

SOUTH CAROLINA LAW ENFORCEMENT TRAINING COUNCIL MEETING MINUTES May 20, 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 Monday, May 20, 2019.

Chief Mark Keel, Chair of the Law Enforcement Training Council, called the meeting to order at 10:06 a.m. and asked for a roll call of the Training Council Members. The roll was called by Scheri François.

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. Probation, Parole and Pardon; Director John C. Thomas, North Augusta Department of Public Safety; Sheriff Barry Faile, Lancaster County Sheriff's Office. *Note: Director Bryan Stirling of the SC Department of Correction joined the meeting late due to a prior appointment.*

Chief Keel introduced the newest members of the Council, Chief Tony Taylor of the Williamston Police Department and Interim Director Robert H. Boyles of the SC Department of Natural Resources. Both were in attendance at this meeting.

Members present via conference call were Sheriff Lee Foster, Newberry County Sheriff's Office and Captain Nick Gallam, Aiken County Detention Center.

Attorney General Alan Wilson, Attorney General's Office, was absent but was represented by proxy, Barry Bernstein via conference call.

Guest attendees were Executive Director Ryan Alphin, SC Law Enforcement Officers' Assoc., SC Police Chiefs' Assoc.; Executive Director Mark Gosnell, S.C. Troopers' Association; Marcus Gore, SC Dept. of Public Safety; K.D. Kelps, SC Dept. of Public Safety; Attorney John O'Leary; Chief Wallace Oswald, Batesburg-Leesville Police Department.

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

SC Criminal Justice Academy attendees were Director Jackie Swindler; James Fennell, General Counsel; Florence McCants, Administrative Operations Manager; Lauren Fennell, Standards & Accreditation Manager; Scheri Francois, Director's Executive Assistant; Chris Brumlow, Investigator; Debbie Bryant, Human Resources; Justin Miller, IT.



APPROVAL OF AGENDA

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

APPROVAL FOR MEETING MINUTES

1. A motion to approve the minutes of the April 24, 2019, meeting was made by Director Thomas and seconded by Director Adger. Council voted unanimously to accept the meeting minutes.

DIRECTOR'S REPORT

Agenda Item 4

Prior to hearing the misconduct cases, Chief Keel explained the voting process to the newest members of the Council and told them that depending on whether they have had an opportunity to review the cases, they could choose to vote or abstain from the voting process. Note: Director Boyles abstained from the voting process in all misconduct cases brought before the Council at this meeting.

2. General Counsel

Misconduct Cases

Robert Boehler: 2017 -CJA- 07-09

Summary: SCDPS made allegations of misconduct and dishonesty against Mr. Boehler. The Hearing Officer found that the agency proved their case by substantial evidence and recommended permanent denial.

Upon hearing the details of the allegations against Mr. Boehler, a motion was made by Director Adger and seconded by Sheriff Faile to accept the recommendation of the Hearing Officer. The Council voted unanimously to accept and adopt the recommendation of the Hearing Officer to permanently deny Mr. Boehler's law enforcement certification. *Note: Director Smith recused himself from the voting process.*

Rhower Ward: 2018-CJA-08-16

Summary: Horry County Detention Center made allegations of misconduct and dishonesty against Mr. Ward. Mr. Ward did not attend the hearing, but the agency did. The Hearing Officer found that the agency proved their case by substantial evidence and recommended permanent denial.



Upon hearing the allegations against Mr. Ward, Director Thomas made a motion to accept the recommendation of the Hearing Officer. Director Smith seconded the motion. The Council voted unanimously to accept and adopt the recommendation of the Hearing Officer to permanently deny Mr. Ward's law enforcement certification.

Arthur Simmons: 2017-CJA-11-09

Summary: Beaufort County Sheriff's Office made an allegation of misconduct and conviction against Mr. Simmons. The Hearing Officer found that the agency did not prove their case by substantial evidence and recommended certification eligibility and expungement.

Upon hearing the allegations against Mr. Simmons, a motion was made by Director Smith and seconded by Director Thomas to adopt the recommendation of the Hearing Officer.

Prior to the voting process, Director Adger asked for clarification as to whether SLED's investigation was completed with the no findings of misconduct. The answer was "yes", the SLED investigation was completed with no findings of misconduct.

Council then voted unanimously to accept and adopt the recommendation of the Hearing Officer to grant continuation of Mr. Simmons' law enforcement certification and expungement of the record.

William Waters: 2018-CJA-09-14

Summary: Moncks Corner Police Department made allegations of misconduct, dangerous practices and physical abuses against Mr. Waters. The Hearing Officer found that the agency proved their case by substantial evidence but recommended a one (1) year probationary period, 8 hours of Use of Force training, and at the end of the probationary period have Mr. Waters' employing agency provide a letter on their agency letterhead to CJA stating that Mr. Waters has not been involved in any Use of Force issues during his probationary period.

Upon hearing the allegations made against Mr. Waters, Director Smith made a motion to adopt the recommendation of the Hearing Officer. The motion was seconded by Sheriff Faile.

Prior to the voting process, there was a brief discussion in regards to the details of the allegations against Mr. Waters.

Upon hearing more details of the allegations against Mr. Waters, a motion was made by Director Adger to table the original motion made by Director Smith and was seconded by Director Thomas. A new motion was made to permanently deny Mr. Waters' certification by Director Adger and seconded by Director Thomas. With the exception of a "no" vote from Director Smith, the Council voted unanimously to adopt the motion of permanently denying Mr. Waters' law enforcement certification.



Richard Johnson: 2018-CJA-05-04

Summary: Mount Pleasant Police Department made allegations of misconduct and dishonesty against Mr. Johnson. The Hearing Officer found that the agency did not prove their case of substantial evidence and recommended certification eligibility and expungement.

Mr. Johnson was present and made brief comments on his behalf.

After hearing Mr. Johnson's comments, Director Smith made a motion to adopt the recommendation of the Hearing Officer and added a recommendation that Mr. Johnson serve one (1) year of probation. Director Smith also recommended Mr. Johnson take 8 hours of ethics training at his own expense. Director Thomas seconded the motion.

The Council voted unanimously to adopt the recommendation of the Hearing Officer to grant continuation of Mr. Johnson's law enforcement certification and expungement of the record with the added conditions of one (1) year of probation and that he takes 8 hours of ethics training at his own expense.

Charles Woodle: 2017-CJA-12-11

Summary: Darlington County Sheriff's Office made allegations of misconduct and dishonesty against Mr. Woodle. The Hearing Officer found that the agency did not prove their case by substantial evidence and recommended certification eligibility and expungement.

Upon hearing the allegations against Mr. Woodle, Director Smith made a motion to adopt the recommendation of the Hearing Officer. Director Thomas seconded the motion. The Council voted unanimously to adopt the Hearing Officer's recommendation to grant continuation of Mr. Woodle's law enforcement certification and expungement of the record.

Ernest Darlak: 2018-CJA-09-19

Summary: Greenville Hospital System made allegations of misconduct, repeated use and dishonesty against Mr. Darlak. The agency did not appear at the hearing. The Hearing Officer found that the agency did not prove their case by substantial evidence and recommended certification eligibility and expungement.

Mr. Darlak was present at the meeting and made a brief statement in regards to the allegations against him.

Upon hearing the allegations against Mr. Darlak and Mr. Darlak's statement, Director Smith made a motion to adopt the recommendation of the Hearing Officer. Director Adger seconded the motion. The Council voted unanimously to adopt the recommendation of the Hearing Officer to grant continuation of Mr. Darlak's law enforcement certification and expungement of the record.



Allen Wooten: 2017-CJA-10-11

Summary: Aiken County Sheriff's Office made allegations of misconduct and physical abuse against Mr. Wooten. The agency did not present evidence at the hearing. The Hearing Officer found that the agency did not prove their case by substantial evidence and recommended certification eligibility and expungement.

Upon hearing the allegations against Mr. Wooten, Director Smith made a motion to adopt the recommendation made by the Hearing Officer. Director Adger seconded the motion. The Council voted unanimously to adopt the recommendation of the Hearing Officer to grant continuation of Mr. Wooten's law enforcement certification and expungement of the record.

Kashea Facey: 2016-CJA-06-06

Summary: Beaufort County Detention Center made allegations of misconduct and dishonesty against Ms. Facey. The Hearing Officer found that the agency did not prove their case by substantial evidence and recommended certification eligibility and expungement.

Upon hearing the allegations against Ms. Faucey, Director Smith made a motion to adopt the recommendation made by the Hearing Officer. Director Thomas seconded the motion. The Council voted unanimously to adopt the recommendation made by the Hearing Officer to grant continuation of Ms. Faucey's law enforcement certification and expungement of the record.

Joyce Robinson-Durant – *2018-CJA-06-17*

Summary: Alvin S. Glenn made allegations of misconduct and misrepresentation of employment related information against Ms. Robinson-Durant. The Hearing Officer found that the agency did not prove their case by substantial evidence and recommended certification eligibility and expungement.

Upon hearing the allegations against Ms. Robinson-Durant, Director Smith made a motion to adopt the recommendation of the Hearing Officer. Director Adger seconded the motion. The Council voted unanimously to adopt the recommendation of the Hearing Officer to grant continuation of Ms. Robinson-Durant's law enforcement certification and expungement of the record.

Gary Rhea – 2018-CJA-05-09

Summary: CJA made allegations of certification eligibility and good character against Mr. Rhea. Mr. Rhea was charged with a disqualifying crime but completed PTI and had the charge expunged. The Hearing Officer found that Mr. Rhea was of good character but placed him on a two (2) years' probationary period and recommended 8 hours of ethics training each year, at Mr. Rhea's expense, and Mr. Rhea can have no founded allegations during his probationary period.

Upon hearing the allegations against Mr. Rhea, Director Smith made a motion to adopt the recommendation of the Hearing Officer. Director Adger seconded the motion. The Council voted



unanimously to adopt the recommendation of the Hearing Officer to grant Mr. Rhea certification eligibility under the condition that he serve a two (2) years' probationary period, with no founded allegations against him during this period, and take 8 hours of ethics training each year of his probation at his own expense.

Kenneth Polson: 2018-CJA-09-06

Summary: CJA made allegations of misconduct and dishonesty against Mr. Polson. The Hearing Officer found that the agency did not prove their case by substantial evidence; however, he found that Mr. Polson had a break in service of more than one year. Therefore, Mr. Polson is eligible for certification but must attend basic training.

Jimmy Fennell gave further details of the allegations against Mr. Polson.

Mr. Polson was present and gave a brief statement to the Council on his behalf.

There was a brief discussion amongst the Council prior to the voting process.

Director Smith made a motion to adopt the recommendation of the Hearing Officer to approve eligibility of law enforcement certification for Mr. Polson, but he must attend basic training since he had a break in service of more than one year. Additionally, Director Smith recommended the expungement of allegations of misconduct within thirty (30) days of the final agency decision. Director Faile seconded the motion. The Council voted unanimously to adopt the recommendation made by the Hearing Officer and the additional recommendation made by Director Smith.

Jose Rodriguez: *2018-CJA-02-16*

Summary: Lexington County Sheriff's Office made allegations of misconduct and dishonesty against Mr. Rodriguez. The Hearing Officer found that the agency proved their case by substantial evidence and recommended permanent denial or for a specified period of time.

Mr. Rodriguez was present at the meeting and made a brief statement on his behalf.

Attorney John O'Leary was present to represent Mr. Rodriguez. Mr. O'Leary gave details of the allegations against Mr. Rodriguez.

Chief Wallace Oswald was also present to speak on behalf of Mr. Rodriguez. He gave a testament of Mr. Rodriguez's time in the military and of Mr. Rodriguez's character and the work he's done since being employed with the Batesburg-Leesville Police Department.

Joel Deason was present to represent the Lexington County Sheriff's Office. Mr. Deason gave details of the depths of Mr. Rodriguez's training while with the Lexington County Sheriff's Office. He also gave details into the allegations against Mr. Rodriguez.



Mr. O'Leary gave further details of the incident involving Mr. Rodriguez. Mr. O'Leary stated that it would be a loss to deny Mr. Rodriguez his law enforcement certification as he is of good character and speaks more than one language. He asked that the Council accept the recommendation of something other than permanent denial of certification.

Director Smith made a motion to adopt the recommendation of the Hearing Officer regarding the finding of misconduct, deny certification in South Carolina for a period of one (1) year from the final agency decision, once certification is obtained, require him to attend 8 hours of ethics training at his own expense and serve a one (1) year probationary period. Director Adger seconded the motion.

Prior to the voting process, there was a discussion among the Council in regards to Mr. Rodriguez's case and requirements to obtain his law enforcement certification in South Carolina.

Upon the end of this discussion, a vote was taken to adopt the motion proposed by Director Smith. With the exception of Director Smith's "yes" vote, Council voted unanimously against the motion.

Sheriff Faile made a new motion to permanently deny law enforcement certification for Mr. Rodriguez. Director Adger seconded the motion. With the exception of Director Smith's "no" vote, Council voted unanimously to deny Mr. Rodriguez from obtaining law enforcement certification. *Note: Director Stirling abstained from the voting process in this case.*

Alejondro Martinez: 2019-CJA-03-15

Summary: Lexington County Sheriff's Office made allegations of misconduct and dishonesty against Mr. Martinez. The Hearing Officer found that the agency proved their case by substantial evidence and recommended permanent denial or for a specified period of time.

John O'Leary was present to represent Mr. Martinez and asked that the Council give Mr. Martinez a year to get his life on track and not permanently deny him of receiving law enforcement certification.

Joel Deason was present to represent the Lexington County Sheriff's Office in this misconduct case and stated that his comments on this case would be the same as in the last case (2018-CJA-02-16), so he did not have any new comments to make in this case.

Sheriff Faile made a motion to permanently deny Mr. Martinez from obtaining law enforcement certification. Director Thomas seconded the motion.

Before the voting process, Chief Keel made a brief statement about the Council's responsibility to the citizens of the State in regards to being consistent in making decisions on misconduct cases.



Mr. Martinez made one last statement on his behalf and wanted the Council to understand that he is not a dishonest person. He made a few remarks in regards to the allegations against him.

Mr. Deason also made a statement for the record in reference to statements made by Mr. Martinez.

When there were no further questions or comments in this case, the Council voted on the motion to permanently deny Mr. Martinez from receiving law enforcement certification. With the exception of a "no" vote from Director Smith, the Council voted unanimously to permanently deny law enforcement certification to Mr. Martinez. *Note: Director Stirling abstained from the voting process in this case.*

Antonio Sessions – 2017-CJA-08-11

Summary: Columbia Police Department made allegations of misconduct and dishonesty against Mr. Sessions. The Hearing Officer found that the agency proved their case by substantial evidence and recommended permanent denial.

Upon a motion made by Director Thomas to adopt the recommendation of the Hearing Officer and seconded by Director Adger, the Council voted unanimously to adopt the recommendation of permanent denial of Mr. Sessions' law enforcement certification.

James Gibson: CJA-01-03

Summary: Entered into a proposed consent order with SCDPS. Two years' probation with 7.5 hours of ethics training each year.

John O'Leary was present to represent Mr. Gibson. Mr. O'Leary gave details of the situation surrounding the misconduct allegation against Mr. Gibson. Mr. O'Leary asked the Council to accept the recommendation of the Hearing Officer.

Marcus Gore was present to represent SCDPS.

There was a brief discussion among the Council members and the attorneys.

Upon the end of this discussion, Director Stirling made a motion to accept the consent order and additionally require Mr. Gibson to attend an anger management program and have a psychological evaluation before returning to work in the law enforcement profession. The motion was seconded by Director Adger.

With the exception of a 'no' vote from Chief Keel, the Council voted to accept the consent order with the added provision that Mr. Gibson attend an anger management program and have a psychological evaluation completed prior to returning to work in law enforcement.

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Note: Director Smith recused himself from the voting process. Additionally, since Chief Keel voted "no" and Director Smith recused, Director Stirling will sign the consent order.

William K. Boone: 2019-CJA-05-01

Mr. Boone was the Florence County Sheriff. He was arrested on one (1) count of Misconduct in Office and two (2) counts of Embezzlement. Request for suspension of certification.

Upon a motion made by Sheriff Faile and seconded by Director Adger, the Council unanimously voted to adopt and approve the request for suspension of William Boone's law enforcement certification.

Danielle Davis: 2019-CJA-04-18

Ms. Davis worked for the Charleston County Sheriff's Office. Summerville Police Department arrested her for DUI. Request for suspension of certification.

Upon a motion made by Director Adger and seconded by Sheriff Faile, the Council unanimously voted to adopt and approve the request for suspension of Danielle Davis' law enforcement certification.

Antonio Hough: 2019-CJA-04-13

Mr. Hough worked for Chesterfield County Detention Center. He was arrested for Furnishing Contraband to Detainees. Request for suspension of certification.

Upon a motion made by Director Thomas and seconded by Director Adger, the Council unanimously voted to adopt and approve the request for suspension of Antonio Hough's law enforcement certification.

Stephen McDowell: 2019-CJA-05-02

Mr. McDowell was employed by SCDPS. Greenville County Sheriff's Office arrested him for DUI and Failure to Stop for a Blue Light. Request for suspension of certification.

Upon a motion made by Director Adger and seconded by Sheriff Faile, the Council unanimously voted to adopt and approve the request for suspension of Stephen McDowell's law enforcement certification.

Timothy Brasier: 2019-CJA-05-03

Mr. Brasier was employed by the Cherokee County Sheriff's Office. SLED arrested him for Misconduct in Office and Domestic Violence 3rd Degree. Request for suspension of certification.



Upon a motion made by Director Adger and seconded by Director Stirling, the Council unanimously voted to adopt and approve the request for suspension of Timothy Brasier's law enforcement certification. *Note: Chief Keel abstained from the voting process in this case.*

Darren Wesley: 2019-CJA-04-14

Summary: Mr. Wesley worked for Bob Jones University. He was arrested for Furnishing CSC 3rd Degree, Neglect of a Vulnerable Adult, Abuse of a Vulnerable Adult and Assault and Battery 1st Degree. Request for suspension of certification.

Upon a motion made by Director Thomas and seconded by Director Adger, the Council unanimously voted to adopt and approve the request for suspension of Darren Wesley's law enforcement certification.

Jessie Tyson: 2019-CJA-05-04

Summary: Mr. Tyson worked for Hardeeville Police Department. He was arrested for Misconduct in Office. Request for suspension of certification.

Upon a motion made by Director Adger and seconded by Sheriff Faile, the Council unanimously voted to adopt and approve the request for suspension of Jessie Tyson's law enforcement certification.

Stephen Sutton: 2019-CJA-05-06

Summary: Mr. Sutton worked for the Marion Police Department. He was arrested for Domestic Violence 2^{nd} Degree. Request for suspension of certification.

Upon a motion made by Sheriff Faile and seconded by Director Thomas, the Council unanimously voted to adopt and approve the request for suspension of Stephen Suttons' law enforcement certification.

Kelvin Washington: 2019-CJA-05-07

Summary: Mr. Washington worked for Spartanburg County Detention Center. He was arrested for Domestic Violence 2nd Degree. Request for suspension of certification.

Upon a motion made by Director Adger and seconded by Sheriff Faile, the Council unanimously voted to adopt and approve the request for suspension of Kelvin Washington's law enforcement certification.

George Underwood: 2019-CJA-05-08

Summary: Mr. Underwood was the Chester County Sheriff. He was federally indicted for Unlawful Arrest, Excessive Use of Force, Tampering with Evidence, Impending a Federal Investigation and Providing a False Statement to the FBI. Request for suspension of certification.

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Upon a motion made by Director Adger and seconded by Director Thomas, the Council unanimously voted to adopt and approve the request for suspension of George Underwood's law enforcement certification.

Johnny Neal: 2019-CJA-05-09

Summary: Mr. Neal worked for the Chester County Sheriff's Office. He was federally indicted for Unlawful Arrest, Excessive Use of Force and Creating a False Incident Report. Request for suspension of certification.

Upon a motion made by Sheriff Faile and seconded by Director Adger, the Council unanimously voted to adopt and approve the request for suspension of Johnny Neal's law enforcement certification.

Robert Sprouse: 2019-CJA-05-10

Summary: Mr. Sprouse worked for the Chester County Sheriff's Office. He was federally indicted for Unlawful Arrest, Excessive Use of Force, Tampering with Evidence, Impending a Federal Investigation and Providing a False Statement to the FBI. Request for suspension of certification.

Upon a motion made by Director Adger and seconded by Sheriff Faile, the Council unanimously voted to adopt and approve the request for suspension of Robert Sprouse's law enforcement certification.

Jennifer McDowell: 2018-CJA-07-07

Summary: Ms. McDowell was arrested for DUI and Child Endangerment. She pled guilty to Reckless Driving and the other charges were dismissed. Ms. McDowell's driver's license was not suspended. Request for reinstatement of certification.

Director Smith made a motion to adopt the request for certification reinstatement with a one (1) year probationary period. Director Adger seconded the motion. With an exception of 'no' votes by Chief Keel, Chief Taylor and Sheriff Faile, the Council voted to adopt and approve the request for reinstatement of Jennifer McDowell's law enforcement certification with a one (1) year probationary period.

Sean Smith: (No assigned case number)

Summary: On April 20, 2010, Mr. Smith was charged with Petit Larceny and pled guilty in 2011. He was in the Army at the time. During his time in the Army, he received, among other decorations, a Bronze Star with "V" device for Valor and an Army Good Conduct Medal. At the end of his serve, Mr. Smith received an Honorable Discharge. Request for training eligibility. Upon a motion made by Director Smith to grant certification eligibility with a one (1) year probationary period and seconded by Director Thomas.



Prior to the voting process a brief discussion took place among the Council members in reference to the details of Sean Smith's case.

Upon the end of this discussion, Council unanimously voted to adopt and approve the request for certification eligibility with a one (1) year probationary period.

Director's Comments

3. Director Swindler

Director Swindler gave updates on the number statistics of the new training mechanism in which 4 weeks of training are done in the field. As of the date of this meeting, 259 people had taken Block 1 testing, 220 had taken Block 2 testing, 29 had taken Block 3 testing and 27 had taken Block 4 testing. These tests do not have to be taken in order. Twelve people have completed all four tests. Currently there have only been 7 failures, so there has been a high success rate.

Previously, there were only 270 people in the waiting pool, but when testing first started, the Academy found that the number of people in the waiting pool increased. This increase in the number of people waiting to get an Academy slot is either because agencies never registered them or agencies hired them when the new program was started. There are now 429 people waiting for CJA training.

The first day of cumulative testing is June 5, 2019. There will be a morning and an afternoon session. If candidates pass the cumulative test, they will then run the PAT Course. If they pass the PAT Course, they will be given their assignment for their Academy slot.

With the number of people that the Academy was not aware of, it will take a few months to catch up. Once caught up, the number of people waiting to get into the Academy should level off.

When candidates take the test and do not pass the cumulative test, it counts as a failure. A candidate can take the cumulative test twice. If they fail both times, there is not another opportunity to take it for a period of time.

If a candidate fails a test in the field, they can retake those tests five days after a failure. These failures do not count against them.

Originally, the first class of the hybrid program was going to be July 8, 2019, but with the large numbers, the first class will be June 17, 2019. Approximately 70 slots will be filled in that class.

Director Swindler invited Council members to feel free to come out to view the new PAT Course, which is located in the old warehouse.



CLOSING REMARKS AND ADJOURNMENT

Chief Keel congratulated and again welcomed the newest members of the Council and told them that he is looking forward to working with them. He explained that the Council would be meeting once a month to handle misconduct issues.

Chief Keel thanked everyone who was present at the meeting and via conference call. He stated that it is very important that every Council member try to be present at each meeting in order to have a quorum, especially for misconduct meetings.

Director Stirling apologized for being late and explained that he had a prior appointment.

A motion to adjourn the meeting was made by Director Thomas and seconded by Director Adger. After a unanimous vote by the Council, the meeting was adjourned at 11:41 a.m.

Respectfully submitted by:

Scheri E. Francois

Executive Assistant