



# South Carolina Criminal Justice Academy

## SOUTH CAROLINA LAW ENFORCEMENT TRAINING COUNCIL MEETING MINUTES

October 21, 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, October 21, 2019. 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 10:02 a.m. Chief Keel called for a roll call of the Council members. Scheri Francois called the roll.

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 (SCDPS) (Co-Chair); Director Bryan Stirling, S.C. Department of Corrections; Director Robert Boyles, S.C. Department of Natural Resources; 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.

Absent members were Attorney General Alan Wilson, Attorney General's Office; Director Jerry Adger, S.C. Department of Probation, Parole and Pardon Services; and Director John Thomas, North Augusta Department of Public Safety. Attorney General Wilson, and Director Adger were represented by proxies, Barry Bernstein, and Mike Nichols, respectively.

Guest attendees were Former Chief Robert Stewart (SLED); Robert McCullough, S.C. Department of Natural Resources; Jarrod Bruder, S.C. Sheriff's Association; Ryan Alphin, S.C. Police Chiefs Association/S.C. Law Enforcement Association; Adam Whitsett, General Counsel (SLED); Marcus Gore, General Counsel, SCDPS; Chief Kenneth Phelps, SCDPS; Attorney Ryan Hicks.

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

SC Criminal Justice Academy attendees were Director Jackie Swindler; James Fennell, General Counsel; Lauren Fennell, Standards & Accreditation Manager; Scheri Francois, Director's Assistant; Justin Miller, IT; and Christopher Brumlow, Investigator, Lennie Hicks, Facilities Operations Manager; Tom McQueen, Financial Operations Manager;



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## **APPROVAL OF AGENDA**

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

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

***Please note that due to the need to adjust the order of agenda items, the format of this meeting's agenda differs from that of the meeting minutes.***

## **APPROVAL FOR MEETING MINUTES**

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

1. A motion to approve the minutes of the September 16, 2019, meeting was made by Sheriff Foster and seconded by Director Boyles. Council voted unanimously to accept the meeting minutes as recorded.

## **Financial Report**

### ***Agenda Item 4B***

For FY2020, the Legislature allotted the Academy \$2,000,000 in General Funds to replace Fees & Fines revenues which have been declining for ten of the last eleven years. Also, the Academy was granted \$1,200,000 for the establishment of Mobile Training Teams and \$182,820 to cover salary and fringe increases for phase three of the instructor salary realignment.

With the additional revenue that was given for FY2020, the Academy is not asking for any additional recurring or non-recurring funds from the Legislature this year with the only item requested in this year's budget being a capital budget request of \$2,750,000 to purchase a generator for the main building.

The Agency also had a carryforward balance of \$442,583 from FY2019. Fees & Fines revenues are \$93,355 ahead of this same time last year. \$5 Surcharge funds continue to trickle in with the Academy receiving \$15,251 for the first three months this year.

Although there were slight reductions in grant funding, the Academy was awarded a grant for \$75,000 for an Advanced Level Forensics Training Program.

Expenses were a little higher than last year due to salary and fringe increases.



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## **Capital Project Report**

### ***Agenda Item 4C***

The Village Dormitory Waterproofing Project is moving forward with the bid having been awarded to MAR Construction for \$347,000. There was \$565,000 in the budget for this project. MAR is the company that did the roofs, remodeling of the receptionist area, and remodeled a large portion of the kitchen. A pre-construction meeting for this project will be held in the upcoming weeks.

There is a roofing project underway for two of the buildings on the Academy's main campus, and three of the Range buildings need to be re-shingled and have new fiberglass panels installed. This project will be submitted to the Joint Bond Review Committee for their December meeting, at which time this project expected to be approved.

The \$125,000 Campus Security Upgrade project to add cameras to the Village complex as well as expanding other video capabilities on campus is awaiting State Material Management action to award the contract based upon bids. The bidding for this project will be held on November 12, 2019.

Dominion Energy has replaced fuses at the Range because the old fuses kept being blown. The cost to replace these fuses was a little over \$900.

Food costs per meal during the third quarter of the calendar year have averaged \$1.46, up slightly from the \$1.34 last quarter, due primarily to increases in meat prices. The Academy has added a salad bar at lunchtime two times a week. If that works well, the salad bar may be expanded to more days a week.

## **Director's Comments**

### ***Agenda Item 4D***

The Director gave updates on the FBI Tactical Building project. The projected completion date has been extended by a month. The new projected date of completion is December 10, 2019, instead of November 10, 2019. It is anticipated that an official ribbon cutting ceremony will be held sometime at the beginning of 2020.

The state SWAT Summit is scheduled to be held at the Academy on January 27, 2019, with an expected 127 SWAT members from around the state. These members will be able to utilize the new tactical building.



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## Unfinished Business – Civil Penalty Proposal

### *Agenda Item 5a*

Prior to this meeting Council received the current Authorized Agency Representative Acknowledgement, a document sent to agencies when contested hearing cases involving misconduct of one of their officers has been scheduled. The current acknowledgement statement reads as follows:

*A representative of the above identified Agency **WILL BE PRESENT** at the contested case hearing for the above identified Officer to present the Agency case regarding the allegations of Officer misconduct.*

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*Printed Name of Agency Representative*

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*Signature of Agency Representative    Date*

**OR**

*A representative of the above identified Agency **WILL NOT BE PRESENT** at the contested case hearing for the above identified Officer to present the Agency case regarding the allegations of Officer misconduct.*

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*Printed Name of Agency Representative*

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*Signature of Agency Representative    Date*

A revised version of this document was presented to Council to discuss and vote on whether to authorize Director Swindler to impose a civil penalty of \$250 when an agency fails to appear at a hearing or pursue an allegation of misconduct against the individual who signed and returned the form to the Academy.

There was a discussion amongst Council and Director Swindler with input from association directors in attendance at the meeting. Council and association directors had various questions and concerns regarding the added language to the acknowledgement statement. Questions were addressed by Director Swindler and James Fennell.

Upon the end of discussion, Sheriff Foster made a motion to accept the civil penalty proposal as written and including new language as suggested by Council.



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Prior to the voting process, Council engaged in further discussion regarding how to appropriately detail the language of the civil penalty and appropriately determine who is subject to the civil penalty.

Upon the conclusion of final comments and questions, Council voted unanimously to include a notice of civil penalty on the Authorized Agency Representative Acknowledgement Form. To reflect the inclusion of the notice of civil penalty, the new acknowledgement statement will read as follows:

*A representative of the above identified Agency **WILL BE PRESENT** at the contested case hearing for the above identified Officer to present the Agency case regarding the allegations of Officer misconduct. If the agency confirms it will be present at the contested case hearing and does not appear, the agency will incur a civil penalty up to \$500.00 and/or the individual signing this document may be subject to an allegation of misconduct for providing false information to the Criminal Justice Academy.*

\_\_\_\_\_  
*Printed Name of Agency Representative*

\_\_\_\_\_  
*Signature of Agency Representative*    *Date*

**OR**

*A representative of the above identified Agency **WILL NOT BE PRESENT** at the contested case hearing for the above identified Officer to present the Agency case regarding the allegations of Officer misconduct.*

\_\_\_\_\_  
*Printed Name of Agency Representative*

\_\_\_\_\_  
*Signature of Agency Representative*    *Date*



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## **Misconduct Cases**

### ***Agenda Item 4A***

#### **Adam Throckmorton: 2019-CJA-05-12 (Summerville Police Department)**

**Summary:** Allegation that Mr. Throckmorton physically or psychologically abused a member of the public and/or a prisoner. Hearing Officer recommended the allegation was proven by substantial evidence and Mr. Throckmorton be denied eligibility for certification as a law enforcement officer.

Sheriff Foster made a motion to accept the Hearing Officer's recommendation. Sheriff Faile seconded the motion. Council voted unanimously to adopt the Hearing Officer's recommendation to permanently deny Mr. Throckmorton's eligibility for certification as a law enforcement officer.

#### **Matthew Roberge: 2019-CJA-04-17 (University of SC Police Department)**

**Summary:** Allegation that Mr. Roberge willfully provided 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 and falsified an application for certification and training based upon which the officer was admitted for training. Hearing Officer recommended the allegation was proven by substantial evidence and Mr. Roberge be denied eligibility for certification as a law enforcement officer.

Todd Hagins was in attendance to represent the agency to answer any questions Council may have.

Director Smith made a motion to accept the Hearing Officer's recommendation. Sheriff Foster seconded the motion. Council voted unanimously to adopt the Hearing Officer's recommendation to permanently deny Mr. Roberge's eligibility for certification as a law enforcement officer.

#### **Xia-Xiana Sherman: 2017-CJA-08-07 (Lexington County SO)**

**Summary:** Allegation that Ms. Sherman was dishonest/untruthful with respect to her employer. Hearing Officer recommended the allegation was proven by substantial evidence and Ms. Sherman be denied eligibility for certification as a law enforcement officer.

Joel Deason was in attendance to represent the agency to answer any questions Council may have.

Captain Gallam made a motion to accept the Hearing Officer's recommendation. Sheriff Faile seconded the motion. Council voted unanimously to adopt the Hearing Officer's recommendation to permanently deny Ms. Sherman's eligibility for certification as a law enforcement officer.

#### **Bethany Driggers: 2019-CJA-06-14 (SLED)**

**Summary:** Allegation that Ms. Driggers willfully made false, misleading, incomplete, deceitful, or incorrect statements to a law enforcement officer, a law enforcement agency, or a



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representative of the agency, except when required by departmental policy or by the laws of this State. Hearing Officer recommended the allegation was proven by substantial evidence and Ms. Driggers be denied eligibility for certification as a law enforcement officer.

Attorney Ryan Hicks was in attendance to represent Ms. Driggers, and SLED General Counsel, Adam Whitsett, was present to represent the agency.

Mr. Hicks spoke on behalf of Ms. Driggers and asked that Council vote not to accept the Hearing Officer's recommendation to permanently deny Ms. Driggers' law enforcement certification.

Mr. Whitsett also spoke, giving further detail into the allegations against Ms. Driggers and asked that the recommendation of the Hearing Officer be upheld.

Director Smith made a motion to accept the Hearing Officer's recommendation. Captain Gallam seconded the motion. Council voted unanimously to adopt the Hearing Officer's recommendation to permanently deny Ms. Driggers' eligibility for certification as a law enforcement officer. ***Please note that Chief Keel voted in this case but later recused himself by letter which is available upon request. The withdrawal did not affect the existence of a quorum nor did it affect the unanimous vote to adopt the Hearing Officer's Recommendation.***

### **Keith O'Quinn: 2019-CJA-06-12 (SLED)**

**Summary:** Allegation that Mr. O'Quinn willfully made 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 laws of this State. Hearing Officer recommended the allegation was proven by substantial evidence and Mr. O'Quinn be denied eligibility for certification as a law enforcement officer.

Attorney Ryan Hicks was in attendance to represent Mr. O'Quinn, and SLED General Counsel, Adam Whitsett, was present to represent the agency.

Mr. Hicks spoke on behalf of Mr. O'Quinn and asked that Council vote not to accept the Hearing Officer's recommendation to permanently deny Mr. O'Quinn's law enforcement certification.

Mr. Whitsett also spoke, giving further detail into the allegations against Mr. O'Quinn and asked that the recommendation of the Hearing Officer be upheld.

Director Smith made a motion to accept the recommendation of the Hearing Officer. Sheriff Foster seconded the motion. Council voted unanimously to adopt the Hearing Officer's recommendation to permanently deny Mr. O'Quinn's eligibility for certification as a law enforcement officer. ***Please note that Chief Keel voted in this case but later recused himself by letter which is available upon request. The withdrawal did not affect the existence of a quorum nor did it affect the unanimous vote to adopt the Hearing Officer's Recommendation.***



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## **Ryan Burke: 2019-CJA-03-13 (Hanahan PD)**

**Summary:** Allegation that Mr. Burke willfully made 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 recommended the allegation was not proven by substantial evidence, Mr. Burke be deemed eligible for certification as a law enforcement officer, and the records expunged within 30 days.

Director Smith made a motion to accept the Hearing Officer's recommendation. The motion was seconded by Sheriff Foster. Council voted unanimously to adopt the Hearing Officer's recommendation that Mr. Burke is eligible for certification as a law enforcement officer and that the records from this misconduct case be expunged within 30 days.

## **James Hardesty: 2017-CJA-08-01 (SCDPS)**

**Summary:** Allegation that Mr. Hardesty was dishonest/untruthful with respect to her employer. Hearing Officer recommended the allegation was proven by substantial evidence and Mr. Hardesty be denied eligibility for certification as a law enforcement officer.

Marcus Gore was in attendance to represent the agency and answer any questions Council may have. Mr. Gore asked that Council adopt the recommendation of the Hearing Officer.

Sheriff Faile made a motion to accept the Hearing Officer's recommendation. The motion was seconded by Sheriff Foster. Council voted unanimously to adopt the recommendation of the Hearing Officer to deny Mr. Hardesty's eligibility for certification as a law enforcement officer. *Please note that Director Smith recused himself from the voting process.*

## **Kenneth Pitts: 2019-CJA-08-09 (Chester PD)**

**Summary:** Allegation that Mr. Pitts willfully made 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. The allegation was withdrawn at the hearing. Hearing Officer recommended the contested case be dismissed and files closed, expunge any records associated with the allegation of misconduct, and the file maintained by CJA be updated to reflect no outstanding allegations of misconduct.

Director Smith made a motion to accept the Hearing Officer's recommendation. The motion was seconded by Captain Gallam. Council voted unanimously to adopt the Hearing Officer's recommendation that the contested case be dismissed, files of the case be closed, expungement of the records associated with the allegation of misconduct, and the file maintained by CJA be updated to reflect no outstanding allegations of misconduct against Mr. Pitts.

## **Jason Chaney: 2017-CJA-08-17 (Lamar PD)**

**Summary:** The South Carolina Criminal Justice Academy was notified that Chief Jason Chaney of the Lamar Police Department was arrested by Agents of the South Carolina Law



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Enforcement Division and was charged with Theft of a Controlled Substance x 2, Misconduct in Office x 2, and Filing a False Police Report. Chaney allegedly removed 2 bottles containing hydrocodone and codeine from evidence in June and changed a police report to cover the missing drugs. The South Carolina Law Enforcement Training Council voted to temporarily suspend Mr. Chaney's law enforcement certification pending the disposition of the criminal charges. Request for Reinstatement of Law Enforcement Certification.

The South Carolina Criminal Justice Academy was notified that the above mentioned charges for Filing a False Police Report of a Felony Violation, Theft of a Controlled Substance 1<sup>st</sup> Offense (2 Counts) and one count of Misconduct In Office against Mr. Chaney were Nolle Prossed and the other count of Misconduct in Office was expunged from his record after he successfully completed Pre-Trial Intervention.

There was a brief discussion amongst Council to gain clarity regarding the misconduct and criminal charges against Mr. Chaney and the dismissal of these charges under the Pre-Trial Intervention program.

Upon conclusion of this discussion, Director Smith made a motion to not reinstate Mr. Chaney's law enforcement certification. The motion was seconded by Sheriff Foster. Council voted unanimously to permanently deny Mr. Chaney's certification as a law enforcement officer. *Please note that Chief Keel abstained from the voting process in this case.*

## **Jesse Truesdale (no assigned case)**

**Summary:** The Fairfield County Detention Center has petitioned the South Carolina Law Enforcement Training Council for a determination on Mr. Truesdale's eligibility to attend training as a Class 2 Officer. The Fairfield County Detention Center has advised that pursuant to a guilty plea at a General Court-Martial, Truesdale received a Bad Conduct Discharge from the United States Marine Corps as a result of a failed urine analysis test after testing positive for cocaine.

There was a discussion amongst Council in regards to the details of the bad conduct that led to Mr. Truesdale's discharge from the United States Marine Corps.

Upon conclusion of this discussion, Director Smith made a motion to deny Mr. Truesdale's eligibility to receive certification in law enforcement. The motion was seconded by Captain Gallam. Council voted unanimously to deny Mr. Truesdale's eligibility to receive certification as a law enforcement officer.

## **Miriam Leaman 2019-CJA-09-05 (Greenwood Co. Det.Ctr.)**

**Summary:** On September 13, 2019, the Greenwood County Detention Center submitted a PCS of Separation Due to Misconduct pertaining to Miriam Leaman alleging unlawful use of a controlled substance. The listed date of separation on the PCS of Separation Due to Misconduct is May 31, 2019. The Greenwood County Detention Center was contacted to confirm the accuracy



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of the listed date of separation for Leaman. They advised the date of separation was in fact accurate. They further advised that Leaman was the subject of an investigation with the South Carolina Law Enforcement Division for providing controlled substances to inmates of the Greenwood County Detention Center and the agency did not submit the PCS of Separation Due to Misconduct until after the SLED investigation was complete.

The Greenwood County Detention Center advised that on August 23, 2019, the South Carolina Law Enforcement Division arrested and charged Leaman with one count of Misconduct In Office and one count of Furnishing Inmates with Contraband. The PCS of Separation Due to Misconduct was then submitted to the South Carolina Criminal Justice Academy.

Charges Pending:

- Misconduct-in-Office
- Furnishing Inmates with Contraband

Sheriff Foster made a motion to accept the late PCS. The motion was seconded by Director Smith. Council voted unanimously to accept the late PCS.

## **CLOSING REMARKS AND ADJOURNMENT**

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

Chief Keel gave his appreciation to the Training Council for being attending the meeting. He also gave thanks to Academy Staff for the progress being made with the updated curriculum.

Director Swindler gave updates on the continued success of the new curriculum. Director Swindler stated that the Academy is caught up with the capacity issue and are graduating almost all of the students that have been registered in each respective class.

Lauren Fennell has submitted the Academy's accreditation for the third year and the assessment is complete. Director commended Ms. Fennell for a job well done.

Director Stirling gave updates on the success of SCDC in regards to their updated curriculum.

Upon completion of these closing remarks, Sheriff Foster made a motion to adjourn the meeting. The motion was seconded by Director Stirling.

The meeting was adjourned at 11:13 a.m.



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Respectfully submitted by:

Scheri E. Francois

Scheri E. Francois, Executive Assistant