



South Carolina Criminal Justice Academy

SOUTH CAROLINA LAW ENFORCEMENT TRAINING COUNCIL MEETING MINUTES

April 22, 2020
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 Wednesday, April 22, 2020. This meeting was advertised in accordance to 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 Scheri Francois.

Chief Mark Keel, State Law Enforcement Division (SLED) (Chair), was present in person at this meeting.

Sheriff Lee Foster, Newberry County Sheriff's Office (Co-Chair); Attorney General Alan Wilson, SC Attorney General's Office; Director Jerry Adger, SC Department of Probation, Parole and Pardon Services; Director Bryan Stirling, SC Department of Corrections; Director Robert Boyles; SC Department of Natural Resources; Acting Director Robert G. Woods, SC Department of Public Safety; Sheriff Barry Faile, Lancaster County Sheriff's Office; Director John Thomas, North Augusta Department of Public Safety; Chief Tony Taylor, Williamston Police Department; Captain Nick Gallam, Aiken County Detention Center attended the meeting via Webex Video Conference.

Guest attendees who attended via Webex Video/Teleconference Call were Deputy Attorney General Jeff Young, S.C. Attorney General's Office; Executive Director Ryan Alphin, S.C. Police Chiefs Association/SC Law Enforcement Officers Association; Executive Director Mark Gosnell, S.C. Troopers Association; Attorney Marcus Gore, S.C. Department of Public Safety; Robert McCullough, SC Department of Natural Resources; Captain Gabhardt, Summerville Police Department; Director Tyrell Cato, Kershaw County Detention Center; Wesley Vorberger, Greenville County; Chief Michael Adams, Orangeburg Department of Public Safety.

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

SC Criminal Justice Academy attendees were Director Jackie Swindler; Deputy Director Mike Lanier; Scheri Francois, Executive Assistant; James Fennell, General Counsel; John Yarborough, Facilities Operations Manager; Tom McQueen, Financial Operations Manager; Florence McCants, Administrative Operations Manager; Justin Miller, IT; Christopher Brumlow, Investigator.



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APPROVAL OF AGENDA

Agenda Item 2

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

APPROVAL FOR MEETING MINUTES

Agenda Item 3

1. A motion to approve the minutes of the March 16, 2020, meeting was made by Attorney General Wilson and seconded by Director Thomas. Council voted unanimously to accept the meeting minutes as recorded.

DIRECTOR'S REPORT

Agenda Item 4

2. General Counsel

- Misconduct Cases

Karina Garcia: 2019-CJA-10-03 (Summerville Police Department)

Summary: Allegation of willfully making false, misleading, incomplete, deceitful, or incorrect statements to a law enforcement officer, a law enforcement agency, or representative of the agency except when required by departmental policy or by the law of this State. **Request for Final Agency Decision.**

Ms. Garcia and her attorney JJ Evans were present via Webex video call to answer any questions Council may have regarding the misconduct allegations against Ms. Garcia. Mr. Evans spoke on behalf of Ms. Garcia, asking Council to consider retraining options for Ms. Garcia but stated that these allegations did not rise to the level of taking away Ms. Garcia's law enforcement certification.

Captain Rickie Gabhardt of the Summerville Police Department was present via Webex video call to speak on behalf of the agency and to the allegations against Ms. Garcia.

Upon hearing from Ms. Garcia and Mr. Evans, Director Adger made a motion to accept the recommendation of the Hearing Officer to permanently deny Ms. Garcia's law enforcement certification. Director Thomas seconded the motion. Council voted unanimously to deny Ms. Garcia's law enforcement certification.



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Bobby Owens: 2017-CJA-10-14 (Greenville County Sheriff's Office)

Summary: Allegation of dishonesty/untruthfulness with respect to his/her supervisor. **Request for Final Agency Decision.**

Mr. Owens was present via Webex video call to speak on his behalf and answer any questions Council may have, if applicable.

Wesley Vorberger, Greenville County General Counsel, was present via Webex video and teleconference call to speak on behalf of the agency and to the allegations against Mr. Owens.

Council had a brief discussion about the facts of the allegations against Mr. Owens.

Upon conclusion of the discussion and hearing from Mr. Owens and Mr. Vorberger, Sheriff Faile made a motion to accept the recommendation of the Hearing Officer to permanently deny Mr. Owens' law enforcement certification. Director Adger seconded the motion. Council voted unanimously to permanently deny Mr. Owens' law enforcement certification.

Delvin Williams: 2019-CJA-09-06 (Orangeburg Department of Public Safety)

Summary: Allegation of willfully making false, misleading, incomplete, deceitful, or incorrect statements to a law enforcement officer, a law enforcement agency, or representative of the agency except when required by departmental policy or by the law of this State. **Request for Final Agency Decision.**

Mr. Williams was present via Webex to speak on his behalf and answer any questions Council may have, if applicable.

Chief Michael Adams of the Orangeburg Department of Public Safety was present via Webex video call to speak on behalf of the agency and to the allegations against Mr. Williams.

Council had a brief discussion about the facts of the allegations against Mr. Williams.

Upon conclusion of the discussion and hearing more statements from Mr. Williams and Chief Adams, Director Adger made a motion to accept the recommendation of the Hearing Officer to permanently deny Mr. Williams' law enforcement certification. Sheriff Foster seconded the motion. Council voted unanimously to permanently deny Mr. Williams' law enforcement certification.

La'Quendin Counts: 2019-CJA-06-07 (Mauldin Police Department)

Summary: Allegation of willfully making false, misleading, incomplete, deceitful, or incorrect statements to a law enforcement officer, a law enforcement agency, or representative of the agency except when required by departmental policy or by the law of this State. **Request for Final Agency Decision.**



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Sheriff Faile made a motion to accept the recommendation of the Hearing Officer to permanently deny Mr. Counts' law enforcement certification. Sheriff Foster seconded the motion. Council voted unanimously to permanently deny Mr. Counts' law enforcement certification.

Kevin Counts: 2019-CJA-11-01 (York Police Department)

Summary: Allegation of dishonesty/untruthfulness with respect to his/her supervisor. **Request for Final Agency Decision.**

Director Woods made a motion to accept the recommendation of the Hearing Officer to permanently deny Mr. Counts' law enforcement certification. Captain Gallam seconded the motion. Council voted unanimously to permanently deny Mr. Counts' law enforcement certification.

Anthony Thitchener: 2019-CJA-11-15 (Kershaw County Detention Center)

Summary: Allegation of willfully making false, misleading, incomplete, deceitful, or incorrect statements to a law enforcement officer, a law enforcement agency, or representative of the agency except when required by departmental policy or by the law of this State. **Request for Final Agency Decision.**

Director Tyrell Cato of the Kershaw County Detention Center was present via Webex teleconference call to speak on behalf of the agency and to the allegations against Mr. Thitchener.

After hearing from Director Cato, Director Stirling made a motion to accept the recommendation of the Hearing Officer. Sheriff Foster seconded the motion. Council voted unanimously to permanently deny Mr. Thitchener's law enforcement certification.

2. **Financial Updates**

Tom McQueen

In a total reversal from the first six months, the Academy is behind \$124,855 in Fees & Fines revenue compared with being ahead \$21,644 through the first half of the year. January continued the positive run being \$70,057 ahead of last year, but then February was down \$155,264 wiping out any gains and March dropped an additional \$61,292. Because the Legislature increased the Academy budget \$3,068,360 this year in General Funds offsetting some of the Fees & Fines funding, these lesser revenues do not have a great negative effect. It is anticipated with the current health crisis, revenues will continue to decline for the next several months but the Academy will be mindful of the revenues received and operate accordingly. Also, \$5 Surcharge funds continue to trickle in with the Academy receiving \$42,360 for the first nine months this year.

Total expenditures for the first nine months have increased by \$495,079 with \$481,501 being due to new hires and an increase in salaries and fringes. The remaining expenditures are in line with



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the prior year. To prevent having to return any excess General Funds, some expenditures from other fund sources are being transferred to the General Fund.

With the additional revenue given for FY2020, the Academy did not request any additional recurring or non-recurring funds from the Legislature this year with the exception of a capital budget request of \$2,750,000 to purchase a generator for the main building which was initially approved by both the House and Senate, but, again, with the health crisis, this may now be under new consideration.

Capital Projects Update

John Yarborough

The 4th floor village dormitory restroom renovations has been successfully completed. Work is currently underway on the 3rd floor. The existing wall and floor tile was removed allowing the installation of new wall studs and the waterproofing system. Water testing was conducted on the new waterproofing system over this past weekend and was approved. The contractor is installing new floor and wall tile and is planning to reinstall the shower partitions this week.

The Tactical Training facility project is complete. The final payment was approved the week of April 10, 2020.

The roofing consultant provided the design development documents to CJA for review on April 3rd. They are currently working on the Construction documents to prepare the project for bid. As of now, the plan is to make repairs to buildings #8 and #31 and replace the roofing systems on Ranges #1, #2, #3 along with the Rifle Deck roof.

The majority of the new equipment for the campus security upgrade has been wired and installed. Overall work estimated at 70 percent completion.

The water heater for the kitchen was ordered the first week of April. There is a 4-week lead-time on the unit.

3. Director's Comments

Director Swindler

Not having students on campus at this time did help make things easier to get the waterproofing project completed. The Academy was also able to bring in a crew to fix a flooding problem that staff thought would cost around \$50,000 to fix. The actual cost of having this issue rectified was approximately \$3,000.



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Last week, Academy staff taught 120 infantry guards for the National Guard, and the week before staff taught 80 EMPs at McCrady National Guard Training Center. The Academy sent staff and video. This training was done in anticipation of the Governor activating the National Guard during the Covid-19 pandemic.

Every Wednesday the Academy had still been conducting PAT and cumulative testing. The first new class would have 70 students enrolled, while the second class would have 67 students enrolled. With those classes, the Academy is caught up and just waiting to be able to start the training of these classes. Since agencies are not hiring many officers right now, training could be caught back up in two classes.

On May 3rd, the Academy will bring back BLE Class 715 to complete their last three weeks of training. There will be 37 students returning. The agencies of these students have been notified and given the option as to whether they wanted to send their respective students back. If so, they were asked to have their students tested to be sure they were well and asked that they have their students quarantined until their May 3rd return. Students will be monitored for symptoms of the virus upon their return and then monitored every day while in training at the Academy. Students will be placed in single dormitory rooms and in classrooms of ten or less students in each class. There will be no hands on training, such as defensive tactical training. All training will be in the classroom or outside to do practical problems and training such as that. The Academy will be sure to be in compliance with social distancing guidelines.

In three weeks, the Academy will monitor the status of the pandemic and will either bring back all BLE training classes that were interrupted due to the virus or just bring back BLE Class 716 for them to complete training.

Director Swindler gave updates and changes in Academy staffing.

Director thanked Council for coming onto a test call for Webex video call on last week. Director Swindler thinks this was a great idea on the staff's part to think of setting up meetings this way. He stated that he anticipates more meetings of this kind in the future.

UNFINISHED BUSINESS

Agenda Item 6

There was no unfinished business to discuss.

NEW BUSINESS

Agenda Item 7

There was no new business to discuss.



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CLOSING REMARKS/ADJOURNMENT

Attorney General stated that he had had conversation with AG's in other states about news articles reporting that drones were supposedly being donated by a Chinese company, DJI, to various law enforcement agencies in the United States to aide in the Covid-19 pandemic. DJI was formed in 2006 and controls about 80 to 90 percent of the drone market in the world. Attorney General Wilson stated that one of the articles listed SC as a recipient state and asked if the Academy or Council members had heard anything about these drones and knew of any agencies in SC using them.

Chief Keel stated that he had not heard anything or knew of any agencies using these drones. He also stated that he would not accept one because his concern would be that all information recorded by these drones would be reported to China.

Attorney General Wilson agreed with Chief Keel in regards to this concern and stated that he would forward the news articles to Chief Keel. The second article lists SC as a recipient state for these drones. Attorney General Wilson stated that he would be interested in knowing what agencies in SC have received these drones so a conversation can be had in regard to concerns.

Chief Keel stated that he will send these articles to Ryan Alphin and Jarrod Bruder so they can get this information from the chiefs and sheriffs.

Lastly, Director Swindler stated that the Academy would be starting their CALEA assessment on this Friday. While assessors would not be coming in person, they will still conduct an assessment remotely via video/conference calls. He asked if any Council members would be interested in being interviewed by the assessors to please let him know.

Chief Keel, Director Adger and Sheriff Foster all agreed to be interviewed by CALEA assessors.

Chief Keel asked if there were any more comments or issues that needed to be addressed.

When it was established that there were none, Sheriff Foster made a motion to adjourn the meeting. Chief Taylor seconded the motion.

The meeting was adjourned at 11:12 am.

Respectfully submitted by:

Scheri E. Francois
Executive Assistant