, to have them on record. .

Katelyn Arnold (2018-JA-03-02)

The hearing officer was Tim Plunkett. North Charleston PD alleged dishonesty/ untruthfulness with respect to her employer. The hearing officer found misconduct and recommended permanent denial and the Training Council voted to adopt the hearing officer's recommendation. The Final Agency Decision was sent to the parties on November 28, 2018 and she had not appealed the decision.

Devrinn Washington (2018-CJA-08-07)

The hearing officer was Bill Smith. The Orangeburg CO SO alleged the he willfully made false statements. The agency did not appear to prosecute the allegations. The hearing officer recommended a default judgement in Mr. Washington's favor and the Training Council adopted the recommendation. Mr. Washington can maintain his certification without restriction.

Garrett Smith (2018-CJA-06-02)

The hearing officer was Shari Driggers. Anderson CO SO alleged that Mr. Smith engaged in misrepresentation of employment related information and dishonesty/untruthfulness. The hearing officer found that Mr. Smith was dishonest, but did not misrepresent employment related information. The hearing officer recommended permanent denial and the Training Council adopted the recommendation. The Final Agency Decision was sent to the parties on November 28, 2018 and he has not appealed the decision.

OTHER BUSINESS

Chief Reynolds of the Charleston Police Department presented a proposal and Power Point presentation to the Law Enforcement Training Council about a Low Country Regional Academy for entrance level training. (See attachments)

Chief Keel: Discussion on this matter is going to take a lot of time. This isn't going to be put to a vote today, but it is going to take a lot of research and time to move forward. I know that Director Swindler is going to make some comments and present an option today that will be a start towards trying to do some basic level training outside the Academy.

FINANCIAL UPDATE

Tom McQueen: Even though revenues from Fines & Fees were down nearly a half million dollars for the first five months, December was not as bad as anticipated with revenue down less than \$14,000 and January actually better than last year by \$24,000. Currently we are \$472,000 behind this time last year and finally it appears that downtown is finally taking note of our situation.

As part of the 2020 budget process, the Governor's Executive budget, he recommended changing from fines & fee money to general appropriated funds as well as adding funds for the instructor salary realignment, expansion of training and IT equipment. The House Legislative Oversight

Committee is working to implement a steady funding recommendation, possibly via Proviso over either a one or two year period along with other recommendations from our study committee.

As an update on the psychological testing, this year we have paid for 607 tests of which agencies chose not to hire 90 candidates.

CAPITAL PROJECTS UPDATE

Lennie Hicks: today we should be getting a large carport installed down on the range that would enable the Academy to do some forensic crime scene training and now have hired an expert instructor to conduct that training. Finally, since the last Council meeting, our food cost per meal have averaged \$1.29.

DIRECTOR COMMENTS

Tactical Shoot House

Director Swindler: Over the last several weeks they brought in a lot of soil preparing the site. Originally, we were told that the building would be delivered in April but now they are saying in February and the plans should be to the architect in the next few days so they can design the footings and foundation.

Basic Law Training Update

Director Swindler: Several weeks ago we met with SCLEOA, SCSA and SCPCA and made a proposal that would remove 4 weeks from the Academy and place in the field and then do the 8 weeks here at the Academy. At the end of this meeting the consensus was that the plan should move forward, but for us to tweak it because in the original Plan A was putting Legals out in the field via ACADIS. They said they wanted the Legals back at the Academy, but move some other things that are not proficiencies and then some slight proficiencies such as basic firearms and/or searching and handcuffs. After the meeting the Academy staff came together and came up with what we will call Plan B (see attachments). Last Friday we had a meeting that was attended by six selected members of the SCLEOA, SCPCA, SCSA and also representatives from SCHP and F.O.P., covering all areas, large or small, in law enforcement. At this meeting we made our presentation on Plan B explaining that we would live film our instructors in the actual classrooms and be able to hear questions asked by students in training.

At the end of each of the four weeks of training, students will take a 50 question test through Acadis. Agency proctors are required to be present during testing. Students will have one hour to complete the test and the passing score for each test is 70%. An agency could do those four weeks, meeting the four week requirement, then apply to come to the Academy or they could choose to expand other weeks of training to those four weeks. At the end of those four weeks they would schedule a time with the Academy to take the cumulative test and once they have passed the test they are then eligible to attend the Academy for the remaining 8 weeks and ready to run the Physical Abilities Test (PAT). If they pass the PAT they are then eligible to process to Registration for class slot

assignment. With the proposed changes we would now have classes starting every two weeks and increasing the number of classes we have from 16 classes to 24 classes each year. This has the potential of over 500 candidates a year if we stayed at the current rate of 70 students per class, but with 60 per class is still over 300 per year adding more additional slots.

Director Swindler presented an outline of the proposed Basic Law Enforcement class schedule. (See attachment).

Director Swindler: The first couple pages of the proposed BLE class schedule show weeks 1 through 4 that will be taught in the field, then the next sections 1 through 8 will be taught at the Academy. I also have provided for your review a two page synopsis of what happens each week and when the testing takes place. Now, if today the Council approves this in theory, then we can proceed with this, you have for your review today a DRAFT letter that will be sent out on the Council's behalf tomorrow. This letter will be sent to every agency we serve and be informed of what we are looking to do and then we will push out through Survey Monkey (see attached) next Monday asking them to respond to the questions that will give us their input so we can move forward. Once we have received the data from all the responses it will be compiled and the findings sent to the Council. If all this falls into place we have a plan when we would have to stop the 12 weeks class and then start the 8 weeks coming to the Academy with 4 weeks in the field. We have already started filming in the event that it passes and we would also use this filming to help in Reserve Officer Training and/or Limited Duty Training where they will watch the Legals.

At the first meeting several weeks ago the ADHOC committee voted in theory to pursue this, but they agreed that all new officer candidates take a basic aptitude test like Standards & Associates and Nelson Denny that run about \$10 - \$12 which are great indicators on how successful they would be academically. This is what I am recommending today that the Council consider making this a part of the Training Council requirement that any new applicant would be required to take an aptitude test before attending the Academy. This would be similar to what the Council did a couple of years ago with psychological evaluations that would be one more thing to help in getting the best candidates into this profession. What we anticipate is reimbursement for a candidate that you send to the Academy, not all the applicants, and tack that expense onto your psychological evaluation reimbursement, if you can't afford it.

Sheriff Foster: I make a motion that we go ahead and institute academic proficiency aptitude testing for all new non-certified applicants, whether it is the Standard & Associates or the Nelson Denny, when the Academy is able to determine a start date.

Robert McCullough seconded the motion.

Chief Keel opened the floor for discussion.

MOTION: a motion that the Academy go ahead and institute academic proficiency aptitude testing for all new non-certified applicants, whether it is the Standard & Associates or the Nelson Denny, allowing the Academy to determine the actual start date. The motion was seconded and approved.

Chief Keel: As far as the proposed concept, there is still a lot of work to be done moving forward with getting the information out to the field and compiling the survey data, so I would like to get a motion on whether or not we agree with this concept. This will not be a final approval

Sheriff Foster: I make a motion that we agree with the Academy's proposed concept as presented.

Director Adger: I second the motion.

Chief Keel opened the floor for discussion and was asked to clarify the motion.

Chief Keel: At this time, we are not approving this to go into place, but just approving in concept for Director Swindler to obtain additional information through the survey, then we will all come back together for a final determination. We will wait to hear back from the Director, but once all the information is in we may need to call a special meeting to get it started.

MOTION: A motion was made that the Council agrees with the Academy's proposed concept as presented. The motion as seconded and approved.

Director Swindler introduced Philip Willis from the Senate Oversight Committee who has been assigned to the research at the Academy.

Staffing Update

New Hires

- Teena Gooding is coming from USC and will be an instructor in Behavioral Science.
- Joshua Caulder is coming from Irmo PD and will be an instructor in Police Science.

We have also offered a young lady at SLED the position in Certification.

Resignations:

- Leah Shivery left the Certification Unit.
- Stephon Golson retired as Laundry Manager.
- Margaret Wheeler left the Traffic Unit.
- Bobby Zeigler retired from Facilities.

Other Staff Changes:

Ted Elliott, who has been in food services has been reassigned to the Laundry Manager position, so we will move forward and hire someone for the food services position.

Electronic Recording Custodial Interrogations

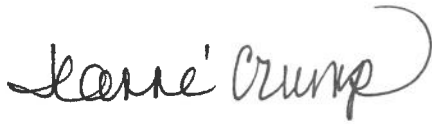
Chief Keel: Last year I along with others participated on the study committee of the Electronic Recording Custodial Interrogations and they basically asked that the Training Council come up with a model policy. After the meetings were held they determined that many agencies were

already conducting video taped custodial interrogations that there wasn't a need for it to be mandated. They did ask if we would come together and develop a good model policy that we could all agree on. Director Swindler has recently requested from agencies all over the country to share their policies that would assist us in moving forward. What I am going to ask is that the Academy's legal staff and someone from the AG's office come together and review all the policies submitted, then come up with some basic requirements for a model policy that we all would approve like we did with the Body Worn Cameras. Again, this is not mandated.

The motion to adjourn was seconded and approved.

The Law Enforcement Training Council meeting adjourned at 11:38 a.m.

Respectfully Submitted by,

A handwritten signature in cursive script that reads "Jeanne S. Crump". The signature is written in dark ink and is positioned above a horizontal line.

Jeanne' S. Crump