



South Carolina Criminal Justice Academy

SOUTH CAROLINA LAW ENFORCEMENT TRAINING COUNCIL MEETING MINUTES

Monday, November 14, 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, November 14, 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 called for a roll call of the Council members. The roll was called by Scheri Eichelberger.

Members present for this meeting in-person were Chief Keel, State Law Enforcement Division (SLED); Director Bryan Stirling, S.C. Department of Corrections, Director Robert Boyles, S.C. Department of Natural Resources; Director Robert Woods, S.C. Department of Public Safety; and Chief Kevin Cornett, Isle of Palms 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; and Sheriff Barry Faile, Lancaster County Sheriff's Office.

Director Jerry Adger was absent from this meeting but was represented by proxy, Deputy Director Chad Gambrell. Chief John Thomas and Captain Nick Gallam were absent from this meeting.

In-person guest attendees were Mark Gosnell, S.C. Troopers Association; JJ Jones, S.C. Police Chiefs Association/S.C. Law Enforcement Officers Association; Bradley C. Hutto, Esquire; Marcus Gore, Esquire, S.C. Department of Public Safety; and Richard and Jessica Finch.

Guests who attended via Webex were Jarrod Bruder, S.C. Sheriffs Association; Joanna McDuffie, Esquire, Richland County Sheriff's Department; Erica Wright, S.C. Municipal Association; and Susan Porter.

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



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APPROVAL OF AGENDA

Agenda Item 2

A motion to adopt the agenda was made by Director Boyles and seconded by Attorney General Wilson. 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 19, 2022, meeting was made by Director Boyles and seconded by Chief Cornett. Council voted unanimously to accept the meeting minutes as recorded.

DIRECTOR'S REPORT

Agenda Item 4

A. General Counsel Report

- Misconduct Cases

Richard Finch: 2020-CJA-09-06 (SCDPS) – Remand from Administrative Law Court

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:

- Issue its final agency decision, pursuant to S.C. Code Ann. Regs. 37-107 D., finding that the allegation of misconduct filed against Richard Finch by the South Carolina Department of Public Safety has not been proven by substantial evidence; and
- Approve, pursuant to the authority of Council set forth at S.C. Code Ann. § 23-23-150 (G)(1), Richard Finch's eligibility for certification as a law enforcement officer in the State of South Carolina; and
- 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 Richard Finch by the South Carolina Department of Public Safety.



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

Bradley Hutto, Esquire, attended this meeting to represent Mr. Finch and answer questions from Council, if applicable.

Representing the S.C. Department of Public Safety, Marcus Gore, Esquire, attended this meeting to address Council and answer questions, if applicable.

After Council heard statements and had questions answered by all parties, Director Boyles, for the purpose of discussion, made a motion to accept the recommendation of the Hearing Officer. Director Stirling seconded the motion.

Upon conclusion of hearing final statements from all parties and a brief discussion, Council voted unanimously to adopt the recommendation of the Hearing Officer and granted Mr. Finch eligibility for law enforcement certification. *Please note that Director Woods recused himself and Attorney General Wilson abstained from the voting process in this case.*

Creighton McDermott: 2020-CJA-05-15 (Columbia PD) – Summary: Request for Reinstatement

The South Carolina Law Enforcement Division notified the South Carolina Criminal Justice Academy that the Charleston County Sheriff's Office arrested Creighton McDermott of the Charleston Police Department and charged him with Domestic Violence 3rd Degree. On June 15, 2020, the Law Enforcement Training Council temporarily suspended Mr. McDermott's law enforcement certification pending the disposition of the charges.

Documentation was provided to the South Carolina Criminal Justice Academy by Mr. McDermott advising the charges against him were dismissed and that the dismissal was pursuant to successful completion of Pre-Trial Intervention.

Director Boyles made a motion to reinstate Mr. McDermott's law enforcement certification. Director Stirling seconded the motion. Council voted unanimously to reinstate Mr. McDermott's law enforcement certification.

Thomas Moore: 2022-CJA-10-04 (SCDPS) – Summary: Acceptance Request

The South Carolina Department of Public Safety filed an allegation of certification misconduct against Mr. Moore alleging "willfully making false, misleading, incomplete, deceitful, or incorrect



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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”. Factually, the allegation states Mr. Moore retired while under investigation. The allegation further states Moore was assigned a General Correspondence involving a subordinate Trooper for failing to assist a stranded motorist by declining to transport her to a different location and was given a specific due date to complete the investigation.

Mr. Moore reported to his superiors that the Trooper responded to his inquiry by stating, “We don’t do that” as the reason he did not give the motorist a ride. When Moore’s superiors spoke to the Trooper in question about his alleged comment to Mr. Moore, the response was that they had not been contacted nor spoken with Mr. Moore regarding the incident in question. Subsequently, an OPR investigation was requested. Mr. Moore met with OPR, and he resigned effective immediately. The Office of Professional Responsibility (OPR) conducted a thorough investigation into the matter.

The South Carolina Department of Public Safety’s (SCDPS) Disciplinary Committee met on October 12, 2022, and sustained that Mr. Moore had been untruthful to his superiors regarding his statement and determined that the facts and circumstances of Mr. Moore’s resignation met the definition of certification misconduct. As such, the previously submitted routine separation was amended to misconduct.

Director Boyles made a motion to accept the amended PCS. Chief Cornett seconded the motion. Council voted unanimously to accept the amended PCS, changing the status from routine separation to misconduct. ***Please note that Director Woods recused himself from the voting process in this case.***

B. Director’s Comments

Director Swindler

Director Swindler notified Council that more policy training on PACT Act polices was scheduled to take place.

Director Swindler asked Council to please review the proposed dates for 2023 LETC meetings and let the Academy know if there were any schedule conflicts.

Director Swindler gave updates on training, the filming of training videos, and position postings.

Lastly, Director Swindler informed Council that Seth Stoughton of the University of South Carolina School of Law would attend the next meeting.



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UNFINISHED BUSINESS

Agenda Item 5

NEW BUSINESS

Agenda Item 6

Council discussed and made amendments to 37-025 (Denial of Certification for Misconduct). After discussion, Director Boyles made a motion to adopt amendments made to 37-025. Director Woods seconded the motion. Council voted unanimously to adopt amendments made to 37-025 (Denial of Misconduct).

Council discussed and made amendments to 37-026 (Withdrawal of Certification of Law Enforcement Officers). After discussion, Director Boyles made a motion to adopt amendments made to 37-026. Director Stirling seconded the motion. Council voted unanimously to adopt amendments made to 37-026 (Withdrawal of Certification of Law Enforcement Officers).

Council discussed proposed language for 37-073 (Denial of Telecommunications Operator Certification for Misconduct). Director Boyles made a motion to approve the language of 37-073. Director Woods seconded the motion. Council voted unanimously to approve the language of 37-073 (Denial of Telecommunications Operator Certification for Misconduct).

Council discussed proposed language for 37-074 (Withdrawal of Certification of Telecommunications Operators). Director Boyles made a motion to approve the language of 37-074. Director Stirling seconded the motion. Council voted unanimously to approve the language of 37-074 (Withdrawal of Certification of Telecommunications Operators).

Council discussed and made amendments to 37-105 (Contested Case Hearings). After discussion, Director Boyles made a motion to adopt amendments made to 37-105. Director Stirling seconded the motion. Council voted unanimously to adopt amendments made to 37-105 (Contested Case Hearings).

Council discussed and made amendments to 37-107 (Final Decision by Law Enforcement Training Council). After discussion, Director Boyles made a motion to adopt amendments made to 37-107. Director Stirling seconded the motion. Council voted unanimously to adopt amendments made to 37-107 (Final Decision by Law Enforcement Training Council).

CLOSING REMARKS/AJOURNMENT

Agenda Item 7

When there were no more matters to discuss, Sheriff Foster made a motion to adjourn the meeting.



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The meeting was adjourned at 11:15 am.

Respectfully submitted by:

Scheri C. Eichelberger

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Executive Assistant