



# South Carolina Criminal Justice Academy

SOUTH CAROLINA  
LAW ENFORCEMENT TRAINING COUNCIL  
SPECIAL MEETING MINUTES

February 20, 2019  
10:00 a.m.

A special meeting of the South Carolina Law Enforcement Training Council (LETC) was held at the South Carolina Criminal Justice Academy (Academy) on Wednesday, February 20, 2019

Chief Mark Keel, Chair of the Law Enforcement Training Council called the meeting to order at 10:03 a.m.

## **ROLLCALL**

### Members Present

Chief Mark A. Keel/State Law Enforcement Division (SLED) (Chair)  
Director Leroy Smith/ S.C. Department of Public Safety (DPS) (Co-Chair)  
Director Bryan P. Stirling/S.C. Dept. of Corrections  
Director Alvin A. Taylor/S.C. Dept. of Natural Resources  
Jail Admin. Capt. Nick Gallam/ Aiken County Det. Center  
Director Jackie Swindler/ S.C. Criminal Justice Academy

### Via Conference Call-In

Chief John C. Thomas/North Augusta Department of Public Safety  
Director Jerry Adger/ S.C. Probation, Parole and Pardon  
Sheriff Lee Foster/ Newberry CO SO

### Members Absent

Attorney General Alan Wilson/Attorney General's Office/Represented by Barry Bernstein (proxy)  
Sheriff Barry Faile/Lancaster CO SO

### Guest Attendees

Executive Director Ryan Alphin/ SC Law Enforcement Officers' Assoc./ SC Police Chiefs' Assoc.  
Executive Director Jarrod Bruder/ S.C. Sheriffs' Association (SCSA)  
Executive Director Mark Gosnell/ S.C. Troopers' Association (SCTA)  
Marcus Gore/ SC Dept. of Public Safety  
K.D. Phelps / SC Dept. of Public Safety  
Robert McCullough/ SCDNR  
Tessie Smth/ SCDC  
Daniel Martin  
Attorney John O'Leary  
Kirsten Glavin/ WSPA-TV  
Dustin Martin/WSPA-TV

Cindy Konduros  
Annie Wooten

SC Criminal Justice Academy Attendees:

Mike Lanier/ Deputy Director  
James Fennell / General Counsel  
Lennie Hicks/ Facilities Operations Manager  
Florence McCants /Administrative Operations Manager  
Lauren Fennell/Standards & Accreditation Manager  
Jeanne' Crump /Director's Administrative Assistant  
Chris Brumlow/Investigator  
Cliff Miller  
Tim Plunkett  
Debbie Bryant/Human Resources  
Justin Miller/IT  
Mark Thomas/IT

Chief Keel informed the Council that they will go out of order on the meeting agenda today to handle several misconducts. First, there is an attorney-client matter that the Council needs to address, so he called for a motion to go into an Executive Session at this time.

**MOTION:** A motion to go into Executive Session was made by Director Smith and seconded by Director Taylor. The motion was approved.

The meeting resumed at 10:18 a.m.

**GENERAL COUNSEL**

Joshua Clynes – Case Number: 2018-CJA-10-04

*General Counsel Summary:* This case is an allegation of misconduct with DPS and we are here today with a Motion to Dismiss from Attorney John O' Leary. The Motion to Dismiss is based on the fact that the Council did not find extenuating circumstances to allow the acceptance of the PCS alleging misconduct, after the 30 days. May 8, 2018 is when the allegation of misconduct took place, but approximately one month after the allegation Mr. Clynes' Captain asked the OPR to initiate an investigation, which actually began twelve days later. Mr. Clynes separated from DPS on June 15, 2018. On July 16, 2018 the 30 day statutory window closed. On an unknown date in July 2018 is when the OPR interviews were completed and CJA received the PCS alleging misconduct on September 28, 2018. September 28, 2018 is approximately 105 days after the date of separation and 74 days after the 30 day statute of limitations window closed. In part, the briefs from DPS stated the reason for the delay was that it takes time to complete thorough investigations, as in this situation.

**MOTION:** Director Adger made a motion to dismiss based on the fact of no extenuating circumstances and asked that the floor be opened for discussion. Sheriff Foster, seconded for discussion purposes.

Chief Keel opened the floor for discussion.

Chief Keel clarified that it came to the attention of DPS around June 8<sup>th</sup>, prior to the individual's resignation and the department continued the investigation. The investigation began on June 20<sup>th</sup> and 105 days later, after Mr. Clynes' resignation on September 28<sup>th</sup> and when the investigation was completed. I now have a motion to dismiss this matter and a second based on the time it took to conduct the investigation.

*Captain Gallam:* I would like for it to be put in the record that in their initial PCS they stated that the individual resigned pending an OPR investigation.

James Fennell explained that the 30 day window is actually a Statue of Limitations. The language in the statute says that the Council shall not accept a separation alleging misconduct after 30 days of separation unless the Council finds extenuating circumstances. It is actually a statutory bar unless the Council finds extenuating circumstances exist that would allow that PCS.

Chief Keel added that if the Council today finds extenuating circumstances, then Mr. Clynes would be entitled to a hearing before a hearing officer. Again, I think the question for the Council is whether or not, as this case, if there are extenuating circumstance when someone resigns pending an investigation giving the agencies enough time to complete their investigation and provide a PCS to the Academy.

**MOTION:** Director Adger made a motion to dismiss based on the fact that there are no extenuating circumstances. Sheriff Foster seconded the motion. The motion passed with six (6) votes to accept the motion to dismiss and one (1) no.

*Daniel Alonzo – Case Number: 2018-CJA-10-14*

*General Counsel Summary:* This case is being presented today with a Motion to Dismiss from Attorney John O'Leary in that the Council did not find extenuating circumstances in the vote to accept the late PCS. The alleged misconduct happened on April 1, 2018, then on April 12, 2018 Mr. Alonzo announces his intention to DPS to resign effective April 30<sup>th</sup>. On April 23, 2018 the OPR investigation was requested and opened their investigation on April 27, 2018 prior to April 30, 2018 when Mr. Alonzo separated from DPS. On an unknown date in May the information was sent to SLED to investigate for potential criminal charges, then on June 8, 2018 Sled completed their investigation and notified DPS of their finds. At that time OPR resumed their investigation and completed their investigation on September 17, 2018 which was 101 days after after Sled completed their investigation. The Academy received a PCS alleging misconduct September 28, 2018.

In the briefs from DPS their two issues were that their OPR investigations are placed on hold during outside investigations which in this case was a pending criminal investigation by SLED. Once the SLED investigation was completed DPS reopened their OPR and were trying to do a thorough job in completing their own investigation.

*Chief Keel:* For the record, since SLED was investigating this matter, I will have no comments or vote, but will still continue to Chair.

*Director Adger:* I would like to make a motion that there are extenuating circumstances in this case based on the fact that there was an outside agency conducting a their investigation which caused the DPS OPR investigation to be placed on hold. DPS would not have any control in the time frame it took another agency of complete their investigation.

*Chief Keel:* Just to clarify the motion. We have an outside agency investigating and no agency has control over the other there are extenuating circumstances in this case.

*Director Stirling.* Seconded the motion.

**MOTION:** Director Adger made a motion to find extenuating circumstances in this case. Director Stirling seconded the motion. The motion passed with six (6) votes to accept the motion and zero (0) no.

#### Basic Law Enforcement Program Changes

Chief Keel informed the Council that Director Swindler will give Council the results from the Basic LE Curriculum Proposal survey sent to agency heads and then we will open the floor for discussion and vote.

*Director Swindler:* We had an overwhelming response to the survey. We had 185 agencies respond to the survey, which is a 63% response rate. Of the 185 respondents, 80% would like to see the curriculum change. This would still be 12 weeks of training, but 4 weeks would be in the field and 8 weeks at the Academy. Out of those responding 48%, 89 agencies, are willing to host the training and invite other agency recruits to participate.

The four weeks of training will be no different than the training here on campus. We will film actual classes of our instructors teaching students here, so they will be getting minute to minute instructional training that would have been here at the Academy. As the students register they will be provided a thumb drive containing those four weeks of CJA instructor video that they will watch out in the field. Each week the students will take a test on that block of training and at the end of the four weeks or however long they want to take, come to the Academy to take an cumulative test. Once they past the cumulative test they can immediately go take the PAT with the same time constraints we used last year. If they pass the PAT then they will register right there on site with Registration personnel who will be prepared to give them their class assignment for the eight weeks of training at CJA. No loss of training and no loss of integrity of training.

Hosting agencies would make sure the students are watching and could also stop the tape and add comments or instruction like writing reports, etc. Those facilitating these classes should be a Class 1 officer, someone who has been through the Academy's instructor development basic skill and understands the teaching process. As far as basic firearms, the instructor will have to be the agency's firearms instructor. When the recruit completes the video training that will also include the training requirements, then the instructor will take them to their range to become proficient. The field training time and amount of ammo used will be based on the time needed to prepare their recruit to successfully qualify at the Academy, so they can move on to all other advanced firearms training.

Once we have everything is in place, the Academy will send agencies a copy of a map that would show the sites providing training along with the training dates, times and contact information. This information will also be available on the CJA Website and updated as needed. The Academy's first class under the new training schedule will be July 8, 2019. We would stop the 12 week class program at the end of April and early May and should have all the filming done in May and June. Once the filming is complete, we will send it out into the field so agencies can be ready to send their new recruits to be registered for slots in July. Currently we have approximately 180 waiting, ready to start, so we have already plugged those in for the next two weeks, two weeks and then continuing forward until we have caught up. The training classes will increase from 16 classes to 24 a year, which will make a big difference and give us somewhere between 300 to 500 additional training slots.

As far as recycling, the only recycle for the Academy is if the student doesn't pass the cumulative test, then they would return to their agency for remediation on their deficiency, then they can come back and retake the cumulative test. Now if the student fails the cumulative test twice they will be then cycled out. We are anticipating cumulative testings maybe every other Wednesday at 2:00 pm, so a couple times a month. As far as the numbers of students tested on those Wednesdays we just need to have the proctors and the numbers of IPADS for testing. We are currently testing approximately 70 students now in the class, but I don't anticipate as many students in the upcoming classes since we will have them a couple times a month.

The Academy will also notify all agencies about the aptitude testing requirements and suggest that they use the court approved Nelson Denny and Standards & Associates test and where they can purchase them.

**MOTION:** Director Smith made a motion to accept the CJA proposal as presented today to the Council so they can move forward. Director Taylor seconded the motion. The motion passed with eight (8) votes to accept the motion and zero (0) no.

Chief Keel announced that the motion passed and the first classes will begin July 8, 2019

#### LETC Certification/Misconduct Meetings

Chief Keel recommended that the Council start having monthly public meetings that would allow the Council to address misconduct matters more frequently rather than having cases hang out there for three months waiting for quarterly meetings. He also suggested they use the telephone conference call-in, as in this meeting, for those of Council that aren't available to be present, but still allowing them to vote on these matters.

**MOTION:** Director Smith made a motion that the Law Enforcement Training Council start having meetings on a monthly basis and the meeting dates and time will be determined by the Academy. Director Taylor seconded the motion. The motion passed with nine (9) votes to accept the motion and zero (0) no.

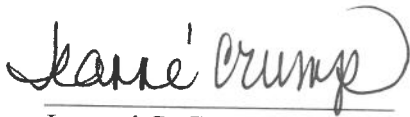
Chief Keel asked the Academy to send out a survey to Council members to determine what would

be the best date and time for the public misconduct monthly meetings. He also stated that the Council will conduct their normal business at the quarterly meetings and the other meetings would be just for misconducts, unless something important came up. As far as the additional monthly meetings, if there aren't any misconducts for the Council address on a particular month, that meeting would be cancelled.

The motion to adjourn was seconded and approved.

The Law Enforcement Training Council meeting adjourned at 11:38 a.m.

Respectfully Submitted by,

A handwritten signature in cursive script that reads "Jeanne S. Crump". The signature is written in dark ink and is positioned above a horizontal line.

Jeanne' S. Crump