



# South Carolina Criminal Justice Academy

SOUTH CAROLINA  
LAW ENFORCEMENT TRAINING COUNCIL  
MEETING MINUTES  
Thursday, April 29, 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 Thursday, April 29, 2021. 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 10:01 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 Robert Boyles, S.C. Department of Natural Resources; Director Robert Woods, S.C. Department of Public Safety; Sheriff Barry Faile, Lancaster County Sheriff's Office.

Members present via video/conference call were Attorney General Alan Wilson, S.C. Attorney General's Office; Director Jerry Adger, S.C. Department of Probation, Parole and Pardon Services; Sheriff Lee Foster (Co-Chair), Newberry County Sheriff's Office; Chief Tony Taylor, Williamston Police Department; Captain Nick Gallam, Aiken County Detention Center.

Director Bryan Stirling, S.C. Department of Corrections, was absent from this meeting but was represented by proxy, Chris Voll. Chief John Thomas, North Augusta Department of Public Safety, was absent from this meeting.

Guest attendees were Deputy Attorney General Barry Bernstein, S.C. Attorney General's Office; Jarrod Bruder, S.C. Sheriffs Association; Mark Gosnell, S.C Troopers Association; Marcus Gore, Esquire, S.C. Department of Public Safety; Deputy Chief Jim Stewart, Richland County Sheriff's Office; Joanna McDuffie, Esquire, Richland County Sheriff's Office; John O'Leary, Esquire; JJ Evans, Esquire; Shannon Bobertz, Esquire, S.C. Department of Natural Resources; William Waters.

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

SC Criminal Justice Academy attendees were Director Jackie Swindler; Scheri Francois, Executive Assistant; James Fennell, General Counsel; Justin Miller, IT Manager; Christopher Brumlow, Investigator; Bradley Young, Attorney/Instructor; John Yarborough, Facilities Operation Manager; Tom McQueen, Finance Manager.



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## **APPROVAL OF AGENDA**

### ***Agenda Item 2***

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

## **APPROVAL FOR MEETING MINUTES**

### ***Agenda Item 3***

A motion to approve the minutes of the March 22, 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

#### **Austin Burnette: 2018-CJA-09-11 (Lauren's Co. Det. Center) -**

**Summary:** Conviction, plea of guilt, plea of no contest, or no 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:

- Issue its final agency decision, pursuant to S.C. Code Ann. Regs. 37-107 D., finding that the allegation of misconduct filed against Austin Burnette by the Laurens County Sheriff's Office, Jail Division, has been proven by substantial evidence; and
- Impose such sanctions as the Council in its discretion deems appropriate pursuant to its authority set forth at S.C. Code Ann. Regs. 37-108 A.

Director Adger made a motion for permanent denial of Mr. Burnette's eligibility for law enforcement certification. Director Boyles seconded the motion. Council voted unanimously to permanently deny Mr. Burnette's eligibility for law enforcement certification.

#### **Tarah Andre: 2015-CJA-10-08 (S.C. Department of Public Safety)-**

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



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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 Tarah Andre by the South Carolina Department of Public Safety has been proven by substantial evidence; and
- B) Determine a fitting and appropriate sanction regarding Tarah Andre's continuing eligibility for certification as a law enforcement officer in the State of South Carolina, pursuant to the authority set forth at S.C. Code Ann. Regs. 37-108 A.

Marcus Gore was in attendance at this meeting to represent the agency and answer any questions from Council, if applicable.

Upon hearing from Mr. Gore, Director Boyles made a motion for permanent denial of Ms. Andre's eligibility for law enforcement certification. Sheriff Faile seconded the motion. Council voted unanimously to adopt the motion to permanently deny Ms. Andre's eligibility for law enforcement certification. *Please note that Director Woods recused himself from the voting process in this case.*

### **Jeffrey Babb-Wright: 2020-CJA-03-05 (SC Department of Public Safety) -**

**Summary:** Allegation of willfully making false, misleading, deceitful or incorrect statement to any court of competent jurisdiction, or their staff members, whether under oath or not. **Request for Final Agency Decision.**

Hearing Officer recommended that Council:

- A) Deny Respondent's motion to reopen the record in order to receive additional evidence.
- B) Issue its final agency decision, pursuant to S.C. Code Ann. Regs. 37-107 D., finding that the allegation of misconduct reported against Jeffrey Babb-Wright by the South Carolina Department of Public Safety have 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.

John O'Leary was in attendance to speak on behalf of Mr. Babb-Wright and to answer any questions from Council, if applicable.

Marcus Gore was in attendance to speak on behalf of the department and answer any questions from Council, if applicable.



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Upon hearing statements from both attorneys, Director Boyles made a motion to deny the Respondent's motion to reopen record to receive additional information. The motion was seconded by Sheriff Faile. Council voted unanimously to deny the Respondent's motion to reopen the record.

Director Boyles then made a motion to accept the Hearing Officer's recommendation to permanently deny Mr. Babb-Wright eligibility for law enforcement certification. Council voted unanimously to permanently deny Mr. Babb-Wright's eligibility for law enforcement certification. *Please note that Director Woods recused himself from all voting in this case.*

### **Benjamin Bolding: 2020-CJA-06-10 (Richland County Sheriff's Office)-**

**Summary:** Allegation of misrepresentation of employment-related information; willfully providing 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.**

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 Benjamin Bolding by the Richland County Sheriff's Department have 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), Benjamin Bolding'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 Benjamin Bolding by the Richland County Sheriff's Department.

Joanna McDuffie was in attendance to represent the department and answer any questions from Council, if applicable.

Upon hearing from Ms. Duffie, for the sake of discussion purposes, Director Adger made a motion to accept the Hearing Officer's recommendation. Director Woods seconded the motion.

After this motion was made and seconded, Council had a brief discussion on the allegations against Mr. Bolding made by the Richland County Sheriff's Office.

Upon completion of this discussion and having questions answered by Ms. McDuffie, Director Adger withdrew his motion.



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A new motion was made by Director Woods to permanently deny Mr. Bolding's eligibility for law enforcement certification. Sheriff Faile seconded the motion. Council voted unanimously to permanently deny Mr. Bolding's eligibility for law enforcement certification.

### **Princess Henderson: 2021-CJA-03-28 (SC Department of Juvenile Justice) –**

**Summary:** The South Carolina Law Enforcement Division (SLED) notified the South Carolina Criminal Justice Academy (Academy) that on March 13, 2021, Princess Henderson (Henderson) of the South Carolina Department of Juvenile Justice (SCDJJ) was arrested by the Richland County Sheriff's Office arrested and charged with Domestic Violence 2<sup>nd</sup> Degree. **Request for Suspension.**

Director Boyles made a motion to suspend Ms. Henderson's eligibility for law enforcement certification pending the outcome of criminal charges. Director Woods seconded the motion. Council voted unanimously to adopt the motion to temporarily suspend Ms. Henderson's eligibility for law enforcement certification pending the outcome of criminal charges.

### **Antonio Howard: (No assigned case number – SC Department of Public Safety)-**

**Summary:** On April 9, 2021, (date of separation November 21, 2019) the South Carolina Department of Public Safety (SCDPS) submitted a Separation Due to Misconduct Form for Antonio Howard. SCDPS initially submitted a Routine/Administrative separation for Howard citing he resigned while under investigation for allegations involving misconduct. SCDPS was recently apprised that as a result of this investigation, the South Carolina Law Enforcement Division arrested Howard and charged him with Domestic Violence and Ill Treatment of Animals. Pursuant to the criminal charges against Howard, SCDPS has amended the initial separation to misconduct.

#### **Acceptance Request.**

Director Boyles made a motion to accept the amended Personnel Change in Status (PCS) Form. Sheriff Faile seconded the motion. Council voted unanimously to accept the amended PCS Form to reflect misconduct. ***Please note that Director Woods recused himself from the voting process in this case.***

### **William Waters: 2018-CJA-09-14 (Moncks Corner PD) –**

**Summary:** On June 20, 2019, LETC issued its Final Agency Decision (FAD) permanently denying Mr. Waters a law enforcement certification due to physical/psychological abuses of a member of the public and a dangerous practice with a weapon. Approximately June 30, 2019, Mr. Waters received the FAD, which was subsequently sent on several occasions to him via Certified US Mail and email. Mr. Evans requested a copy in January 2020, and it was sent to him via email. In January 2021, Mr. Evans again requested the information and it was sent via US Mail. Mr. Evans filed a motion to amend the FAD. **Request to Amend Final Agency Decision.**





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JJ Evans was in attendance to speak on behalf of Mr. Waters and answer any questions from Council, if applicable.

Mr. Waters was also in attendance to speak on his own behalf and answer any questions from Council, if applicable.

Upon hearing from Mr. Evans and having questions answered by Mr. Waters and Mr. Fennell, Director Boyles made a motion that Council not amend its Final Agency Decision. The motion was seconded by Sheriff Faile.

Prior to the voting process, Council had more questions answered by Mr. Evans in regard to the misconduct case against Mr. Waters that led to the original decision of Council to permanently deny Mr. Waters' eligibility for law enforcement certification.

Ultimately, Council voted to uphold its original decision to permanently deny Mr. Waters' eligibility for law enforcement certification.

### **Saqwess Bowdry: (No assigned case number – Beaufort County Det. Ctr.)-**

**Summary:** Saqwess Bowdry is a Class 2 law enforcement officer candidate with the Beaufort County Detention Center. In 2016, Bowdry pleaded no contest to Criminal Mischief \$200 dollars to \$1,000 dollars in Wakulla County Florida. Criminal Mischief in Florida is the equivalent to Malicious Injury to Real/Personal Property in South Carolina which is a disqualifying crime. Her arrest stemmed from an incident involving her then ex-boyfriend and father of her child at the residence he shared with the victim.

Bowdry was sentenced to probation and restitution in the amount of 400 dollars. The term of her probation lasted approximately six (6) months and was terminated upon successful completion of payment of restitution to the victim. Bowdry has applied for an expungement. **Request for Eligibility.**

Captain Gallam made a motion to grant Ms. Bowdry eligibility for law enforcement certification upon expungement of criminal charges. Captain Woods seconded the motion. Council voted unanimously to adopt the motion to grant Ms. Bowdry eligibility for law enforcement certification pending expungement of the charge.

### **Jeffrey Day: 2021-CJA-01-01 (SC Department of Natural Resources)**

**Summary:** On April 21, 2021, the South Carolina Criminal Justice Academy was notified that pursuant to a bench trial, Day was found not guilty of DUI. Mr. Day did plead guilty to Open Container and sentenced to a fine. A check of Day's South Carolina Driver's Record shows Day's South Carolina driver's license is valid and was not previously suspended. **Request for Reinstatement of Law Enforcement Certification.**



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

## **B. Financial Update**

Tom McQueen

Through March of FY20-21 there has been a decline in Fees & Fines revenue of \$856,849 compared with last year which is a 21 % decrease. Since there are no advanced students on campus, Miscellaneous revenue has dropped for the first nine months by \$174,107 offset by declining Miscellaneous expenses of \$154,047. The Academy has received \$5 Surcharge funds of \$52,263 this year which is \$9,903 more than last year.

Expenses for payroll and fringes remain steady with the Agency spending \$43,499 more than last year through the first nine months while total overall expenses have increased only \$25,038. The Academy's Fees and Fines carryforward increased \$1.4 million from FY20 to FY21. Of this, only \$600,000 has been used this year. Even as restrictions begin to ease, it is projected that revenues will continue to be lower and therefore the Academy will continue to monitor expenditures to remain financially stable.

## **C. Capital Project Update**

John Yarborough

All repairs (drywall, carpet, and new water heater) are complete for the village classroom in Building 16.

Water heaters in the Village gym and cafeteria are being relocated to prevent another flood.

New carpet was installed in Building 8 to replace 30 year old carpet.

The old stage in the administrative building's gym was replaced with a larger stronger one.

Walk through gates for the Village were replaced with security type gates with automatic closers. Access requires a key or card swipe.



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## D. Director's Comments

### Director Swindler

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

Director Swindler gave updates on basic law enforcement class sizes and the ongoing COVID tests administered at the Academy every two weeks.

## UNFINISHED BUSINESS

### *Agenda Item 5*

Council re-opened their discussion on Class 3 Officers. A sub-committee of Council members had been meeting to put together a draft of duties that Class 3 Officers would be allowed to perform. The subcommittee presented two orders for full Council to discuss and vote on. The subcommittee drafted 2021-LETC-001 to describe the duties allowed for Basic Class 3 Officers and 2021-LETC-002 to describe duties allowed for Advanced Class 3 Officers.

Council discussed and voted on these orders separately.

In regards to Order 2021-LETC-001 (Basic Class 3 Officers), Director Boyles made a motion to adopt the Order as written. Director Adger seconded the motion. Council voted unanimously to adopt Order 2021-LETC-001 as written.

In regards to Order 2021-LETC-002 (Advanced Class 3 Officers), Council had an in-depth discussion.

During this discussion, Sheriff Faile and Jarrod Bruder spoke on behalf of sheriff departments to voice their concerns with some of the language of the order. Likewise, Council members voiced their concerns about some of the language in the drafted order for Advanced Class 3 Officers.

Topics that came up in the discussion included liability, training required for Advanced Class 3 Officers, and the capacity in which agencies are currently using these officers.

When Council had discussed Order 2021-LETC-002, Sheriff Foster made a motion to accept the order as written for the sake of discussing any amendments. Director Boyles seconded this motion.

Once the motion had been made, Council began to discuss the document with members giving input on possible amendments.





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Upon the conclusion of discussion for suggested amendments, Director Boyles made a motion to accept the document with amendments. Director Woods seconded the motion. Council voted unanimously to adopt the amended version of Order 2021-LETC-002.

*Orders 2021-LETC-001 and 2021-LETC-002 are available to view upon request.*

## **NEW BUSINESS**

### ***Agenda Item 6***

There was no new business to discuss.

## **CLOSING REMARKS/AJOURNMENT**

### ***Agenda Item 7***

Chief Keel thanked the subcommittee for their hard work on putting together draft orders for the Council to review and make final decisions. He also thanked James Fennell for all of his hard work.

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

The meeting was adjourned at 12:27 p.m.

Respectfully submitted by:

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Scheri E. Francois  
Executive Assistant