



South Carolina Criminal Justice Academy

SOUTH CAROLINA LAW ENFORCEMENT TRAINING COUNCIL MEETING MINUTES

Wednesday, October 20, 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, September 20, 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 10:02 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 Robert Woods, S.C. Department of Public Safety; and Director Jerry Adger, S.C. Department of Probation, Parole, and Pardon Services.

Members present via video/conference call were Sheriff Lee Foster (Co-Chair), Newberry County Sheriff's Office; Director Bryan Stirling, S.C. Department of Corrections; Director Robert Boyles, S.C. Department of Natural Resources; Sheriff Barry Faile, Lancaster County Sheriff's Office; Chief 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, S.C. Attorney General's Office, was absent from this meeting but was represented by proxy, Chief Deputy Attorney General Jeff Young.

Guest attendees were Jarrod Bruder, S.C. Sheriffs Association; Mark Gosnell, S.C. Troopers Association; Major Jim Stewart, Richland County Sheriff's Department; Marcus Gore, Esquire, S.C. Department of Public Safety; John O'Leary, Esquire; Mayor Horney D. Mitchell, Town of Gifford; Johnny J. Evans, Esquire; John W. Steadman, Esquire, S.C. Department of Corrections; Imani D. Byas, Esquire, S.C. Department of Corrections; Director Marcus Rhodes, J. Reuben Long Detention Center; Sergeant Lisa Piccone, J. Reuben Long Detention Center; and Kurt Stevens.

SC Criminal Justice Academy attendees were Director Jackie Swindler; Scheri Francois, Executive Assistant; James Fennell, General Counsel; Lauren Fennell; Accreditation Manager; John Yarborough, Facilities Operation Manager; Tom McQueen, Finance 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 Woods and seconded by Director Boyles. Council voted unanimously to adopt the agenda as presented.

APPROVAL FOR MEETING MINUTES

Agenda Item 3

A motion to approve the minutes of the September 20, 2021, meeting was made by Director Boyles and seconded by Director Woods. Council voted unanimously to accept the meeting minutes as recorded.

DIRECTOR'S REPORT

Agenda Item 4

A. General Counsel Report

- Misconduct Cases

Tommy Thomas: 2020-CJA-08-07 (SCDPS) -

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 Tommy Thomas by the S.C. 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), Tommy Thomas'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 Tommy Thomas by the S.C. Department of Public Safety.

John O'Leary, Esquire, attended this meeting to represent Mr. Thomas and to answer questions from Council, if applicable.



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

After hearing statements from both attorneys, Director Adger made a motion to accept the recommendation of the Hearing Officer and grant Mr. Thomas eligibility for law enforcement certification. Director Boyles seconded the motion. Council voted unanimously to adopt the recommendation of the Hearing Officer and approved Mr. Thomas's eligibility for law enforcement certification. *Please note that Director Woods recused himself from the voting process in this case.*

Stephon Smith: 2021-CJA-02-01 (Gifford PD)-

Summary: Allegation of unlawful use of a controlled substance. **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 Stephon Smith by the Gifford Police Department have been proven by substantial evidence;
- 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.

Mayor Horney D. Mitchell attended this meeting to represent the Town of Gifford Police Department and to answer questions from Council, if applicable.

After hearing a statement from Mayor Mitchell regarding the misconduct allegation against Mr. Smith, Sheriff Foster made a motion to accept the recommendation of the Hearing Officer. Director Woods seconded the motion. Council voted unanimously to adopt the recommendation of the Hearing Officer and permanently denied Mr. Smith's eligibility for law enforcement certification.

Desmon Drayton: 2020-CJA-07-11 (Berkeley Co. SO) -

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 other jurisdiction. **Request for Final Agency Decision.**

Hearing Officer recommended that Council:



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

Johnny Evans, Esquire, attended this meeting to represent Mr. Drayton and to answer questions from Council, if applicable.

Council had an in-depth discussion regarding the allegation against Mr. Drayton. Director Boyles made a motion to accept the recommendation of the Hearing Officer. Director Adger seconded the motion. With a vote of 5-5, the motion failed to pass.

Council continued discussion on this matter and entered Executive Session at 10:31 a.m. Upon conclusion of Executive Session at 10:46 a.m., Director Boyles made a new motion of "No misconduct" and to accept the recommendation of the Hearing Officer. The motion was seconded by Director Adger. With a vote of 6-4, with the majority voting "Yes", the motion passed, and Mr. Drayton's eligibility for law enforcement certification was approved.

Kurt M. Stevens: 2019-CJA-03-19 (SCDC) –

Summary: Allegation of dangerous or unsafe practices involving firearms, weapons, 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) Deny the Respondent's Motion to Dismiss on the grounds Kurt M. Stevens does not fall within the scope of the term "persons" as utilized by S.C. Code Ann. § 23-23-150 (A)(3)(d);
- B) Deny the Respondent's Motion to Dismiss on the ground the Department failed to disclose relevant documentation prior to the contested case hearing;
- C) Issue its final agency decision, pursuant to S.C. Code Ann. Regs. 37-107 D. finding that the allegation of misconduct filed against Kurt M. Stevens by the South Carolina Department of Corrections has been proven by substantial evidence; and



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- D) Deny Kurt M. Stevens eligibility for certification as a law enforcement officer in the State of South Carolina, either permanently, for a specified period of time, or pursuant to such other conditions as may be deemed appropriate by Council, pursuant to its authority set forth at S.C. Code Ann. Regs. 37-108 A.

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

John Steadman, Esquire, and Imani Byas, Esquire, attended the meeting to represent the S.C. Department of Corrections and to answer questions from Council, if applicable.

After hearing statements from Mr. Stevens and Mr. Steadman, Director Boyles 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 and permanently denied Mr. Stevens's eligibility for law enforcement certification. *Please note that Director Stirling recused himself from the voting process in this case.*

Edna Ball: 2020-CJA-11-02 (J. Reuben Long Detention Center) –

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 allegations of misconduct reported against Edna Ball by the J. Ruben Long Detention Center 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 Edna Ball by the J. Ruben Detention Center.

John O'Leary, Esquire, attended this meeting to represent Ms. Ball and to answer questions from Council, if applicable.

Director Marcus Rhodes and Sergeant Lisa Piccone attended this meeting to represent J. Reuben Long Detention Center and to answer questions from Council, if applicable.

Upon hearing statements from Mr. O'Leary and Director Rhodes, Director Woods made a motion to accept the recommendation of the Hearing Officer. Director Adger seconded the motion.



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Council voted unanimously to adopt the recommendation of the Hearing Officer and approved Ms. Ball's eligibility for law enforcement certification.

Kary Showers: 2020-CJA01-11 (J. Ruben Long Detention Center) –

Summary: Documentation was provided to the Academy signifying that Mr. Showers pleaded guilty to Reckless Driving and the DUI charge was dismissed. A check of Mr. Showers' South Carolina Driver's Record shows his license is valid and was not previously suspended for driving under the influence of alcoholic beverages or dangerous drugs, driving while impaired (or the equivalent), reckless homicide, involuntary manslaughter, or leaving the scene of an accident.

Request for Reinstatement.

To open a discussion on this matter, Sheriff Foster made a motion to reinstate Mr. Showers' law enforcement eligibility. Director Adger seconded the motion. After brief discussion, Council voted unanimously to reinstate Mr. Showers' eligibility for law enforcement certification. *Please note that Director Woods recused himself from the voting process in this case.*

B. Financial Update

Tom McQueen

Through the first quarter, the Academy had increases in all revenue streams compared with the prior year with Court Fine revenue increasing \$391,514; \$5 Surcharge funds by \$4,881; Miscellaneous revenue by \$32,570 and General Fund revenue \$428,878 due to salary and fringe increases. The Academy was able to carryforward \$746,774 of General Appropriated funds from FY21 to FY22 as well as \$3.7 million of Court Fine revenue; \$248,200 of \$5 Surcharge; and \$292,578 of Miscellaneous revenues. Advanced students were on campus for a short while, which accounts for the increase in Miscellaneous revenue while the \$5 Surcharge funds continue to trickle in.

Overall expenditures for the Agency increased by \$251,074 which included expenses for salaries and fringes of \$143,322 while other areas of increase were vehicle maintenance (\$15,690); munitions and law enforcement supplies (\$16,742); gasoline (\$11,366) and software license (\$65,125).

Even with the current increase in revenues, we adapt expenditures based on the amount of revenues received to remain within the budget constraints.

C. Capital Project Update

John Yarborough

Funded projects for this fiscal year are in the design phase. Next, we will start the bidding process.



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- Replace the HVAC systems in buildings 10 and 11.
- Target system upgrade on range 3.
- Replace 3 modular buildings (F.A.T.S., Forensics, and building 4.)
- Repave the parking lot and pave the gravel parking lot between buildings 4 and 7.
- Install an emergency generator for the main building.
- Renovate 68 restrooms in the North, West, and West Annex dorms.

D. Director's Comments

Director Swindler

Director Swindler gave updates on training, Covid testing, and cumulative and physical abilities testing. Director Swindler also gave updates regarding the use of SCCJA training facilities to law enforcement agencies in the state. Further, he gave Council an update regarding a budget hearing.

Director Swindler gave employee updates regarding positions that had been vacated and subsequently filled since the last quarter.

UNFINISHED BUSINESS

Agenda Item 5

There was no unfinished business to discuss.

NEW BUSINESS

Agenda Item 6

CLOSING REMARKS/AJOURNMENT

Agenda Item 7

Chief Keel stated that the topic of Class 3 Officers will be placed on the agenda for the November 15, 2021, meeting for more discussion.

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

The meeting was adjourned at 11:21 a.m.



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Respectfully submitted by:

Scheri E. Francois

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Executive Assistant