



# South Carolina Criminal Justice Academy

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## SOUTH CAROLINA LAW ENFORCEMENT TRAINING COUNCIL MEETING MINUTES

Monday, September 18, 2023  
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 18, 2023. 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 10:08 a.m. Chief Keel called for a roll call of the Council members. The roll was called by Opel Bunn.

Members present for this meeting in-person were Chief Mark Keel, (Chairman), 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; Interim Director Melvin Warren, S.C. Department of Probation, Parole, and Pardon Services; Sheriff Barry Faile, Lancaster County Sheriff's Office; 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. Director John Thomas, North August Department of Public Safety was absent from this meeting.

Guest attendees present in-person or via Webex were Jarrod Bruder, S.C. Sheriffs Association; Marcus Gore, Esquire, S.C. Department of Public Safety; Deputy Chief Jim Stewart, Richland County Sheriff's Department; Joanna McDuffie, Esquire, Richland County Sheriff's Department; Sargeant William Lowry, Greenville Police Department; Lieutenant Mike Austin, Greenville Police Department (Commander for Internal Affairs); Matthew Johnson, Esquire, Fran Humphries, Esquire; Ryan Hicks, Esquire; and Chief Kyle Lampart, Briarcliffe Acres Police Department.

SC Criminal Justice Academy attendees were Director Jackie Swindler; Opel Bunn, Executive Assistant; James Fennell, General Counsel; Lauren Fennell, Accreditation and Standards Manager;



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Bob Bianco; Debbie Bryant, Human Resources Director; Justin Miller, IT Manager; Vincent Lee, IT; Brianna Jirowetz, IT; and Major Florence McCants.

## **APPROVAL OF AGENDA**

A motion to adopt the agenda was made by Chief Cornett. Director Stirling seconded the motion. Council voted unanimously to adopt the agenda as presented.

## **APPROVAL FOR MEETING MINUTES**

A motion to approve the minutes of the August 21, 2023, meeting was made by Director Boyles and seconded by Director Woods. Council voted unanimously to accept the meeting minutes as recorded.

## **DIRECTOR'S REPORT**

### **A. General Counsel Report**

#### **- Misconduct Cases**

### **Reard Patton (2022-CJA-12-11) (Greenville PD)**

**Summary:** Allegation(s) 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 Reard Patton by the Greenville Police Department has been proven by a preponderance of the 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. Reard Patton was present to speak on his behalf and answer questions from the Council if applicable.



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Matthew Johnson, Esquire, was present to speak on behalf of Mr. Patton and answer questions from the Council if applicable.

Sergeant William Lowry and Lieutenant Mike Austin (Internal Affairs) were present to speak on behalf of the Greenville Police Department and answer questions from the Council if applicable.

After hearing statements from all parties, Director Boyles made a motion to adopt the recommendation of the Hearing Officer for permanent denial of Mr. Patton's eligibility for law enforcement certification. Director Woods seconded the motion.

Council voted unanimously to adopt the recommendation of the Hearing Officer and permanently denied Reard Patton eligibility for law enforcement certification. *Please note that Interim Director Warren did not answer due to temporary audio issues and did not vote in this case.*

## Leroy Durant (2022-CJA-12-08) (Darlington County Sheriff's Office)

**Summary:** Allegation(s) of the 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 Leroy Durant by the Darlington County Sheriff's Office has not been proven by a preponderance of the 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 Officer by the Department.

Mr. Leroy Durant was present to speak on his behalf and answer questions from the Council if applicable.

There was no representation for the Department in this meeting.

After hearing statements from Mr. Durant, Director Boyles made a motion to adopt the recommendation of the Hearing Officer to expunge the record of misconduct within thirty (30) days, and grant Mr. Durant continued eligibility for law enforcement certification. Director Stirling seconded the motion.

Council voted unanimously to adopt the recommendation of the Hearing Officer to expunge the allegation of misconduct against Mr. Durant within (30) days of the date of the approval of this recommendation by the Council and grant Mr. Durant continued eligibility for law enforcement



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certification. *Please note that Director Woods recused himself from the voting process in this case.*

## **Tabitha O’Riley (2022-CJA-06-01) (Horry County Police Department)**

**Summary:** Allegation(s) of willfully making false, misleading, incomplete, deceitful, or incorrect information on a document, record, report, or form, except when required by departmental policy, or by the laws of this State. **Request for Final Agency Decision.**

The 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 Tabitha O’Riley by the Horry County Police Department has not been proven by the preponderance of evidence; and
- B. Expunge within (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 Tabitha O’Riley by the Horry County Police Department.

Ms. Tabitha O’Riley was present to speak on her behalf and answer questions from the Council if applicable.

Fran Humphries, Esquire, was present to speak on behalf of Ms. O’Riley and answer questions from the Council if applicable.

There was no representation for the Department in this meeting.

Before the vote, Director Stirling asked if he needed to recuse himself because he went to school with Bill Monckton. Mr. Humphries replied to no.

After hearing statements from Ms. O’Riley and Mr. Humphries, Director Boyles made a motion to adopt the recommendation of the Hearing Officer to expunge the record of misconduct within thirty (30) days, and grant Ms. O’Riley continued eligibility for law enforcement certification. Chief Cornett seconded the motion.

With a vote 1 (Yes) to 8 (No) the motion failed and Council voted not to adopt the recommendation of the Hearing Officer to expunge the record of misconduct within thirty (30) days, and grant Ms. O’Riley continued eligibility for law enforcement certification.

A new motion was made by Sheriff Faile for permanent denial of Ms. O’Riley’s eligibility for law enforcement certification. Director Woods seconded the motion.



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With a vote of 6 (Yes) to 3 (No), the motion was carried to recommend permanent denial of the eligibility for certification.

## **Shawn Segars (2022-CJA-08-01) (South Carolina Department of Public Safety)**

**Summary:** Allegation(s) 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.**

The 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 Shawn Segars by the South Carolina Department of Public Safety has been proven by a preponderance of 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. Segars was not present in this meeting.

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

After hearing statements from Mr. Gore, Director Boyles made a motion to adopt the recommendation of the Hearing Officer for permanent denial of Mr. Segars's eligibility for law enforcement certification. Chief Cornett seconded the motion.

Council voted unanimously to adopt the recommendation of the Hearing Officer and permanently denied Shawn Segars eligibility for law enforcement certification. *Please note that Director Woods recused himself from the voting process in this case.*

## **Moises Chavez (2022-CJA-05-06) (Spartanburg Police Department)**

**Summary:** Allegation(s) 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.**

The 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 Moises Chavez by the Spartanburg Police Department has been proven by the preponderance of 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. Chavez was not present in this meeting.

There was no representation for the officer nor the Department in this meeting.

Director Boyles made a motion to adopt the recommendation of the Hearing Officer for permanent denial of Mr. Chavez's eligibility for law enforcement certification. Director Woods seconded the motion.

Council voted unanimously to adopt the recommendation of the Hearing Officer and permanently denied Moises Chavez eligibility for law enforcement certification.

## **David Eck (2020-CJA-02-16) (SCDPS)(Consent Order Proposal)**

**Summary:** Allegation(s) of physical or psychological abuse of the members of the public and/or prisoners; and dangerous and/or unsafe practices involving firearms, weapons and/or vehicles which indicated either a willful or wanton disregard for the safety of persons.

Upon approval by Council and in lieu of a contested case hearing, Mr. Eck consents to a finding of certification misconduct as defined in S.C. Code Ann. § 23-23-150 and/or S.C. Regulation 37-026. His certification shall remain intact but be placed in a probationary status for 2 years, and at the conclusion of the probationary period, Mr. Eck will provide the SCCJA a letter from the agency head of his current employer stating whether he has committed any instances of misconduct as defined in S.C. Code Ann. § 23-23-150(A)(3) and during the probationary period, Mr. Eck will attend (8) hours of use of force training, approved and designated by the South Carolina Criminal Justice Academy at his own expense.

Mr. Eck was present to speak on his behalf and answer questions from the Council if applicable.

Attorney Ryan Hicks was present in this meeting to represent Mr. Eck and answer questions from Council, if applicable.

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

Director Boyles made a motion to accept the Consent Order. Sheriff Faile seconded the motion.



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With a vote of 4 (Yes) to 2 (No), the motion was carried to recommend. *Please note that Chief Keel, Interim Director Warren, and Director Woods recused themselves from the voting process in this case.*

## **Non-Compliance with 23-23-85 Violation: Briarcliffe Acres Police Department**

**Summary:** Allegation(s) of failure to comply with 23-23-85

After having been properly notified their policies and procedures were out of compliance with S.C. Code Ann. § 23-23-85 and after having been provided additional time in which to come into compliance, the Briarcliffe Acres Police Department has failed to gain compliance as required by statute. The South Carolina Criminal Justice Academy is requesting Council impose a civil penalty of one-thousand dollars per day the Briarcliffe Acres Police Department is out of compliance.

Chief Kyle Lampart of the Briarcliffe Acres Police Department attended this meeting to address the issue and answer questions from the Council if applicable.

After hearing from Chief Lampart, Director Boyles made a motion to accept the civil penalties upon the Briarcliffe Acres Police Department. Director Stirling seconded the motion.

Director Boyles amended the motion to accept a fine of \$2,500.00 for failure to update body worn policy upon the review by South Carolina Criminal Justice Academy to confirm if in compliance. Chief Cornett seconded the motion.

Council voted unanimously to accept a fine of \$2,500.00 for failure to update body worn policy.

## **Director's Comments**

### **Director Swindler**

Director Swindler inquired about changing the Quarterly Meeting to Monday, October 30, 2023, due to scheduling conflicts. Advised that an email will be sent out.

Director Swindler gave an update on hosting the SWAT Summit at the end of the month.

## **OLD BUSINESS**

There was no unfinished business to discuss.

## **NEW BUSINESS**

There was no new business to discuss.



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## CLOSING REMARKS/AJOURNMENT

Chief Keel inquired whether there were any more questions or comments from Council.

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

The meeting was adjourned at 11:57 a.m.

Respectfully submitted by:

*Opel C. Bunn*

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Opel C. Bunn