



South Carolina Criminal Justice Academy

SOUTH CAROLINA LAW ENFORCEMENT TRAINING COUNCIL MEETING MINUTES

Monday, November 15, 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, November 15, 2021. 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 10:01 a.m. Chief Keel called 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); Director Jerry Adger, S.C. Department of Probation, Parole, and Pardon Services; Sheriff Barry Faile, Lancaster County Sheriff's Office; and Chief Tony Taylor, Williamston Police Department.

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 Bryan Stirling, S.C. Department of Corrections; Director Robert Woods, S.C. Department of Public Safety; Chief John Thomas, North Augusta Department of Public Safety; and Captain Nick Gallam, Aiken County Detention Center.

Director Robert Boyles was absent from this meeting.

Guest attendees were Jarrod Bruder, S.C. Sheriffs Association; JJ Jones, S.C. Police Chiefs Association/S.C. Law Enforcement Officers Association; Deputy Attorney General Barry Bernstein; Major Jim Stewart, Richland County Sheriff's Department; Joanne McDuffie, Esquire, Richland County Sheriff's Department; Chad Gambrell, S.C. Department of Probation, Parole, and Pardon Services; Melvin Warren, S.C. Department of Probation, Parole, and Pardon Services; Octavia Wright, Esquire, S.C. Department of Probation, Parole, and Pardon Services; Acting Director Eden Hendrick, S.C. Department of Juvenile Justice; Christine Wallace, S.C. Department of Juvenile Justice; Keyanne McCray; Ryan Hicks, Esquire; Wing Liu; Michael Gambrell, Esquire; JJ Evans, Esquire; Chief LJ Roscoe, Goose Creek Police Department; A. Todd Darwin, Esquire; and Major David Young, Darlington County Sheriff's Office.



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

APPROVAL OF AGENDA

Agenda Item 2

A motion to adopt the agenda was made by Sheriff Faile 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 October 20, 2021, meeting was made by Director Adger and seconded by Director Stirling. Council voted unanimously to accept the meeting minutes as recorded.

DIRECTOR'S REPORT

Agenda Item 4

A. General Counsel Report

- Misconduct Cases

Keyanne McCray: 2021-CJA-02-11 (SCPPP) -

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 reported against Keyanne L. McCray by the South Carolina Department of Probation, Parole, and Pardon Services 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.

Attorney Michael Gambrell attended the meeting to represent Ms. McCray and to answer questions from Council, if applicable.



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Ms. McCray was also in attendance at this meeting to answer questions from Council, if applicable.

Attorney Octavia Wright attended the meeting to represent the agency and to answer questions from Council, if applicable.

Upon hearing from both attorneys, Sheriff Faile made a motion to permanently deny Ms. McCray's eligibility for law enforcement certification. Director Stirling seconded the motion. Council voted unanimously to permanently deny Ms. McCray's eligibility for law enforcement certification. *Please note that Director Adger recused himself from the voting process in this case.*

Derrick Loftis: 2020-CJA-01-21 (Seneca PD)-

Summary: Allegation of conviction, plea of guilty, plea of no contest or admission of guilt (regardless of withheld adjudication) to a felony, a crime punishable by a sentence of more than one year (regardless of the sentence actually imposed, if any), crime of moral turpitude in this or any jurisdiction. **Request for Final Agency Decision.**

Hearing Officer recommended that Council:

- A) Approve, pursuant to the authority of Council set for at S.C. Code Ann. § 23-23-150 (G) (1), Derrick Loftis' eligibility for certification as a law enforcement officer in the State of South Carolina; 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 allegation of misconduct filed against Derrick Loftis by the Seneca Police Department.

Director Adger made a motion to adopt the recommendation of the Hearing Officer. Chief Taylor seconded the motion. Council voted unanimously to adopt the recommendation of the Hearing Officer and granted Mr. Loftis' eligibility for law enforcement certification and expunge all evidence related to the allegation of misconduct within thirty (30) days.

Wing Liu: 2020-CJA-10-21 (Bennettsville PD) -

Summary: Allegation of dangerous or unsafe practices involving firearms, weapons, or vehicles which indicate either a willful or wanton disregard for the safety of persons or property. **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 Wing Lui by the Bennettsville 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.



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Attorney Ryan Hicks attended the meeting to represent Mr. Liu and to answer questions from Council, if applicable.

Mr. Liu also intended the meeting to speak on his own behalf and to answer any questions from Council, if applicable.

Council had questions answered by Mr. Liu regarding the allegation of misconduct made against him by the Bennettsville Police Department. Council also sought clarity from Mr. Fennell regarding federal laws and the altering of firearms.

After an at-length discussion, Director Stirling made a motion finding that Mr. Liu did commit misconduct. Director Adger seconded the motion. Council voted unanimously to find that evidence of misconduct was proven by substantial evidence.

Director Stirling then made a motion to table the final decision regarding Mr. Liu's law enforcement certification until further legal advice regarding the altering of firearms can be given at the December meeting. Attorney General Wilson seconded the motion. Council voted unanimously to revisit this case at the December meeting to allow time to receive further legal advice.

Erik Chwick: 2020-CJA-11-04 (Spartanburg Co. SO Det. Div.) –

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 reported against Erik Chwick by the Spartanburg County Sheriff's Office- Detention Division have 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.

Attorney Ryan Hicks attended this meeting to represent Mr. Chwick and to answer questions from Council, if applicable.

Attorney A. Todd Darwin attended this meeting to represent the agency and to answer questions from Council, if applicable.



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After hearing from both attorneys, Sheriff Faile made a motion to permanently deny Mr. Chwick's eligibility for law enforcement certification. Director Adger seconded the motion. Council voted unanimously to permanently deny Mr. Chwick's eligibility for law enforcement certification.

Lonnie Hughes: 2021-CJA-02-02 (Mauldin 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) Deny Respondent's motion to dismiss the misconduct allegation reported by the Department;
- B) Issue its final agency decision, pursuant to S.C. Code Ann. Regs. 37-107 D., finding that the allegation of misconduct reported against Lonnie A. Hughes by the Mauldin Police Department has been proven by substantial evidence; and
- C) 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.

Sheriff Foster made a motion to accept the recommendation of the Hearing Officer to permanently deny Mr. Hughes' eligibility for law enforcement certification. Chief Taylor seconded the motion. Council voted unanimously to permanently deny Mr. Hughes' eligibility for law enforcement certification.

Joshua Rivers: 2021-CJA03-13 (Darlington Co. SO) –

Summary: Allegation of conviction, plea of guilty, a plea of no contest or admission of guilt to a felony, a crime punishable by a sentence of more than one year, regardless of the sentence actually imposed, or a crime of moral turpitude, any of which were committed in this State or any other jurisdiction. **Request for Final Agency Decision.**

- A) Issue its final Department decision, pursuant to S.C. Code Ann. Regs. 37-107 D., finding that the allegation of misconduct reported against Joshua Rivers by the Darlington County Sheriff's Office 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.

Major David Young attended this meeting to represent the agency and to answer questions from Council, if applicable.



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After hearing a statement from Major Young, Sheriff Foster made a motion to accept the recommendation of the Hearing Officer to permanently deny Mr. Rivers' eligibility for law enforcement certification. Director Adger seconded the motion. Council voted unanimously to permanently deny Mr. Rivers' eligibility for law enforcement certification.

Melanie Darby: 2021-CJA-03-11 (Goose Creek PD) –

Summary: Allegation of conviction, plea of guilty, a plea of no contest or admission of guilt to a felony, a crime punishable by a sentence of more than one year, regardless of the sentence actually imposed, or a crime of moral turpitude, any of which were committed in this State or any other jurisdiction. **Request for Final Agency Decision.**

Hearing Officer recommended that Council:

- A) Issue its final Department decision, pursuant to S.C. Code Ann. Regs. 37-107 D., finding that the allegation of misconduct reported against Melanie Darby by the Department have 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.

Attorney JJ Evans attended this meeting to represent Ms. Darby and to answer questions from Council, if applicable.

Ms. Darby attended this meeting to speak on her own behalf and to answer questions from Council, if applicable.

Representing the agency, Chief Roscoe attended this meeting to answer questions from Council, if applicable.

After hearing statements from Mr. Evans, Ms. Darby, and Chief Roscoe, Director Adger made a motion to accept the recommendation of the Hearing Officer to permanently deny Ms. Darby's eligibility for law enforcement certification. Chief Thomas seconded the motion. Council voted unanimously to permanently deny Ms. Darby's eligibility for law enforcement certification. ***Please note that Attorney General Wilson abstained from the voting process in this case.***

De'Juan Shell: 2021-CJA-07-05 (Spartanburg PD) –

Summary: On August 23, 2021, the South Carolina Law Enforcement Training Council voted to temporarily suspend De'Juan Shell's law enforcement certification, pending the outcome of criminal charges. The South Carolina Criminal Justice Academy received documentation that advised the charges against Mr. Shell had been dismissed. **Request for Reinstatement.**



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Director Adger made a motion to reinstate Mr. Shell's law enforcement certification. Sheriff Faile seconded the motion. Council voted unanimously to reinstate Mr. Shell's law enforcement certification.

Donald Forrester, Jr.: 2019-CJA-12-09 (SCDNR) –

Summary: On January 29, 2020, the South Carolina Law Enforcement Training Council voted to temporarily suspend Donald Forrester's law enforcement certification, pending the outcome of criminal charges. The South Carolina Criminal Justice Academy received documentation that Mr. Forrester was found not guilty by a jury, and the charges against him were ordered to be expunged.

Request for Reinstatement.

Director Adger made a motion to reinstate Mr. Forrester's law enforcement certification. Director Stirling seconded the motion. Council voted unanimously to reinstate Mr. Forrester's law enforcement certification. *Please note that Sheriff Faile recused himself from the voting process in this case.*

B. Director's Comments

Director Swindler

Director Swindler stated that there were several items on the agenda for discussion. The topics of Advanced Class 3 officers, a request from S.C. Department of Juvenile Justice, and proposed changes to regulations were items to be discussed.

UNFINISHED BUSINESS

Agenda Item 5

The topic of Advanced Class 3 officers was re-visited at this meeting. Specifically, Council was addressed by Jamie Nelson of the S.C. Litter Control Association who presented questions and concerns regarding Advanced Class 3 officers who perform litter control duties.

Chief Keel, Director Swindler, and James Fennell addressed the questions and concerns of the association and gave clarity regarding training of Advanced Class 3 officers.

At this time during the meeting, Jarrod Bruder of the S.C. Sheriffs Association was given the opportunity to address Council regarding a question pertaining to Advanced 3 officers. However, Mr. Bruder had no questions or comments as he had already spoken to Chief Keel and received the information he needed prior to the meeting.



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NEW BUSINESS

Agenda Item 6

Council was addressed by Acting Director Eden Hendrick and Christine Wallace of the South Carolina Department of Juvenile Justice with a request for their agency to be granted permission to provide juvenile detention center training to detention officers of their agency and any other agency that would like to receive this training.

Director Swindler addressed his concern about the Academy not being notified by SCDJJ when juvenile detention officers were hired in the past. Director Swindler also stated that the Academy was not being notified when SCDJJ juvenile detention officers received and completed training. Acting Director Hendrick and Ms. Wallace addressed these concerns as well as answered questions from Council.

After having questions and concerns satisfactorily answered and addressed, Director Adger made a motion to approve the request made by SCDJJ. Sheriff Faile seconded the motion. Council voted unanimously to approve the request made by SCDJJ regarding the training of their juvenile basic detention officers.

Next, James Fennel requested for Council to go into Executive Session to receive legal advice on proposed regulation changes. Sheriff Faile made a motion to enter into Executive Session, and the motion was seconded by Director Adger. Council entered into Executive Session at 12:06 pm.

At 12:15 pm, Executive Session ended, and the public session reconvened.

Chief Taylor made a motion to adopt the proposed regulation changes. Director Adger seconded the motion. Council voted unanimously to adopt the proposed changes to the following regulations: 37-025, 37-026, 37-101, 37-105, and 37-107.

CLOSING REMARKS/AJOURNMENT

Agenda Item 7

Director Adger made a motion to adjourn the meeting when there were no more comments or remarks.

The meeting was adjourned at 12:18 p.m.



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Respectfully submitted by:

Scheri E. Francois

Scheri E. Francois
Executive Assistant