



South Carolina Criminal Justice Academy

SOUTH CAROLINA LAW ENFORCEMENT TRAINING COUNCIL MEETING MINUTES

January 29, 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, January 29, 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 10:04 a.m. Chief Keel called for a roll call of the Council members. The roll was called by Scheri Francois.

Members present were Chief Mark A. Keel, State Law Enforcement Division (SLED) (Chair); Director Bryan Stirling, S.C. Department of Corrections; Director Jerry Adger, S.C. Department of Probation, Parole and Pardon Services; Sheriff Lee Foster, Newberry County Sheriff's Office; Sheriff Barry Faile, Lancaster County Sheriff's Office; Chief Tony Taylor, Williamston Police Department; Captain Nick Gallam, Aiken County Detention Center.

Director Robert Boyles, S.C. Department of Natural Resources, was present via conference call.

Absent members were Attorney General Alan Wilson, Attorney General's Office, and Director Leroy Smith, S.C. Department of Public Safety (Co-Chair). Both members were represented by proxy, Barry Bernstein and Chief Kenneth Phelps, respectively.

Guest attendees were Ryan Alphin, S.C. Police Chiefs Association/SC Law Enforcement Officers Association; Director Byron Snellgrove, Cayce Department of Public Safety; Chief Jason Hawkins, Iva Police Department; Attorney Andrew Johnston.

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; Lauren Fennell, Standards & Accreditation Manager; Florence McCants, Administrative Operations Manager; Lennie Hicks, Facilities Operations Manager; Tom McQueen, Financial Operations Manager; Justin Miller, IT; Christopher Brumlow, Investigator; Chase LeClair.



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APPROVAL OF AGENDA

Agenda Item 2

Upon a motion made by Sheriff Faile and seconded by Sheriff Foster, 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 November 18, 2019, meeting was made by Sheriff Foster and seconded by Director Thomas. Council voted unanimously to accept the meeting minutes as recorded.

2020 ELECTION OF BOARD CHAIR AND CO-CHAIR

Agenda Item 4

1. A motion was made by Director Boyles, nominating Chief Mark Keel as Chair and Sheriff Lee Foster as Co-Chair. Council voted unanimously to receive Chief Keel as Chair and Sheriff Foster as Co-Chair of the SC Law Enforcement Training Council for 2020.

DIRECTOR'S REPORT

Agenda Item 5

2. **General Counsel**

- Misconduct Cases

Cristobal Ramirez: 2019-CJA-06-06 (Cayce Department of Public Safety)

Summary: 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. Hearing Officer's recommendation: find that the allegations of misconduct have not been proven by substantial evidence; approve certification eligibility as a law enforcement officer in the State of South Carolina; within thirty- (30) days expunge all evidence related to the allegations of misconduct. **Request for Final Agency Decision.**

Director Byron Snellgrove of the Cayce Department of Public Safety was in attendance to represent the agency and answer any questions Council may have regarding the misconduct allegations against Mr. Ramirez.

Mr. Ramirez was in attendance to speak on his own behalf and to answer any questions Council may have regarding the misconduct allegation against him.



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Upon hearing statements from Director Snellgrove and Mr. Ramirez, for the sake of opening a discussion regarding the matter, Sheriff Foster made a motion to accept the Hearing Officer's recommendation. The motion was seconded by Director Thomas.

Prior to the voting process, Council had an in depth discussion regarding this case. During this discussion, Council directed questions to both Director Snellgrove and Mr. Ramirez in pursuit of obtaining all facts of this case from both parties.

Upon conclusion of discussion, Council voted unanimously to not accept the recommendation of the Hearing Officer.

After the motion to accept the Hearing Officer's recommendation failed to pass, Sheriff Faile then made a new motion to permanently deny certification eligibility to Mr. Ramirez, and the motion was seconded by Director Adger. Council voted unanimously to permanently deny eligibility of Mr. Ramirez's law enforcement certification.

Frank Osrechek: 2018-CJA-11-07 (Spartanburg Police Department)

Summary: Allegations of repeated use of excessive force in dealing with the public and/or prisoners; physical or psychological abuses of members of the public and/or prisoners. The recommendation of the Hearing Officer is that Mr. Osrechek be permanently denied eligibility for certification as a law enforcement officer in the State of South Carolina. **Request for Final Agency Decision.**

Mr. Osrechek and his attorney, Andrew Johnston, were in attendance to give further details and answer any questions Council may have in regard to the misconduct allegations against Mr. Osrechek.

Director Adger made a motion to accept the recommendation of the Hearing Officer. Sheriff Foster seconded the motion.

Prior to the voting process, Council had a discussion regarding the details of the misconduct allegations against Mr. Osrechek. During the discussion, Council asked questions of Mr. Osrechek to gain further insight into his actions that led to the allegations against him.

Upon completion of the discussion, Council voted unanimously to permanently deny Mr. Osrechek's eligibility for law enforcement certification.

Blake Adams: 2018-CJA-03-06 (Fairfield County Sheriff's Office)

Summary: Mr. Adams pleaded guilty to Public Disorderly Conduct, for which he was charged, but Domestic Violence 2nd Degree was dismissed. Public Disorderly Conduct is not a felony, crime punishable by greater than one year or a crime of moral turpitude. **Request for Reinstatement of Law Enforcement Certification.**



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Director Adger made a motion to deny law enforcement certification until the criminal charge is expunged. Sheriff Faile seconded the motion. Council voted unanimously to deny Mr. Blake's law enforcement certification until the Public Disorderly Contact conviction is expunged from his criminal record.

Note: If the charge is expunged, reinstatement of Mr. Blake's law enforcement certification will be automatic.

Donald Forrester, Jr.: 2019-CJA-12-09 (SC Department of Natural Resources)

Summary: Lancaster County Sheriff's Office arrested Mr. Forrester for Domestic Violence 3rd Degree. Request for Temporary Suspension.

Sheriff Foster made a motion to temporarily suspend Mr. Forrester's law enforcement certification. Director Adger seconded the motion. Council voted unanimously to suspend Mr. Forrester's law enforcement certification pending the outcome of the criminal charges. *Please note that Director Boyles and Sheriff Faile recused themselves from the voting process in this case.*

Derek Lee: 2020-CJA-01-01 (Sheriff Al Cannon Detention Center)

Summary: Berkeley County Sheriff's Office arrested Mr. Lee for Domestic Violence 2nd Degree. **Request for Certification Suspension.**

Sheriff Foster made a motion to temporarily suspend Mr. Lee's law enforcement certification. Director Adger seconded the motion. Council voted unanimously to suspend Mr. Lee's law enforcement certification pending the outcome of the criminal charges.

Willie Green, Jr.: 2020-CJA-01-02 (Richland County Sheriff's Office)

Summary: Dillon County Sheriff's Office arrested Mr. Green for Assault and Battery 3rd Degree. **Request for Certification Suspension.**

Director Adger made a motion to temporarily suspend Mr. Green's law enforcement certification. Captain Gallam seconded the motion. Council voted unanimously to suspend Mr. Green's law enforcement certification pending the outcome of the criminal charges.

Tanitha Stirling: 2020-CJA-01-10 (J. Reuben Long Detention Center)

Summary: Horry County Police Department arrested Ms. Sterling for Domestic Violence 2nd Degree. **Request for Certification Suspension.**

Director Adger made a motion to temporarily suspend Ms. Sterling's law enforcement certification. Sheriff Faile seconded the motion. Council voted unanimously to suspend Ms. Sterling's law enforcement certification pending the outcome of the criminal charges.



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Kary Showers: 2020-CJA-01-11 (J. Reuben Long Detention Center) Summary: SC Highway Patrol arrested Mr. Showers for DUI .10 but less than .16 1st Offense. **Request for Certification Suspension.**

Director Adger made a motion to temporarily suspend Mr. Showers' law enforcement certification. Director Thomas seconded the motion. Council voted unanimously to suspend Mr. Showers' law enforcement certification pending the outcome of the criminal charges.

James Bazzle: 2020-CJA-01-13 (Dorchester County Sheriff's Office)

Summary: Mr. Bazzle was arrested and charged with Assault and Battery 3rd Degree. Information states that Bazzle threw an object and hit a woman while they were in the same vehicle. The woman then exited the vehicle and Bazzle chased her. Bazzle then struck her with a traffic cone and she lost consciousness. **Request for Certification Suspension.**

Director Thomas made a motion to temporarily suspend Mr. Bazzle's law enforcement certification. Director Adger seconded the motion. Council voted unanimously to suspend Mr. Bazzle's law enforcement certification pending the outcome of the criminal charges.

Tyler West – 2020-CJA-01-14 (SC Highway Patrol)

Summary: Mr. West was arrested and charged with Driving Under the Influence 1st Offense and Open Container. **Request for Certification Suspension.**

Director Adger made a motion to temporarily suspend Mr. West's law enforcement certification. Captain Gallam seconded the motion. Council voted unanimously to suspend Mr. West's law enforcement certification pending the outcome of the criminal charges.

Richard Edwards– No assigned case number

Summary: The Charleston County Sheriff's Office has petitioned the South Carolina Law Enforcement Training Council for a determination on Mr. Edwards' eligibility to attend a training class as a Class 2 Officer. Mr. Edwards was arrested by the West Columbia Police Department on July 28, 1990, and charged with Malicious Damage to Personal Property. Charleston County attempted to obtain a disposition for this charge against Mr. Edwards but was told by the Lexington County Clerk of Court that since the charge was made prior to 2000, they do not have a disposition record. The Court also stated that their office is not able to find any information regarding the 1990 charges against Mr. Edwards. **Request for Law Enforcement Certification Eligibility.**

For the sake of opening a discussion on the matter, Sheriff Foster made a motion to allow Mr. Edwards eligibility for law enforcement certification. Captain Gallam seconded the motion.

Prior to the voting process, Council had a discussion in regards to the inability to receive a disposition on the charge against Mr. Edwards and had questions answered by James Fennell in



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regards to the ability for Mr. Edwards to receive expungement if there is no disposition for the charge.

Upon conclusion of the discussion, Sheriff Foster amended his motion stating that if a document is submitted from the West Columbia Police Department or Lexington County Clerk of Court that a disposition for the 1990 charge against Mr. Edwards cannot be found, then eligibility for law enforcement certification will be granted. The motion was seconded by Captain Gallam. Council voted unanimously to adopt the amended motion as stated by Sheriff Foster.

Del Ray Fellows: No assigned case number

Summary: The Iva Police Department has petitioned the South Carolina Law Enforcement Training Council for a determination on Mr. Fellow's eligibility to attend training as a Class 1 Officer. Mr. Fellows received a Pardon for the more than 20 criminal charges spanning from 1983-2000. **Request for Law Enforcement Certification Eligibility.**

Chief Hawkins of the Iva Police Department was in attendance to speak on behalf of Mr. Fellows and answer any questions Council may have had in regards to Mr. Fellows' criminal history.

For the sake of opening a discussion on the matter, Sheriff Foster made a motion to grant eligibility to Mr. Fellows for law enforcement certification. Chief Taylor seconded the motion.

Council had an in depth discussion regarding the charges, Pardon and possibility of expungement of the criminal charges and convictions against Mr. Fellows in order to determine whether he is of good character. During the discussion, Council determined that Mr. Fellows has too many charges and convictions in his criminal history to be expunged from his record.

Upon conclusion of the discussion, the voting process took place. With the exception of "Yes" votes from Director Boyles and Sheriff Foster, Council voted to deny Mr. Fellows eligibility for law enforcement certification. ***Please note that Director Adger abstained from the voting process in this case.***

Jeffrey Cole: 2019-CJA-12-02 (Cherokee County Sheriff's Office)

Summary: The South Carolina Criminal Justice Academy (SCCJA) was notified by the South Carolina Law Enforcement Division (SLED) that Cole was arrested by their agency and charged with Domestic Violence 2nd Degree. A check of the SCCJA records showed Mr. Cole as currently employed with Cherokee County Sheriff's Office. When contacted, the Cherokee County Sheriff's Office advised that Mr. Cole was terminated upon his arrest on September 20, 2019. After the agency was contacted, a PCS of Misconduct was submitted to the Academy. The date of separation listed on the PCS is September 20, 2019; however, the PCS was not received until December 2, 2019. **Request for Acceptance of Allegation Filed after 30 Days.**



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Captain Gallam made a motion to accept the late PCS of Separation Due to Misconduct. Director Adger seconded the motion.

Prior to the voting process, there was a discussion amongst Council regarding the issues surrounding the reason this PCS was submitted after the 30-day requirement. Council discussed the fact that if these PCS forms are not accepted, officers who have committed egregious misconduct may still be working but are not of good character. When late PCS forms are accepted by Council, the officer will go through the hearing process for eligibility of their law enforcement certification to be determined by Council. Accepting these late PCS forms may ensure that an officer who has committed misconduct, especially of an egregious nature, will not be exempted from the consequences of his or her actions.

Council was in agreement that agencies need to be reminded of the importance to get these forms submitted within the 30-day deadline as is required.

Upon conclusion of the discussion, Council voted unanimously to accept the late PCS of Misconduct form submitted by Cherokee County Sheriff's Office.

Shane Conkey: 2019-CJA-12-10 (Charleston County Sheriff's Office)

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 law of the State. The date of separation listed on the PCS of Misconduct is April 24, 2019, and it was signed by Assistant Sheriff Lucas on May 2, 2019. It was determined that the document was never submitted by the Charleston County Sheriff's Office; therefore, Mr. Conkey was hired by the Mount Pleasant Police Department on June 3, 2019. **Request for Acceptance of Allegation Filed after 30 Days.**

Director Adger made a motion to accept the late PCS. Sheriff Foster seconded the motion.

Prior to the voting process there was a discussion amongst Council. During the discussion, Council determined that Mr. Conkey would not be able to perform any duties as a law enforcement officer as the allegation of misconduct against him would move forward for a contested hearing.

Upon completion discussion, Council voted unanimously to accept the late PCS of Separation Due to Misconduct form from Charleston County Sheriff's Office.

Barbara Hunnicutt-Nelson: 2019-CJA-12-11 (Greenville County Sheriff's Office)

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 law of the State. Greenville County submitted routine separation on August 20, 2019, and amended it to an allegation of misconduct on December 16, 2019. Reason for the late submission was an oversight submitting the amended



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PCS after a review board upheld the termination. **Request for Acceptance of Allegation Filed after 30 Days.**

Director Adger made a motion to accept the late PSC. Sheriff Foster seconded the motion. Council voted unanimously to accept the late PSC of Separation Due to Misconduct form.

Rachael Moore: 2020-CJA-01-08 (Lexington County Sheriff's Office)

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 law of the State. The South Carolina Criminal Justice Academy contacted the Lexington County Sheriff's Office to verify that the date of separation as listed on the PCS of Separation form. Lexington County confirmed that the date was correct. They advised that at the time of Ms. Moore's separation an investigation was being conducted. Lexington County Sheriff's Office further advised that that while awaiting the results of the investigation, there was an oversight in regards to submitting the misconduct allegation. **Request for Acceptance of Allegation Filed after 30 Days.**

Director Adger made a motion to accept the late allegation of misconduct. Director Thomas seconded the motion. Council voted unanimously to accept the late PSC of Separation Due to Misconduct form.

Upon conclusion of the voting process, Chief Keel requested that the Academy send out a written notification to law enforcement agency heads to stress the importance of submitting the PCS forms within the 30-day timeframe, which is the requirement.

3. **Financial Updates**

Tom McQueen

In contrast with last year, the Academy is ahead by approximately \$92,000 in Fees and Fines revenue as opposed to being down \$472,000. In addition, the Legislature allotted the Academy \$2,000,000 to replace the declining fees and fines, \$1.2 million for the establishment of the Mobile Training Teams, \$182,820 to cover salary and fringe and the Agency brought forward a balance of \$442,582 from FY 2019. Finally, \$5 surcharge funds continue to trickle in with the Academy receiving almost \$30,000.

Other than payroll expenditures for which the Academy was given money, expenditures increased slightly in the first six months of FY 2020, with the largest expenditure being the purchase of five Tahoes for the Mobile Training Team. Remaining expenditures are in line with the prior year.



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With the additional revenue, the Academy did not request any additional funds from the Legislature with the exception of a request of \$2,750,000 to purchase a generator for the main building.

Capital Projects Update

Lennie Hicks

The Village Dormitory Restroom Waterproofing Project is moving forward. At demolition, additional damage was to the metal studs behind the tile walls was found. \$103,000 was built into the cost for the project at the time of bidding. Based on the additional damage found, a \$40,000 Change Order was submitted. There is still \$75,000 remaining and are confident of the completion. Additional time will be needed to work on each floor, with an estimated timeframe of 6 weeks per floor. The Project was started in January and is estimated to be completed in July.

The FBI Tactical Training Center was put to use on Monday, January 27, 2020, for the FBI Swat Summit. The training center is complete with the exception of three stairwells that need the application of metal paint. Grand opening for the training center is February 20, 2020.

The Roofing Project is ready to go out for bidding. The project has been approved by the JBRC for \$328,000 to replace the roofs of the Range buildings, building #8 and to stop a leak in the warehouse.

The wiring for security upgrades was done in December, then, cameras were ordered. There is still approximately \$30,000 remaining in that project. Cameras have arrived and installation is anticipated to be started in the next week.

Cameras have been installed in the kitchen by in-house Facilities staff for approximately \$300 to monitor on students, staff and inmates in these areas to ensure that the operation is running smoothly.

Food costs per meal dropped by \$.03 due primarily to good management practices.

In the future, the purchase of UPS systems to purchase for the studio and the security system. This will cost \$27,000 - \$30,000. Additionally, the kitchen's hot water heater is leaking. It will cost approximately \$34,000 to replace.



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4. Director's Comments

Director Swindler

The FBI had historically held their SWAT Summit at Fort Jackson Army Base but due to distance between facilities on base, they asked if the Academy would be willing to host the event. The FBI is ecstatic about the training center. It is amazing to see all that can be done in the facility. On campus, there are 112 SWAT Members from across the State attending the SWAT Summit with approximately 20 instructors. The furniture has not been delivered yet and may or may not arrive by the ribbon cutting ceremony on February 20, 2020, at which time the facility will be open for touring. While inmates were quarantined, Academy staff painted, made target frames, and purchased gravel and dressed up the yard.

The FBI has asked the Academy to consider constructing a Vehicle Close Quarter Drill facility. The Academy may be reaching out to some of its partners to assist in this design, which would be a U-shaped, 15 feet in height construction for agents training at the facility to be able to shoot in all directions.

The FBI is very pleased with the construction of the training center and stated that if this addition was constructed at the Academy, it would certainly make this Tactical Training Center one of the premier facilities in the country.

Director Swindler was amazed to see that many former Hostage Rescue Team and SWAT members and trainers from across the country are now assigned to the FBI in South Carolina. With the FBI bringing more training to the new tactical training center, it may open more slots for local officers.

After the grand opening, the facility will be open for availability to agencies around the State.

Dignitaries on the Federal and State level are anticipated to attend the grand opening.

The Academy has had interesting times in terms of hiring. The Academy has been trying to hire instructors for the Mobile Training Team across the State but have only hired four, which have already been conducting training in the field. The intention is to hire people to train in the four regions of the State, but efforts have not been as successful as anticipated. Currently, the team in Columbia will be sent out to different parts of the State to train until other instructors are hired.

Director Swindler gave a report of personnel who have been hired and who have separated since the last quarterly meeting.



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UNFINISHED BUSINESS

Agenda Item 6

There was no unfinished business to discuss.

NEW BUSINESS

Agenda Item 7

There was no new business to discuss.

EXECUTIVE SESSION

Agenda Item 8

Sheriff Foster made a motion for Council to enter into Executive Session to discuss an employee compensation matter, pursuant to South Carolina Code of Laws Section 30-4-70 (a)(1). Sheriff Faile seconded the motion. The South Carolina Law Enforcement Training Council then went into Executive Session at 12:03 pm.

PUBLIC SESSION RECONVENED

Immediately upon adjournment of Executive Session, Chief Keel reconvened the public session at 12:14 pm. No votes were taken during Executive Session.

Sheriff Foster made a motion for a letter to be drafted and presented to the Agency Head Salary Commission from the SC Law Enforcement Training Council requesting to increase Director Jackie Swindler's salary to the midpoint of his salary range. The motion was seconded by Director Adger. Council voted unanimously to request a salary increase for Director Swindler.

Chief Keel stated that he would have a letter drafted and submitted to James Fennell for the purpose of record keeping. He also stated that the letter would be hand delivered to the Agency Head Salary Commission on the day of this meeting.

CLOSING REMARKS/ADJOURNMENT

Chief Keel asked if there were any comments or any other matters that needed to be addressed before adjournment.

There were no other comments or matters that needed to be addressed.

The meeting was adjourned at 12:20 pm.



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Respectfully submitted by:

Scheri E. Francois

Scheri E. Francois
Executive Assistant