



# South Carolina Criminal Justice Academy

---

SOUTH CAROLINA  
LAW ENFORCEMENT TRAINING COUNCIL  
MEETING MINUTES  
Monday, March 21, 2022  
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, March 21, 2022. This meeting was advertised in accordance with 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 10:00 a.m. Chief Keel asked for a roll call of the Council members. The roll was called by Scheri Francois.

Members present for this meeting in person were Chief Keel, State Law Enforcement Division (SLED), and Director Robert Woods, S.C. Department of Public Safety.

Members present via video/conference call were Sheriff Lee Foster (Co-Chair), Newberry County Sheriff's Office; Attorney General Alan Wilson, S.C. Attorney General's Office; Director Robert Boyles, S.C. Department of Natural Resources; Sheriff Barry Faile, Lancaster 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.

Director Bryan Stirling, S.C. Department of Corrections, was absent from this meeting but was represented by proxy, Chris Voll. Director Jerry Adger was absent from this meeting.

Guest attendees were Jarrod Bruder, S.C. Sheriffs Association; JJ Jones, S.C. Law Enforcement Officers Association/S.C. Police Chiefs Association; Mark Gosnell, S.C. Troopers Association; Deputy Chief Jim Stewart, Richland County Sheriff's Department; Joanna McDuffie, Esquire, Richland County Sheriff's Department; Deputy Attorney General, Barry Bernstein, S.C. Attorney General's Office; Marcus Gore, Esquire, S.C. Department of Public Safety; Lieutenant Lisa Haig, Orangeburg Public Safety; C. Bradley Hutto, Esquire; Shawn Campbell, Esquire; Michael Laubshire, Esquire; Anfernee Covington; Dwight Garcia; and Daniel Fitzgerald.

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



# South Carolina Criminal Justice Academy

## APPROVAL OF AGENDA

A motion to adopt the agenda was made by Director Woods and seconded by Sheriff Faile. Council voted unanimously to adopt the agenda as presented.

## APPROVAL FOR MEETING MINUTES

A motion to approve the minutes of the February 28, 2022, meeting was made by Director Woods and seconded by Director Boyles. Council voted unanimously to accept the meeting minutes as recorded.

## DIRECTOR'S REPORT

### A. GENERAL COUNSEL REPORT

#### - Misconduct Cases

#### Dwight Garcia: 2020-CJA-02-22 (Spartanburg Co SO) –

**Summary:** Allegation of physical or psychological abuses 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 Dwight A. Garcia by the Spartanburg County Sheriff's Office 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 Dwight A. Garcia by the Spartanburg County Sheriff's Office.

Dwight Garcia attended this meeting to speak on his own behalf and answer questions from Council, if applicable.

Shawn Campbell, Esquire, attended this meeting to represent Mr. Garcia and answer questions from Council, if applicable.

After hearing a statement from Mr. Campbell, Director Boyles made a motion to accept the recommendation of the Hearing Officer to expunge the record of misconduct within thirty (30) days, and grant Mr. Garcia continued eligibility for law enforcement certification. Captain Gallam seconded the motion. Council voted unanimously to adopt the recommendation of the Hearing



## South Carolina Criminal Justice Academy

Officer to expunge the allegation of misconduct against Mr. Garcia within thirty (30) days of the Final Agency Decision and granted him continued eligibility for law enforcement certification. *Please note that Chief Keel recused himself, and General Wilson abstained from the voting process in this case.*

### **Anfernee Covington: 2021-CJA-07-02 (McColl PD) –**

**Summary:** Allegation 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 departmental policy or by the laws of this State. **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 allegation of misconduct filed against Anfernee Covington by the McColl Police Department has been proven by substantial evidence; and
- B. Impose such sanction as the Council in its discretion deems appropriate pursuant to its authority set forth at S.C. Code Ann. Regs. 37-108 A.

Mr. Covington attended this meeting to speak on his own behalf and answer questions from Council, if applicable.

After hearing a statement from Mr. Covington, Director Boyles made a motion to permanently deny Mr. Covington eligibility for law enforcement certification. Director Woods seconded the motion. Council voted unanimously to permanently deny Mr. Covington eligibility for law enforcement certification.

### **Daniel Fitzgerald: 2021-CJA-04-06 (SCDMH) –**

**Summary:** Allegation of dangerous or unsafe practices involving firearms, weapons, and/or vehicles which indicated either a willful or wanton disregard for the safety of persons. **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 Daniel T. Fitzgerald, Jr. by the South Carolina Department of Mental Health have not been proven by substantial evidence; and
- B. Approve, pursuant to the authority of Council set for at S.C. Code Ann. § 23-23-150 (G) (1), Daniel T. Fitzgerald, Jr.'s eligibility for certification as a law enforcement officer in the State of South Carolina; and



## South Carolina Criminal Justice Academy

- C. 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 Daniel T. Fitzgerald Jr. by the South Carolina Department of Mental Health.

Daniel Fitzgerald attended this meeting to speak on his own behalf and answer questions from Council, if applicable.

Michael Laubshire, Esquire, attended this meeting to represent Mr. Fitzgerald and answer questions from Council, if applicable.

After hearing a statement from Mr. Laubshire, Director Boyles made a motion to accept the recommendation of the Hearing Officer to expunge the evidence related to the allegations of misconduct within thirty (30) days and grant Mr. Fitzgerald eligibility for law enforcement certification. Sheriff Foster seconded the motion. Council voted unanimously to adopt the recommendation of the Hearing Officer to expunge the allegation of misconduct against Mr. Fitzgerald within thirty (30) days of the Final Agency Decision and granted him continued eligibility for law enforcement certification.

### **Wallace White: 2021-CJA-11-13 (Orangeburg PS) –**

**Summary:** Allegation(s) of falsification of any application for certification and training based upon which the officer was admitted for training; providing false information to the Criminal Justice Academy. **Final Agency Decision.**

Hearing Officer recommended that Council:

- A) Order that the contested case file in this matter be closed; and
- B) Order, pursuant to the requirements of S.C. Code Ann. § 23-23-150 (M), that the “Personnel Change in Status Report: Notification of Separation Due to Misconduct” filed by the Department in this matter be expunged, and that the certification file of the Officer be updated in the records of the Criminal Justice Academy to reflect no outstanding allegations of misconduct based on the allegations reported by the Department in this matter.

C. Bradley Hutto, Esquire, attended this meeting to represent Wallace White and answer questions from Council, if applicable.

Representing Orangeburg Public Safety, Lieutenant Lisa Haig attended this meeting to answer questions from Council, if applicable.



## South Carolina Criminal Justice Academy

Council inquired of Lieutenant Haig as to why Orangeburg Public Safety did not attend the hearing to prosecute the allegation of misconduct they filed against Mr. White. Lieutenant Haig stated that she was not aware of the reason that the department did not attend the hearing.

After hearing from both parties, Director Boyles made a motion to accept the recommendation of the Hearing Officer to expunge the allegation of misconduct within thirty (30) days and grant Mr. White eligibility for law enforcement certification. Sheriff Faile seconded the motion. Council voted unanimously to adopt the recommendation of the Hearing Officer to expunge the allegation of misconduct against Mr. White within thirty (30) days of the Final Agency Decision and granted him continued eligibility for law enforcement certification.

### **Brandy Smith: 2021-CJA-11-12 (Orangeburg PS) –**

**Summary:** Allegation(s) of falsification of any application for certification and training based upon which the officer was admitted for training; providing false information to the Criminal Justice Academy. **Final Agency Decision.**

C. Bradley Hutto, Esquire, attended this meeting to represent Brandy Smith and answer questions from Council, if applicable.

Representing Orangeburg Public Safety, Lieutenant Lisa Haig attended this meeting to answer questions from Council, if applicable.

After hearing statements from both parties, Director Woods made a motion to accept the recommendation of the Hearing Officer to expunge the allegation of misconduct within thirty (30) days and grant Ms. Smith eligibility for law enforcement certification. Captain Gallam seconded the motion. Council voted unanimously to adopt the recommendation of the Hearing Officer to expunge the allegation of misconduct against Ms. Smith within thirty (30) days of the Final Agency Decision and granted her continued eligibility for law enforcement certification.

### **Charles Simmons: No assigned case number (Laurens PD) –**

**Summary:** On January 19, 2021, the Laurens Police Department submitted a Routine Separation for Charles Simmons. On March 1, 2022, the Laurens Police Department submitted a misconduct allegation for Simmons. According to Laurens PD a clerical error was made, and it should have been submitted as a misconduct separation not a routine separation. **Acceptance Request.**

Director Boyles made a motion to accept the amended Personnel Change in Status (PCS) form. Sheriff Foster seconded the motion. Council voted unanimously to accept the amended PCS form which reflects a separation due to misconduct.



# South Carolina Criminal Justice Academy

## **B. DIRECTOR'S COMMENTS**

Director Swindler gave updates on basic law enforcement classes. He also gave an update regarding the increased use of the Tactical Training Center by agencies.

Lastly, Director Swindler informed Council that a letter was sent to Orangeburg Public Safety regarding their agency's failure to attend hearings for cases in which they submitted allegations of misconduct against former officers of the department. The department's failure to appear and the possibility of a civil penalty will be addressed at the next meeting.

## **UNFINISHED BUSINESS**

There was no unfinished business to discuss.

## **NEW BUSINESS**

There was no new business to discuss.

## **CLOSING REMARKS/AJOURNMENT**

Chief Keel opened the floor for any additional business, questions, or comments.

When there were no more comments or remarks, General Wilson made a motion to adjourn the meeting.

The meeting was adjourned at 10:26 a.m.

Respectfully submitted by:

Scheri E. Francois  
Executive Assistant