



South Carolina Criminal Justice Academy

SOUTH CAROLINA LAW ENFORCEMENT TRAINING COUNCIL MEETING MINUTES

June 17, 2019
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, June 17, 2019. This meeting was advertised in accordance to the South Carolina Freedom of Information Act.

Chief Mark Keel, Chair of the Law Enforcement Training Council, called the meeting to order at 10:05 a.m. and asked for a roll call of the Training Council Members. The roll was called by Scheri Francois.

Members present at the meeting were Chief Mark A. Keel, State Law Enforcement Division (SLED) (Chair); Director Leroy Smith, S.C. Department of Public Safety (Co-Chair); Director Bryan Stirling, S.C. Department of Corrections; Sheriff Barry Faile, Lancaster County Sheriff's Office; Chief Tony Taylor, Williamston Police Department.

Members present via conference call were Sheriff Lee Foster, Newberry County Sheriff's Office; Director Robert Boyles, S.C. Department of Natural Resources, Director John Thomas, North Augusta Department of Public Safety; and Captain Nick Gallam, Aiken County Detention Center.

Attorney General Alan Wilson, Attorney General's Office, and Director Jerry Adger, S.C. Department of Probation, Parole and Pardon services were absent but represented by proxies, Barry Bernstein and Mike Nichols, respectively.

Guest attendees were Executive Director Ryan Alphin, SC Law Enforcement Officers' Assoc., SC Police Chiefs' Assoc.; Executive Director Mark Gosnell, S.C. Troopers' Association; Marcus Gore, SC Dept. of Public Safety; Attorney John O'Leary; Attorney D'Anne Haydel.

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

SC Criminal Justice Academy attendees were Director Jackie Swindler; James Fennell, General Counsel; Florence McCants, Administrative Operations Manager; Lauren Fennell, Standards & Accreditation Manager; Scheri Francois, Director's Executive Assistant; Debbie Bryant, Human Resources; Justin Miller, IT; Tim Plunklett; Ethan Grey.



South Carolina Criminal Justice Academy

APPROVAL FOR MEETING MINUTES

1. A motion to approve the minutes of the May 20, 2019, meeting was made by Sheriff Faile and seconded by Director Stirling. Council voted unanimously to accept the meeting minutes.

DIRECTOR'S REPORT

Agenda Item 4

2. General Counsel

- Misconduct Cases

Valerie Freeman: 2019-CJA-04-08

Summary: Hearing Officer Recommendation states Darlington County Sheriff's Office made an allegation of misconduct but did not attend to prosecute the case. Hearing Officer Recommendation is a finding of no substantial evidence, no misconduct, and expungement.

Director Smith made a motion to accept the recommendation of the Hearing Officer. The motion was seconded by Sheriff Faile. Council voted unanimously to adopt the recommendation of the Hearing Officer to approve eligibility for law enforcement certification and expungement of the record.

Laura Serrano: 2018-CJA-11-10

Summary: Hearing Officer Recommendation states that Greenville County Sheriff's Office made an allegation of misconduct but did not attend to prosecute the case. Hearing Officer Recommendation is a finding of no substantial evidence, no misconduct, and expungement.

Director Smith made a motion to accept the recommendation of the Hearing Officer. The motion was seconded by Sheriff Faile. Council voted unanimously to adopt the recommendation of the Hearing Officer to approve eligibility for law enforcement certification and expungement of the record.

Arles Grasty: 2017-CJA-08-18

Summary: Hearing Officer Recommendation states Anderson County Sheriff's Office made an allegation of misconduct but did not attend to prosecute the case. Officer did not attend either but is not required to present evidence at hearing. Hearing Officer Recommendation is a finding of no substantial evidence, no misconduct, and expungement.

Prior to the voting process, Chief Keel stated that it is disturbing that agencies do not show up at misconduct hearings of the officers that they make allegations of misconduct against. He wants to look into establishing some form of sanction against agencies that do not show up to these hearings.



South Carolina Criminal Justice Academy

Director Smith made a motion to accept the recommendation of the Hearing Officer. The motion was seconded by Sheriff Faile. Council voted unanimously to adopt the recommendation of the Hearing Officer to approve eligibility for law enforcement certification and expungement of the record.

Nicholas Bostic: 2017-CJA-12-09

Summary: Hearing Officer Recommendation states South Carolina Criminal Justice Academy made an allegation of misconduct but did not meet their burden of proof. Hearing Officer Recommendation is no misconduct and officer is eligible to obtain his law enforcement certification.

Director Smith made a motion to accept the recommendation of the Hearing Officer. The motion was seconded by Director Stirling. Council voted unanimously to adopt the recommendation of the Hearing Officer to approve eligibility for law enforcement certification and expungement of the record.

Andrew Witmer: 2018-CJA-08-01

Summary: Hearing Officer Recommendation states Lancaster Police Department made an allegation of misconduct but did not meet their burden of proof. Hearing Officer Recommendation is no misconduct, officer is eligible for his law enforcement certification and expungement.

Mr. O'Leary was present to represent Mr. Witmer and asked that Council accept the recommendation of the hearing officer.

Upon making a brief statement in regards to the allegations against Mr. Witmer, Director Smith made a motion to accept the recommendation of the hearing officer. The motion was seconded by Director Stirling.

Prior to the voting process, Council had a brief discussion of the allegations against Mr. Witmer. Council voted unanimously to adopt the recommendation of the Hearing Officer to grant Mr. Witmer eligibility to obtain his law enforcement certification and expungement of the records. *Please note that Sheriff Faile recused himself from the voting process in this case.*

Adam Raynor: 2016-CJA-11-02

Summary: Hearing Officer Recommendation states Florence Police Department made an allegation of misconduct but did not meet their burden of proof. Hearing Officer Recommendation is no misconduct, officer is eligible to obtain his law enforcement certification and expungement.

Mr. O'Leary was present to represent Mr. Raynor and asked that Council accept the recommendation of the Hearing Officer.



South Carolina Criminal Justice Academy

Upon making a brief statement in regards to the allegations against Mr. Raymor, Director Smith made a motion to accept the recommendation of the Hearing Officer. The motion was seconded by Director Stirling.

Prior to the voting process, Director Stirling made an additional comment in reference to the allegations against Mr. Raymor.

Council voted unanimously to adopt the recommendation of the Hearing Officer to grant Mr. Raymor eligibility to obtain his law enforcement certification and expungement of the records within 30 days.

Crystal Quiones: 2018-CJA-08-21

Summary: Hearing Officer Recommendation states Orangeburg County Sheriff's Office made an allegation of misconduct but did not meet their burden of proof. Hearing Officer Recommendation is no misconduct, officer is eligible to obtain her law enforcement certification and expungement.

Mr. Hicks was present to represent Ms. Quiones and asked that Council accept the recommendation of the Hearing Officer.

Ms. Haydel was present to represent the Orangeburg County Sheriff's Office and stated that this matter is meaningful to the Orangeburg County Sheriff's Office. Not only did they show up at the hearing, they also brought many witnesses and collected documentation to prove their case. It is the opinion of the Sheriff's Office that their agency provided substantial evidence to support their finding of misconduct.

Director Smith made brief comments regarding his concerns about the allegations against Ms. Quiones. Director Smith made a motion to accept the recommendation of the Hearing Officer to grant eligibility of law enforcement certification, impose one (1) year probation, 8- hours of ethics training at the officer's expense, and at the conclusion of the probationary period expunge records of the case within 30 days. The motion was seconded by Captain Gallam.

Prior to the voting process, members of Council addressed concerns and had questions answered by both attorneys present. Both attorneys gave additional information to Council for clarity.

After hearing statements from the attorneys, Director Smith amended his motion, recommending suspension of the officer's certification for two (2) years, one (1) year probation after the suspension and expungement of the records after three (3) years. The motion was seconded by Director Stirling.

Before a vote was taken, Council continued to discuss the details of this case.



South Carolina Criminal Justice Academy

Council voted to table the initial motion made by Director Smith. Director Smith repeated his second motion again, which was seconded by Director Stirling.

Before a vote was taken on the new motion, some members of Council voiced their concerns about the motion and disagreed with Ms. Quinones receiving her law enforcement certification.

With the exception of three “Yes” votes, Council voted not to accept the new motion made by Director Smith.

A new motion was made by Sheriff Faile to permanently deny Ms. Quinones her law enforcement certification. The motion was seconded by Sheriff Foster. With an exception of a “No” vote by Director Smith, Council voted unanimously to permanently deny law enforcement certification of Ms. Quinones.

Darline Richardson: 2018-CJA-06-14

Summary: Hearing Officer Recommendation states Alvin S. Glenn made an allegation of misconduct but did not meet their burden of proof. Hearing Officer Recommendation is no misconduct, officer is eligible to obtain her law enforcement certification and expungement.

Director Smith made a motion to accept the recommendation of the Hearing Officer. The motion was seconded by Sheriff Faile. Council voted unanimously to adopt the recommendation of the Hearing Officer to grant eligibility to obtain her law enforcement certification and expunge the records within 30 days.

Manwello Mack: 2018-CJA-02-10

Summary: Lexington County Health Services made an allegation of misconduct against Mr. Mack. Hearing Officer Recommendation states they proved their case by substantial evidence that Mr. Mack made a false statement. LETC to determine sanction up to permanent denial.

Upon making brief comments in regards to the allegations against Mr. Mack, Director Smith made a motion to permanently deny Mr. Mack eligibility to obtain his law enforcement certification. The motion was seconded by Sheriff Faile. Council voted unanimously to permanently deny Mr. Mack eligibility to obtain his law enforcement certification.

Joseph Mills – 2018-CJA-07-09

Summary: Beaufort County Sheriff’s Office made an allegation of misconduct against Mr. Mills. Hearing Officer Recommendation states they proved their case by substantial evidence that Mr. Mills made a false statement. Recommended permanent denial.

Director Smith made a motion to accept the Hearing Officer’s recommendation. The motion was seconded by Sheriff Faile. Council unanimously voted to adopt the Hearing Officer’s recommendation to permanently deny Mr. Mills’ law enforcement certification.



South Carolina Criminal Justice Academy

Isaac Jackson– 2019-CJA-05-14

Summary: Mr. Jackson worked for Bamberg County Detention Center and was arrested by SLED for misconduct in office. Request for Suspension of Certification.

Director Smith made a motion to temporarily suspend certification pending the outcome of the charges. The motion was seconded by Sheriff Faile. Council unanimously voted to temporarily suspend Mr. Jackson's law enforcement certification pending the outcome of the criminal charges. *Please note that Chief Keel recused himself from the voting process in this case.*

Jaquan Booker: 2019-CJA-06-03

Summary: Mr. Booker worked for Allendale County Detention Center and was arrested for Domestic Violence, 2nd Degree. Request for Suspension of Certification.

Director Smith made a motion to temporarily suspend certification pending the outcome of the charges. The motion was seconded by Sheriff Faile. Council unanimously voted to temporarily suspend Mr. Jackson's law enforcement certification pending the outcome of the criminal charges.

Roger Burris: 2019-CJA-06-04

Summary: Mr. Burris pleaded guilty to cruelty to children and sentenced to 30 days, suspended upon payment of fine. The charge was expunged in April 2019. Request for Reinstatement of Law Enforcement Certification.

Director Smith made a motion to reinstate Mr. Burris' law enforcement certification with one (1) year probation. The motion was seconded by Sheriff Foster. With the exception of a "Yes" vote by Director Smith, Council voted unanimously against reinstating Mr. Burris' law enforcement certification.

A new motion was made by Director Stirling to permanently deny reinstatement of Mr. Burris' law enforcement certification. The motion was seconded by Sheriff Faile.

Prior to the voting process, there was a discussion between Council members and Jimmy Fennell to gain clarity as to how the Council should move forward in their vote of this case.

Upon conclusion of this discussion, Council unanimously voted to permanently deny Mr. Burris reinstatement of his law enforcement certification. *Please note that Chief Keel recused himself from the voting process in this case.*

David Owens: 2018-CJA-05-05

Summary: Mr. Owens was arrested for DUI but was found not guilty and the charge was expunged. His driver's license was not suspended for DUI, which is the disqualifying event. Request for Reinstatement of Law Enforcement Certification.



South Carolina Criminal Justice Academy

Director Smith made a motion to reinstate certification for Mr. Owens. The motion was seconded by Sheriff Faile. Council unanimously voted to reinstate Mr. Owens' law enforcement certification.

Justin Griner – 2019-CJA-01-06

Summary: Mr. Griner was arrested for DUI but pleaded guilty to reckless driving. His driver's license was not suspended, which is the qualifying event. Request for Reinstatement of Law Enforcement Certification.

Director Smith made a motion to reinstate certification for Mr. Griner with a one (1) year probationary period. The motion was seconded by Sheriff Faile.

Prior to the voting process, Director Smith reminded the Council that they had voted to reinstate Jennifer McDowell's law enforcement certification with one (1) year probation on May 20, 2019, after her arrest for a DUI and Child Endangerment. Ms. McDowell pleaded guilty to Reckless Driving and the charges for the DUI and Child Endangerment were dismissed.

Council unanimously voted to reinstate Mr. Griner's law enforcement certification with a one (1) year probationary period.

Jacob Scott: 2019-CJA-03-15

Summary: Mr. Scott was arrested for Domestic Violence, 2nd Degree, but charges were dismissed at a preliminary hearing. Request for Reinstatement of Law Enforcement Certification. Council had a short discussion in the matter concerning the charges against Mr. Scott.

Upon the conclusion of the brief discussion, Director Smith made a motion to reinstate certification for Mr. Scott. The motion was seconded by Director Stirling. Council unanimously voted to reinstate Mr. Scott's law enforcement certification.

Donald Corbett: No assigned case number

Summary: Mr. Corbett, a candidate for Class 3 training, was convicted of writing fraudulent checks in 1988 and 1994. Mr. Corbett stated that it was his ex-wife who wrote the bad checks on a joint account without his knowledge. Request for Eligibility to Obtain Law Enforcement Certification.

Director Smith made a motion to grant certification eligibility with a one (1) year probationary period. The motion was seconded by Director Stirling. Council unanimously voted to grant Mr. Corbett eligibility to obtain his law enforcement certification with a one (1) year probationary period.



South Carolina Criminal Justice Academy

Valerie Thorpe-Burke: 2019-CJA-05-17

Summary: Date of suspension was March 20, 2019, and the PCS was dated May 29, 2019, and was received May 31, 2019 (70 days). Statute requires PCS to be submitted within 30 days, unless LETC finds extenuating circumstances for delay. The stated reason for the delay was staffing changes. Request to Accept Misconduct Allegation that was filed after statutory 30-day period.

A brief discussion was made in regards to determining whether Council go by the date that the PCS form was dated or by the date the form was received by the Academy. It was determined that Council could go by either date, but it would be cleaner to go by the date of May 29, 2019.

Director Smith made a motion not to accept the late PCS form for misconduct. The motion was seconded by Sheriff Faile.

Prior to the voting process, Council discussed whether they could legally vote in this case because of how long it was delayed. Jimmy Fennell stated that a vote on this case had to take place.

Council voted unanimously not to accept misconduct allegations that was filed after statutory 30 day period.

Director's Comments

3. Director Swindler

The shoot house project should be complete sometime around September. Hopefully, there will be a ribbon cutting around October.

Jim Graham, who was assigned as the supervisor over Defensive Tactics, has been promoted to Advanced Training Coordinator, the position formerly held by Wayne Harris, who has retired. There is now an opening for a new Defensive Tactics supervisor and probably an opening for a Defensive Tactics instructor.

In the Academy's budget, funding was received for the Mobile Training Team. The Academy will start the mobile training sometime after July 1, 2019. Fifteen trainers will be hired to be assigned to different areas throughout the State to train officers in the field.

The Academy had candidates come the first two Wednesdays to take the Cumulative and PAT Tests. We had 2 academic failures on 1st Wednesday with 10 physical abilities test failures. Last week there was 1 academic failure and 2 PAT Course failures. Classes 700, which started today, 701 and 702 slots have been filled. This week there are only a few candidates signed up to take the tests, and the successful candidates will start filling slots for Class 703. There have been a lot of positive comments about the new hybrid program. The Academy is very excited about the success



South Carolina Criminal Justice Academy

of the testing on the last two Wednesdays. The success/failures rate of the tests taken at the Academy were pretty consistent with the success/failure rate of candidates who had taken these tests in the field.

There are only about 6 slots filled for Class 703. Agencies are spreading candidates out to do additional training in the field before sending them to the Academy. Agencies are also choosing to group all of their candidates together.

The class sizes are starting with approximately 70 students.

CLOSING REMARKS AND ADJOURNMENT

Director Stirling commented that the Academy is doing a great job with implementing the new hybrid program.

Director Swindler stated that a lot of work has been put in to make the program successful.

Sheriff Faile gave his appreciation to the Academy Staff.

A discussion took place about what could be done in regards to agencies not showing up to hearings to substantiate their allegations of misconduct against their officers. It was determined that there is a civil penalty potentially up to \$1, 500 via regulation. South Carolina Code Section 23-23-15 requires the agency to report the allegation, and the regulation requires the agency to prosecute the charge. The Academy sends out the Intent to Prosecute Form with the hearing package, and agencies are replying that they will show up but do not. Council could do a civil penalty and perhaps impose fees to cover the cost of the court reporter.

Chief Keel and Director Swindler will address this with the sheriffs and chiefs to stress the importance of this issue.

Chief Swindler stated that the first course of action could be addressing the groups to let them know how important it is for them to send representatives to these misconduct hearings, and if they do not comply, sanctions will be imposed upon their agencies.

Chief Keel stated that it would be better for this issue to be brought up with the sheriffs by Sheriff Faile or Sheriff Foster since they are not only sheriffs but also members of the Training Council.

Upon the conclusion of this discussion, a motion to adjourn the meeting was made by Director Stirling and seconded by Sheriff Faile. After a unanimous vote by the Council, the meeting was adjourned at 11:33 a.m.



South Carolina Criminal Justice Academy

Respectfully submitted by:

Scheri E. Francois

Scheri E. Francois
Executive Assistant