



# South Carolina Criminal Justice Academy

SOUTH CAROLINA  
LAW ENFORCEMENT TRAINING COUNCIL  
MEETING MINUTES  
September 16, 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, September 16, 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 10:01 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 Robert Boyles, S.C. Department of Natural Resources; Director John Thomas, North Augusta Department of Public Safety; Sheriff Barry Faile, Lancaster County Sheriff's Office.

Members present via conference call were Sheriff Lee Foster, Newberry County Sheriff's Office; and Chief Tony Taylor, Williamston Police Department.

Absent members were Attorney General Alan Wilson, Attorney General's Office; Director Leroy Smith, S.C. Department of Public Safety (Co-Chair); Director Bryan Stirling, S.C. Department of Corrections; Director Jerry Adger, S.C. Department of Probation, Parole and Pardon Services; and Captain Nick Gallam, Aiken County Detention Center. Attorney General Wilson, Director Smith, Director Stirling and Director Adger were represented by proxies, Barry Bernstein, Kenneth Phelps, Brian Bolchoz, and Mike Nichols, respectively.

Guest attendees were Former Chief Robert Stewart (SLED); Robert McCullough, S.C. Department of Natural Resources; Bart Vincent, S.C. Department of Corrections; Stephen Lunsford, S.C. Department of Corrections; Tessie A. Smith, S.C. Department of Corrections; Imani Byas, S.C. Department of Public Safety; Octavia Wright, S.C. Department of Probation, Parole and Pardon Services; Jeff Harmon, S.C. Department of Probation, Parole and Pardon Services; Attorney Courtney Atkinson; Attorney John O'Leary; Attorney Chris Lusk.

***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 &



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Accreditation Manager; Scheri Francois, Director's Assistant; Justin Miller, IT; and Christopher Brumlow, Investigator, Tim Plunkett.

## **APPROVAL OF AGENDA**

### *Agenda Item 2*

Upon a motion made by Director Boyles and seconded by Sheriff Faile, 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 August 19, 2019, meeting was made by Director Boyles and seconded by Sheriff Faile. Council voted unanimously to accept the meeting minutes as recorded.

## **General Counsel – Certification Issues**

### *Agenda Item 4*

#### **2. Misconduct Cases**

#### **Kristin Cosby: 2019-CJA-01-01 (SCPPP)**

**Summary:** Allegation that Kristin Cosby had committed misconduct, as defined in S.C. Code Ann. § 23-23-150 (A) (3) (g), by “[w]illfully 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 laws of this State”. The Hearing Officer made a recommendation of a finding of misconduct and grant the certification with probation or with any additional requirements deemed just and proper.

Ms. Cosby was present to answer any questions Council may have for her in regards to her misconduct case.

Attorney Courtney Atkinson was in attendance to represent Ms. Cosby. Ms. Atkinson gave details of the misconduct allegations against Ms. Cosby.

Attorney Octavia Wright, legal counsel for the S.C. Department of Probation, Parole and Pardon Services, was also in attendance to answer questions and give details of the misconduct allegations against Ms. Cosby.



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Members of Council asked questions of both attorneys and received further details regarding the circumstances surrounding the misconduct allegations against Ms. Cosby.

Upon conclusion of hearing further information about the details of the allegations against Ms. Cosby, Sheriff Faile made a motion to accept the Hearing Officer's recommendation of a finding of misconduct and to permanently deny Ms. Cosby's law enforcement certification. Director Thomas seconded the motion. Council voted unanimously to permanently deny Ms. Cosby's law enforcement certification.

### **Briana Murphy: 2019-CJA-04-10 (Latta Police Department)**

**Summary:** Allegation that Brianna Murphy had committed misconduct, as defined in S.C. Code Ann. § 23-23-150 (A) (3) (g), by "[w]illfully 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 laws of this State". Department appeared at hearing, but withdrew its allegation and did not prosecute the allegations. Recommendation that the contested case file be closed and records pertaining to the allegation of misconduct be expunged.

Attorney John O'Leary was in attendance to represent Ms. Murphy and asked that Council accept the recommendation of the Hearing Officer.

Sheriff Foster made a motion to accept the Hearing Officer's recommendation. Director Thomas seconded the motion.

Prior to the voting process, Chief Keel expressed his concerns about and disappointment in agencies either not showing up at the hearings to prosecute misconduct cases or showing up at the hearing but then declining to prosecute such cases. Chief Keel stated that it is bothersome to think that there are officers who have been dishonest in office who are out in the community working because agencies have failed to show up at hearings or decline to prosecute the cases at the hearings. Chief Keel further stated that the continued failure of agencies to appear at hearings or failure to prosecute misconduct cases at hearings is unfair to the law enforcement profession. Finally, Chief Keel stated that there is not much Council can do in cases such as these.

Upon the conclusion of Chief Keel's statements, Council voted unanimously to adopt the Hearing Officer's recommendation that the contested case file be closed and records pertaining to the allegation of misconduct be expunged.

### **Charity Gurley: 2019-CJA-05-05 (Latta Police Department)**

**Summary:** Allegation of dangerous and/or unsafe practices involving firearms, weapons and/or vehicle which indicated either a willful or wanton disregard for the safety of property; Dangerous and/or unsafe practices involving firearms, weapons and/or vehicle which indicated either a willful or wanton disregard for the safety of persons. The criminal charges surrounding



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this event were dismissed and expunged. Agency declined to prosecute the allegation. Recommendation that the contested case file be closed and records pertaining to the allegation of misconduct be expunged.

There was a brief discussion amongst Council in regards to the agency declining to prosecute the case against Ms. Gurley.

Upon conclusion of this discussion and receiving further information, Director Thomas made a motion to accept the Hearing Officer's recommendation. Sheriff Faile seconded the motion. Council voted unanimously to adopt the recommendation of the Hearing Officer that the contested case file be closed and records pertaining to the allegation of misconduct be expunged.

### **Antonio Bell: 2017-CJA-07-06 (Darlington County Sheriff's Office)**

**Summary:** Allegation of dishonesty. Agency declined to prosecute the allegation. Recommendation that the contested case file be closed and records pertaining to the allegation of misconduct be expunged.

Sheriff Faile made a motion to accept the recommendation of the Hearing Officer. Director Thomas seconded the motion.

Prior to the voting process, Chief Keel reiterated his earlier statement of disappointment in agencies that do not show up at the misconduct hearings or choosing not to prosecute misconduct allegations against their officers.

Upon conclusion of Chief Keel's statement, Council voted unanimously to adopt the recommendation of the Hearing Officer that the contested case file be closed and records pertaining to the misconduct be expunged.

### **Jamie Rogers: 2016-CJA-11-10 (Columbia Police Department)**

**Summary:** Due to the criminal charges being dismissed, the agency amended their PCS of Separation to Routine. Criminal charges have been expunged. Request for Reinstatement of Law Enforcement Certification.

There was a brief discussion amongst Council in regards to all circumstances surrounding the initial suspension of Mr. Rogers's law enforcement certification as well as the request for reinstatement of his law enforcement certification.

Sheriff Foster made a motion to reinstate Mr. Rogers's law enforcement certification be reinstated. Sheriff Faile seconded the motion. Council voted unanimously to reinstate Mr. Rogers's law enforcement certification.



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### **Kurt Stevens: 2019-CJA-03-09 (SC Department of Corrections)**

**Summary:** Two year probationary period and must attend 7.5 hours of ethics each year. Also, must complete anger management, of no less than 8 hours, and receive a psychological examination upon hire from a law enforcement agency. This is to be done at his and/or his agency's expense. Consent Order Request.

Attorney Chris Lusk was in attendance to represent Mr. Stevens.

Stephen Lunsford of the S.C. Department of Corrections (SCDC) was in attendance to speak on Mr. Stevens's behalf.

There was a discussion amongst Council members in regards to the case involving Mr. Stevens.

Director Thomas made a motion to not accept the consent order request. Sheriff Faile seconded the motion.

Prior to the voting process, there was more discussion amongst Council, Director Swindler and General Counsel Jimmy Fennell in reference to the circumstances surrounding the case against Mr. Stevens to gain clarity as to the options available for Mr. Stevens in the future regarding his law enforcement certification.

Upon conclusion of this discussion, Council voted unanimously to deny the consent order request.

### **Betty Gortman: No Assigned Case Number (Richland County Sheriff's Office)**

**Summary:** The Richland County Sheriff's Office has petitioned the South Carolina Law Enforcement Training Council for a determination on Ms. Gortman's eligibility to attend training as a Class 1 Officer. The Richland County Sheriff's Office has advised that on July 9, 1982, Ms. Gortman was arrested by the Lexington County Sheriff's Office and charged with Fraudulent Check. According to the Richland County Sheriff's Office, Ms. Gortman's NCIC Rap sheet shows an arrest but no disposition. The Richland County Sheriff's Office has advised that the Lexington County Sheriff's Office has no record of the incident. They further advised that the Lexington County Clerk of Court is not able to find any information regarding the aforementioned charges either. According to Ms. Gortman, she paid restitution of \$10.00 dollars, which was the amount of the check, plus court costs. According to the Richland County Sheriff's Office, Ms. Gortman has no other involvements on her NCIC Rap sheet. No further information regarding the facts or circumstances surrounding this incident is available at this time. Eligibility Request.

Sheriff Faile made a motion of a finding of "Good Character" and to allow Ms. Gortman to obtain law enforcement certification. Director Thomas seconded the motion. Council voted unanimously to grant Ms. Gortman eligibility to obtain law enforcement certification.



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## **NEW BUSINESS**

### ***Agenda Item 5***

#### **a. Discussion/Vote on Video Training for Basic Telecommunications Operators**

The Academy received a request from the Beaufort County Sheriff's Office to receive some outside training for part time telecommunication officers instead of requiring them to come to the Academy for a week for training to become certified.

Director Swindler stated that in order to keep consistency with the Academy's requirements for certification of telecommunications officers, the Academy proposes filming the telecommunication class and making the video available to agencies. Their part time telecommunication officers would view the training through video and then be tested on the material in order to become certified.

Director Boyles made a motion to accept the recommendation from the Academy. Director Thomas seconded the motion. Council unanimously voted to adopt the recommendation of the Academy.

#### **b. Discussion/Vote on Amending Training for Reserve Officers**

The Academy received a request to determine how a reserve officer could become a Class I Certified Law Enforcement Officer.

Director Swindler stated that the Academy recommends if a person has passed the test to become a reserve officer, has completed reserve officer training, has met all required hours, has maintained required training and has been a reserve officer for more than two (2) years, that person would be eligible to obtain Class I LEO certification. Candidates meeting the aforementioned requirements would be required to go through the Special Basic training to obtain Class I Law Enforcement Officer certification.

Director Thomas made a motion to accept the recommendation of the Academy. Sheriff Faile seconded the motion.

Prior to the voting process, there was a discussion amongst Council and Director Swindler regarding the requirements for reserve officers to become Class I certified law enforcement officers.

Upon conclusion of this discussion, Director Thomas amended his motion to accept the recommendation of the Academy with added requirements of candidates completing a psychological exam and passing the PAT Course prior to attending Special Basic training. Sheriff Faile seconded the amended motion.



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Upon conclusion of discussion, Council voted unanimously to adopt the recommendation of the Academy with the added requirements of candidates completing a psychological exam and passing the PAT Course prior to attending the Special Basic training.

## **c. Discussion/Vote on SCDC's Updated Curriculum**

Bart Vincent of the SCDC stood before Council requesting retroactive approval of the agency's updated curriculum.

Tessie Smith of SCDC was in attendance to answer questions Council had in regard to the request to retroactively approve the agency's curriculum.

Director Boyles made a motion to retroactively approve the updated curriculum from SCDC. Sheriff Foster seconded the motion.

Prior to the voting process, there was a brief discussion amongst Council and representatives of SCDC.

Upon conclusion of this discussion, Council voted unanimously to retroactively approve the updated curriculum of SCDC.

## **DIRECTOR'S COMMENTS**

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

Director Swindler gave updates on testing numbers, graduation numbers and the continued success of the new Academy curriculum.

Chief Keel stated that he has been hearing only positive comments in regards to the new Academy curriculum.

Director Swindler gave an update on the FBI Tactical Facility.

## **CLOSING REMARKS AND ADJOURNMENT**

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

There was a discussion in regards to what could be done to penalize agencies that fail to appear at misconduct cases to prosecute their allegations against their officers.



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Upon completion of discussion, Director Boyles made a motion that proposals be drafted and presented at the next Council meeting to implement civil penalties as per the law against agencies who fail to appear at misconduct hearings against their officers. Sheriff Faile seconded the motion.

Upon conclusion of closing remarks, Director Thomas made a motion to adjourn the meeting. Sheriff Faile seconded the motion.

The meeting was adjourned at 11:17 a.m.

Respectfully submitted by:

A handwritten signature in blue ink that reads "Scheri E. Francois". The signature is written in a cursive style and is positioned above a horizontal line.

Scheri E. Francois  
Executive Assistant