



South Carolina Criminal Justice Academy

SOUTH CAROLINA LAW ENFORCEMENT TRAINING COUNCIL MEETING MINUTES

July 24, 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 on Wednesday, July 24, 2019. 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 10:04 a.m. and asked for a roll call of the Training Council Members. The roll was called by Scheri Francois.

Members present at the meeting were Chief Mark A. Keel, State Law Enforcement Division (SLED) (Chair); Director Leroy Smith, S.C. Department of Public Safety (Co-Chair); Director Jerry Adger, S.C. Department of Probation, Parole and Pardon Services; Director Robert Boyles, S.C. Department of Natural Resources; Sheriff Barry Faile, Lancaster County Sheriff's Office; Sheriff Lee Foster, Newberry County Sheriff's Office; Director John Thomas, North Augusta Department of Public Safety; Chief Tony Taylor, Williamston Police Department; and Captain Nick Gallam, Aiken County Detention Center.

Attorney General Alan Wilson, Attorney General's Office, and Director Bryan Stirling, S.C. Department of Corrections were absent but represented by proxies, Barry Bernstein and Brian Bolchoz, respectively.

Guest attendees were Executive Director Jarrod Bruder, S.C. Sheriffs' Association; Executive Director Ryan Alphin, S.C. Law Enforcement Officers' Association, S.C. Police Chiefs' Association.; Executive Director Mark Gosnell, S.C. Troopers' Association; Chief Robert Stewart, Former SLED Chief; Marcus Gore, S.C. Dept. of Public Safety; Attorney Creighton Segars; Attorney Steve Denton; Melissa Ray, S.C. Department of Probation, Parole and Pardon Services; Sharon Chafin, S.C. Department of Probation, Parole and Pardon Services; Beth Shull, AT&T; Janice Woods, AT&T; and Chad Watson, AT&T.

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

SC Criminal Justice Academy attendees were Director Jackie Swindler; Deputy Director Mike Lanier; James Fennell, General Counsel; Florence McCants, Administrative Operations Manager; Lauren Fennell, Standards & Accreditation Manager; Lenny Hicks, Capital Improvements



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Manger; Thomas McQueen, Financial Manager; Scheri Francois, Director's Executive Assistant; Debbie Bryant, Human Resources; Justin Miller, IT; and Christopher Brumlow, Investigator.

APPROVAL OF AGENDA

Agenda Item 2

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

APPROVAL FOR MEETING MINUTES

Agenda Item 3

1. A motion to approve the minutes of the June 17, 2019, meeting was made by Director Boyles and seconded by Sheriff Faile. Council voted unanimously to accept the meeting minutes as recorded.

DIRECTOR'S REPORT

Agenda Item 4

2. **General Counsel**

- Misconduct Cases

Kaynnera Capers: 2018-CJA-12-08 (CJA)

Summary: Allegation was misrepresentation of employment related information. Hearing Officer Recommendation was a finding of no misconduct was proven and Mr. Capers should keep his law enforcement certification.

Director Smith made a motion to accept the recommendation of the Hearing Officer. Sheriff Faile seconded the motion.

Prior to the voting process, Director Adger made brief comments in regards to this case.

After Director Adger's comments, Council voted unanimously to adopt the recommendation of the Hearing Officer to approve eligibility for law enforcement certification and expungement of the misconduct record.



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Michael Raffield: 2019-CJA-02-01 (Saluda County Sheriff's Office)

Summary: Allegation was false, misleading, incomplete, deceitful, or incorrect information. Hearing Officer Recommendation was that the allegation was not proven by substantial evidence, Mr. Raffield be eligible for certification and misconduct documents be expunged.

Attorney Creighton Segars was in attendance at the meeting to represent Mr. Raffield and asked that Council accept the recommendation of the Hearing Officer.

Director Smith made a motion to accept the recommendation of the Hearing Officer. Director Adger seconded the motion.

Prior to the voting process, Director Adger made brief comments in regards to this case.

After Director Adger's comments, Council voted unanimously to adopt the recommendation of the Hearing Officer to approve eligibility for law enforcement certification and expungement of the misconduct record.

Jessica Parker: 2019-CJA-02-02 (Saluda County Sheriff's Office)

Summary: Allegation was false, misleading, incomplete, deceitful, or incorrect information. Hearing Officer Recommendation was that the allegation was not proven by substantial evidence, Ms. Parker be eligible for certification and misconduct documents be expunged.

Attorney Creighton Segars was in attendance at the meeting to represent Ms. Parker and asked that Council accept the recommendation of the Hearing Officer.

Director Smith made a motion to accept the recommendation of the Hearing Officer. Director Boyles seconded the motion. Council voted unanimously to adopt the recommendation of the Hearing Officer to approve eligibility for law enforcement certification and expungement of misconduct record.

Daquan Doyle: 2018-CJA-09-09 (Spartanburg Police Department)

Summary: Allegation was false, misleading, incomplete, deceitful, or incorrect information. Hearing Officer Recommendation was that the allegation was not proven by substantial evidence, Mr. Doyle be eligible for certification and misconduct documents be expunged.

Mr. Doyle was present to answer any questions Council may have regarding his misconduct case.

Attorney Steve Denton was present to represent Mr. Doyle and asked that Council accept the recommendation of the Hearing Officer.

Director Smith made a motion to accept the recommendation of the Hearing Officer. Director Adger seconded the motion. Council voted unanimously to adopt the recommendation of the



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Hearing Officer to approve eligibility for law enforcement certification and expungement of the record.

Kasey Gibbons: 2019-CJA-04-15

Summary: Allegation was false, misleading, incomplete, deceitful, or incorrect information. The agency did not appear to prosecute the allegations. Hearing Officer Recommendation was that the allegation was not proven by substantial evidence, Ms. Gibson be eligible for certification and expungement of misconduct record.

Ms. Gibbons was present to answer any questions Council may have regarding her misconduct case.

Attorney Creighton Segars was present to represent Ms. Gibbons and asked that Council accept the recommendation of the Hearing Officer.

Director Smith made a motion to accept the recommendation of the Hearing Officer. Director Adger seconded the motion. Council voted unanimously to adopt the recommendation of the Hearing Officer to approve law enforcement eligibility and expungement of misconduct record.

Jeremy Jones: 2019-CJA-03-07 (Greenville County Sheriff's Office)

Summary: Allegation was false, misleading, incomplete, deceitful, or incorrect information. The agency did not appear to prosecute the allegations. Hearing Officer Recommendation was that the allegation was not proven by substantial evidence, Mr. Jones be eligible for certification and misconduct documents be expunged.

Director Smith made a motion to accept the recommendation of the Hearing Officer. Director Faile seconded the motion.

Prior to the voting process, Chief Keel made brief remarks about the lack of representation by law enforcement agencies at misconduct hearings involving officers of their agencies. Chief Keel addressed this issue at the SC Sheriffs Association Conference and will do so at the SC Police Chiefs Association Conference. Director Swindler gave information about how the SC Criminal Justice Academy will also address this issue.

After the remarks by Chief Keel and Director Swindler, Council voted unanimously to adopt the recommendation of the Hearing Officer to approve eligibility for law enforcement certification and the expungement of the misconduct record.

Jackson Winkeler: 2017-CJA-04-06 (Latta Police Department)

Summary: Allegation was repeated use of excessive force. Hearing Officer Recommendation was that the allegation was not proven by substantial evidence, Mr. Winkeler be eligible for certification and misconduct documents be expunged.



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Director Smith made a motion to accept the recommendation of the Hearing Officer. Sheriff Foster seconded the motion. Council voted unanimously to adopt the recommendation of the Hearing Officer to approve law enforcement certification and the expungement of misconduct record.

Robert Smith: 2019-CJA-07-03

Summary: SC Highway Patrol arrested Mr. Smith for DUI. Request for Suspension of Law Enforcement Certification.

Director Smith made a motion to accept the recommendation of the Hearing Officer. Director Boyles seconded the motion. Council voted unanimously to approve temporary suspension of law enforcement certification pending the outcome of the criminal investigation.

Malik McCown: 2019-CJA-07-05 (SC Department of Public Safety)

Summary: Charleston County Sheriff's Office arrested Mr. McCown for Disorderly Conduct, Assault and Battery, and Resisting Arrest. Request for Suspension of Law Enforcement Certification.

Director Boyles made a motion to accept the recommendation of the Hearing Officer. Sheriff Faile seconded the motion. Council voted unanimously to approve temporary suspension of law enforcement certification pending the outcome of the criminal investigation. *Please note that Director Smith recused himself from the voting process in this case.*

Jarrad Fowler – 2018-CJA-12-13 (Spartanburg County Detention Center)

Summary: Mr. Fowler was cited for Simple Possession of Marijuana and Texting While Driving and pleaded guilty to Possession of Drug Paraphernalia and Texting While Driving.

Director Smith made a motion to permanently deny law enforcement certification. Captain Gallam seconded the motion. Council voted unanimously to permanently deny Mr. Fowler's law enforcement certification.

Tracy Scott– No assigned case number

Summary: The Anderson Police Department has advised that Ms. Scott has one (1) conviction for Fraudulent Check from 2006. Request for Eligibility for Law Enforcement Certification.

Director Smith reminded Council that on June 17, 2019, Council voted to allow Donald Corbett to be eligible to obtain law enforcement certification with a one (1) year probationary period after he was convicted for writing fraudulent checks in 1988 and 1994. Director Smith also reminded Council that they voted to allow certification eligibility with a one (1) year probationary period to Jerrell Burden on March 18, 2019, after he received a Shop Lifting conviction and on May 20, 2019, Council voted to grant law enforcement certification with a one (1) year probationary period to Sean Smith after he pleaded guilty to Petit Larceny.



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Director Smith made a motion to allow law enforcement eligibility with a one (1) year probationary period to Ms. Scott with a stipulation that she get the record expunged from her criminal record. Director Adger seconded the motion. Council voted unanimously to grant law enforcement eligibility with a one (1) year probationary period with the stipulation that Ms. Scott have the conviction expunged from her criminal record.

Clifton Davenport: 2019-CJA-06-02 (Lexington County Sheriff's Office)

Summary: Date of separation was April 4, 2019, and the Personnel Change in Status (PCS) form was dated June 4, 2019, and was received on June 4, 2019, (61 days). Statute requires PCS forms to be submitted within 30 days, unless the Law Enforcement Training Council finds extenuating circumstances for the delay. The stated reason for the delay was a mistake without further information.

Director Smith made a motion not to accept the late PCS form from Lexington County Sheriff's Office because there was no finding of extenuating circumstances for submitting the form late. Director Adger seconded the motion. With the exception of a "Yes" votes from Director Smith and Director Boyles, Council voted against the motion to not accept the late PCS form.

Director Adger made a new motion to accept the late PCS form submitted by the Lexington County Sheriff's Office. Sheriff Foster seconded the motion.

Prior to the voting process, there was a brief discussion amongst Council in regards to this case.

With the exception of a "No" vote from Director Smith, Council voted unanimously to accept the late PSC submitted by the Lexington County Sheriff's Office.

Keith Knowlin: 2019-CJA-06-10 (Charleston Police Department)

Summary: Date of separation was March 15, 2019, and Personnel Change in Status (PCS) form was dated June 13, 2019, and was received June 17, 2019, (94 days). Statute requires PCS forms be submitted within 30 days, unless Law Enforcement Training Council finds extenuating circumstances for the delay. The stated reason for the delay was that they had personnel issues, and it "fell through the cracks".

Director Smith made a motion not to accept the late PCS form from the Charleston Police Department. This motion was not seconded; therefore, Director Adger made a new motion to accept the late PCS form. The motion was seconded by Sheriff Foster. With the exception of a "No" vote from Director Smith, Council voted to accept the late PCS form from the Charleston Police Department.



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3. Financial Updates

Tom McQueen

Fees and fines revenue declined \$378, 448 for Fiscal Year 2019; however, the amount is up \$71,000 compared to July of last year. The Legislature allotted an additional \$2 million in General Funds for the Academy, so the budget is now 54% funded by the State. The Academy was also granted 15 Full Time Employee (FTE) positions with a budget of \$1.2 million for the Academy to establish Mobile Training Teams. The Legislature also approved \$182,000 to adjust instructor salaries and \$155,000 for administrative salary adjustments.

Overall expenditures for the Academy increased by \$571,000 which consisted of an increase for salary realignments and fringe expenditures of \$296,000 and operational expenditures of \$275,000; procurement of the Acadis testing module was \$85,000; increase in cost of psychological exams was \$103,000.

There were 1,093 psychological test performed last fiscal year, with 186 of those candidates not hired. In the new fiscal year, 41 claims for psychological exams have been processed. Of the psychological tests performed so far this fiscal year, 13 candidates were not hired.

4. Capital Projects Update

Lennie Hicks

The Ammunition Storage Building has been completed. By way of rotating stock, plans are to expend the ammunition currently stored in the old vaults while all new orders will be placed into the new facility.

The Waterproofing Project for the Village Dorm Shower/Rest Rooms has been moving forward slowly over the summer months. There will be a meeting with the architect, the waterproofing expert and the State engineer to finalize recommendations and bid specification packet to go out for bidding in August.

The 20-year old threadbare carpet in the administration building has been replaced.

There are four new capital projects established for the new fiscal year. These include replacing the translucent panels and shingles on the Rifle Deck and Ranges #1, #2 and #3, coating the Warehouse metal roof and coating the metal roof on Building #8 (IT building). Additionally, the \$125,000 Campus Security Upgrade project to add cameras to the Village complex as well as expanding other video capabilities on the campus.



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Because of the increase in the cost of meat products, there has been a small increase in the price per meal. The cost per meal has averaged \$1.34. In the future, the prediction is that the price of pork will increase due to the African Swine Virus, which has stricken Chinese pork producers. It is anticipated that pork prices may continue to increase due to loss of Chinese pork products.

5. Director's Comments

Director Swindler

The Tactical Training Facility project is moving along slowly. The architect had to do a final drawing of the mezzanine and send it to the State architect to approve. After the approval of the State architect, the design was sent to the fabricator. The mezzanine should be ready by Friday, August 2, 2019. The final completion of the shoot house project is anticipated for September. The funding for this project was gifted to the Academy by the federal government in the amount of \$950,000. This facility will be a great asset to law enforcement agencies in South Carolina and surrounding states.

Director Swindler received favorable comments about the new hybrid program when he attended the 2019 S.C. Sheriffs Association Conference.

As of the date of this meeting, there were 258 candidates in the pool. 122 candidates have not taken any tests, which must mean that the agencies are doing some things with their candidates in the field in preparation for the tests. 35 candidates have taken Test #1; 28 candidates have taken Test #2; 40 candidates have taken Test #3; and 33 candidates have taken Test #4. Initially, candidates were taking tests every Wednesday with two testing sessions, one session in the morning and one session in the afternoon. The number of candidates coming in to take the tests are slowing down. Candidates are getting their Academy dates within 30 days. When the hybrid program first began, the average wait was 106 days. A new basic law enforcement class starts every two weeks.

The program has been successful thus far with only two academic failures in Basic Law Enforcement Class 700 and only one academic failure in Basic Law Enforcement Class 701. There were, however, 5 proficiency failures in Class 701 in Firearms. After interviewing the candidates that failed this area of proficiency, it was revealed that the most practice the candidates had in the field amounted to roughly 30 minutes of firearm training. In the block of training at the Academy, the minimum requirement is seven hours. The agencies are now correcting this issue in the field to assist their candidates in having better success rates once they begin their training at the Academy.

The Academy is finding that students are having more success rates in their Academy training after the four weeks of field training and taking cumulative and physical abilities tests prior to attending the Academy.



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Director Swindler has tasked a Certified Public Manager with a project to compare graduation success rate of students before and after the inception of the new hybrid program.

Director Swindler gave updates on staffing changes at the Academy and current position openings and upcoming openings at the Academy.

UNFINISHED BUSINESS

Agenda Item 5

There was no unfinished business to discuss.

NEW BUSINESS

Agenda Item 6

- a. Presentation by FirstNet of AT&T in reference to building a partnership with law enforcement and first responders in South Carolina.
- b. Presentation by S.C. Department of Probation Parole and Pardon Services – Request for Approval of Lesson Plan for Mental Health First Aid Class.

Melissa Ray of the Department of Probation, Parole and Pardon Services (PPP) presented the information about the lesson plan for the First Aid Course.

A brief discussion about whether Council had the authority to approve this lesson plan took place between Chief Keel and Director Swindler.

Once the Council gained clarity from the discussion, Director Smith made a motion to approve the course. Sheriff Faile seconded the motion. Council voted unanimously to approve the lesson plan for the Mental Health First Aid Course.

Before Council voted, Ms. Ray stated that PPP had collaborated with the South Carolina Department of Corrections. Ms. Ray stated that there are eight certified instructors within PPP; six of those instructors are C-1 certified. Ms. Ray also gave information in regards to cost. The only cost associated with the class is the cost of the book, which is approximately \$20.

After hearing the additional information from Ms. Ray, Council voted unanimously to approve the lesson plan for the Mental Health First Aid Course presented by PPP.

After Council voted, Director Adger thanked Council for voting to approve the lesson plan, as mental health is such an important issue to the law enforcement profession.



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CLOSING REMARKS AND ADJOURNMENT

Agenda Item 7

Director Swindler acknowledged the directors of the Sheriffs Association, Police Chiefs Association and Troopers Association. He especially thanked former SLED Chief, Robert Stewart, for attending at this meeting.

Director Boyles invited Council to the retirement dinner for former DNR director, Director Alvin Taylor. The celebration is on August 14, 2019. Director Boyles stated that a formal invitation would be sent out.

Chief Keel made remarks about the 2019 Sheriffs Association Conference. He stated that the conference was one of the best conferences the Association has hosted. Chief Keel also stated that he is looking forward to attending the upcoming Police Chiefs Association Conference.

Chief Keel thanked special guests, Executive Director Jarrod Bruder (SCSA), Executive Director Ryan Alphin (SCPCA; SCLEOA), Executive Director Mark Gosnell (SCTA) and Chief Robert Stewart for attending the meeting. He also thanked Academy Staff for the work put in to prepare for each of these meeting.

Upon the conclusion of his remarks, Chief Keel asked for a motion to adjourn the meeting. Sheriff Lee Foster made a motion to adjourn the meeting. Sheriff Faile seconded the motion. Council unanimously voted to adjourn the meeting at 11:16 a.m.

Respectfully submitted by:

Scheri E. Francois
Executive Assistant