



# South Carolina Criminal Justice Academy

SOUTH CAROLINA  
LAW ENFORCEMENT TRAINING COUNCIL  
MEETING MINUTES  
April 24, 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 (Academy) on Wednesday, April 24, 2019.

Chief Mark Keel, Chair of the Law Enforcement Training Council, called the meeting to order at 10:13 a.m. and asked for a roll call of the Training Council Members. The roll was then called by Debby Bryant.

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 (DPS) (Co-Chair); Director Jerry Adger, S.C. Probation, Parole and Pardon; Director John C. Thomas, North Augusta Department of Public Safety; Sheriff Barry Faile, Lancaster CO SO; Sheriff Lee Foster, Newberry CO SO; Captain Nick Gallam, Aiken County Det. Center; Director Bryan P. Stirling, S.C. Dept. of Corrections and Director Alvin A. Taylor, S.C. Dept. of Natural Resources

Attorney General Alan Wilson, Attorney General's Office, was absent but was represented by proxy, Jeffrey Young.

Guest attendees were 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; Marcus Gore, SC Dept. of Public Safety; K.D. Kelps, SC Dept. of Public Safety; Attorney John O'Leary; Jeff Young, Attorney General's Office; Shawn Livingston and Alan Williams, Trident Technical College; Chief Amy Prock, Myrtle Beach PD, Sheriff Phillip Thompson, Horry County SO, Sheriff Rick Clark, Pickens County SO, Francie Austin, City of North Charleston, Chief Dale Long, Conway PD, Chief Rick Ollic, Moncks Corner PD; Chief Mario Evans, Trident Technical College DPS and Chief Reggie Burgess, North Charleston PD.

A host of other guests were in attendance for this meeting. *A full list of guest attendees may be obtained upon request.*

SC Criminal Justice Academy attendees were Director Jackie Swindler; Mike Lanier, Deputy Director; James Fennell, General Counsel; Tom McQueen, Financial Operations Manager; Lennie Hicks, Facilities Operations Manager; Florence McCants, Administrative Operations Manager; Lauren Fennell, Standards & Accreditation Manager; Scheri Francois, Director's Executive Assistant; Chris Brumlow, Investigator; Debbie Bryant, Human Resources; Justin Miller, IT; Mark Thomas, IT; Rebecca Williams, Attorney/Instructor and Tim Plunkett, Attorney/Instructor.



# South Carolina Criminal Justice Academy

## APPROVAL OF AGENDA

Upon a motion made by Director Taylor and seconded by Director Adger, Council voted unanimously to adopt the agenda as presented.

## APPROVAL FOR REVISIONS TO BE MADE TO MINUTES

1. A question was presented by Chief Keel in reference to the March 18, 2019, Training Council Meeting Minutes. The portion of the minutes in question reads as follows: *Chief Keel Regs, but would like to allow individuals to speak on these issues presented today.* It was suggested by Director John Thomas that the minutes be amended to remove the word "Regs".

Upon a motion made by Sherriff Foster to accept the minutes as amended and seconded by Director Bryan Sterling, Council voted unanimously to accept the minutes as amended.

## PRESENTATION: TRIDENT TECHNICAL COLLEGE

### *Agenda Item 4*

2. Council received a request to approve supplemental basic law enforcement training presented by Trident Technical College

The presentation was made by Shawn Livingston, Department Chair of the Criminal Justice and Homeland Security Management Division, Trident Technical College. Alan Williams of Trident Technical College was also present to assist in answering any questions or concerns of the Council. According to the representatives of Trident Technical College, the model proposed during the presentation would allow the certification system to evolve in a steadily increasing path towards the goal of complete capacity of personnel in each law enforcement agency.

There was a discussion in which the Council members asked questions and voiced their concerns about the proposal made by Trident Technical College.

A motion was made by Sheriff Barry Faile to deny the request to approve supplemental basic law enforcement training presented by Trident Technical College and seconded by Sheriff Lee Foster. A vote was taken and the Council unanimously voted to accept the motion made to deny the proposal made by Trident Technical College.



# South Carolina Criminal Justice Academy

## DIRECTOR'S REPORT

### *Agenda Item 5*

#### 3. General Counsel

##### - Misconduct Cases

##### Angel Avila – 2018-CJA-10-14

**Summary:** SCDPS made an allegation of dishonesty. The hearing officer found the agency proved their case by substantial evidence and recommended permanent denial.

John O'Leary was present to represent Mr. Avila, and Marcus Gore was present to represent the Department of Public Safety.

Mr. O'Leary detailed the incident involving Mr. Avila and asked that the Council place him on probation and offer additional training instead of permanently denying his certification.

Mr. Gore gave additional details in reference to the incident that led to Mr. Avila's misconduct case.

Both attorneys made their respective remarks in regard to Mr. Avila's misconduct case.

After a few questions were asked by Council members for clarification and answered by the attorneys for Angel Avila and SCDPS, a motion was made by Director John Thomas to adopt the hearing officer's recommendation to permanently deny Angel Avila's certification and seconded by Sheriff Foster. The Council voted unanimously to approve the permanent denial of Mr. Avila's law enforcement certification. *Note: Director Leroy Smith recused himself from the voting process.*

##### Larry Walker – 2018-CJA-08-03

**Summary:** SCDPS made an allegation of dishonesty. The hearing officer found the agency did not prove their case by substantial evidence and recommended certification and expungement of the record.

John O'Leary was in attendance to represent Larry Walker, and Marcus Gore was in attendance representing DPS.

Mr. O'Leary detailed the incident involving Mr. Walker and asked the Council to accept the recommendation made by the hearing officer.

Mr. Gore gave additional details in reference to the incident that led to Mr. Walker's misconduct case.



# South Carolina Criminal Justice Academy

Both attorneys gave their respective remarks in regard to Mr. Walker's misconduct case.

Upon hearing the remarks from the attorneys, a motion was made by Director Jerry Adger to adopt the recommendation of the hearing officer and was seconded by Director Alvin Taylor. The Council voted unanimously to accept the recommendation of the hearing officer to grant continuation of Mr. Walker's certification and expungement of the record. ***Note: Director Leroy Smith recused himself from the voting process.***

## **Jallas Carter – 2018-CJA-08-09**

**Summary:** Anderson PD made an allegation of dishonesty. The hearing officer found the agency did not prove their case by substantial evidence and recommended certification and expungement of the records.

Mr. O'Leary was present to represent Mr. Carter and gave brief remarks on Mr. Carter's behalf. Upon hearing the remarks from Mr. O'Leary, a motion was made by Director Smith and seconded by Captain Gallam. The Council voted unanimously to accept the recommendation of the hearing officer to grant the continuation of Mr. Carter's certification and the expungement of the record.

## **Daniel Alonzo – 2018-CJA-10-14**

**Summary:** SCDPS made allegations that Mr. Alonzo committed physical or psychological abuses and dangerous or unsafe practices with a weapon. Parties entered a consent order that Mr. Alonzo will consent to a finding of misconduct and consents to a sanction, two years' probation from date order is approved, not commit any action that results in the finding of misconduct, each year attend 4 hours of Use-of-Force training, attend training at the end of his probationary period, and will provide CJA with a letter stating that he has not been involved in misconduct.

Attorney John O'Leary was present to represent Mr. Alonzo. Mr. O'Leary made brief remarks and asked that Council accept the hearing officer's recommendation.

Upon hearing the remarks from Mr. O'Leary, a motion was made by Sheriff Foster to adopt the hearing officer's recommendation and was seconded by Director Taylor. The Council voted unanimously to accept the recommendation of the hearing officer. ***Note: Director Smith recused himself from the voting process.***

## **Thomas Lovingood – 2018-CJA-08-28**

**Summary:** Anderson PD made an allegation of dishonesty. The hearing officer found the agency did not prove their case by substantial evidence and recommended certification and expungement.

Mr. Lovingood was present to answer any questions the Council may have had. The Council had no questions.





## South Carolina Criminal Justice Academy

Upon a motion made by Director Smith to adopt the recommendation of the hearing officer and seconded by Director Adger, the Council unanimously voted to continue Mr. Lovingood's law enforcement certification and for the expungement of the record within 30 days.

### **William Adams – 2018-CJA-08-27**

**Summary:** Conway PD made an allegation of dishonesty. The hearing officer found the agency proved their case by substantial evidence and recommended permanent denial.

Mr. Adams was present to represent himself, and Attorney Sanford Graves was present to represent Conway PD.

Mr. Adams made remarks in regard to his case and the allegations that led to his termination. Mr. Adams requested that the Council look at the evidence he presented in his case clear him of wrongdoing.

Mr. Graves gave details into the proceedings that took place to gather all information in regard to the case against Mr. Adams and stated that the Department stands by the record they created.

Upon hearing the remarks made by Mr. Adams and Attorney Graves, a motion was made by Director Smith to adopt the recommendation made by the hearing officer and seconded by Captain Gallam. The Council voted unanimously to adopt the hearing officer's recommendation to permanently deny Mr. Adams' certification.

### **Jenelle Martucci – 2018-CJA-08-15**

**Summary:** Spartanburg County SO made an allegation of dishonesty. The hearing officer found the agency did not prove their case by substantial evidence and recommended certification and expungement.

Angela Lane was present to represent Ms. Martucci. Ms. Martucci was also present.

Ms. Lane made remarks about Ms. Martucci and gave details of what led to the misconduct case against her client. Ms. Lane asked that the Council accept the recommendation made by the hearing officer.

Upon hearing the remarks made by Ms. Lane, a motion was made by Director Smith to adopt the recommendation of the hearing officer and was seconded by Director Taylor. The Council voted unanimously to adopt the hearing officer's recommendation to continuation of Ms. Martucci's certification and expungement of the record.



# South Carolina Criminal Justice Academy

## **James Taylor – 2018-CJA-10-08**

**Summary:** Isle of Palms PD made an allegation of misconduct. The agency did not appear to prosecute the allegation. The hearing officer found the agency did not prove their case by substantial evidence and recommended certification and expungement.

Mr. Taylor was present to answer any questions or concerns of the Council. The Council had no questions.

No one was present to represent Isle of Palms PD.

Upon a motion being made by Director Smith to adopt the recommendation of the hearing officer and was seconded by Director Thomas, the Council voted unanimously to continue Mr. Taylor's certification and for the expungement of the record within 30 days.

## **Grealin Frazier – 2018-CJA-11-08**

**Summary:** SCDC made an allegation of misconduct. The agency did not present evidence at the hearing. The hearing officer found that the agency did not prove their case by substantial evidence and recommended certification and expungement.

Mr. Frazier was present to answer any questions or concerns from the Council. The Council had no questions.

Upon a motion made by Director Smith to adopt the recommendation of the hearing officer and seconded by Director Adger, the Council unanimously voted to continue Mr. Frazier's law enforcement certification and for the expungement of the record within 30 days. *Note: Director Stirling recused himself from the voting process.*

## **William Ballard – 2018-CJA-11-01**

**Summary:** Walterboro PD made an allegation of misconduct. The agency did not appear to prosecute the allegation. The hearing officer found the agency did not prove their case by substantial evidence and recommended certification and expungement.

Mr. Ballard was present to answer any questions or concerns from the Council. The Council had no questions.

Upon a motion made by Director Smith to adopt the recommendation of the hearing officer and seconded by Sheriff Faile, the Council voted unanimously to continue Mr. Ballard's law enforcement certification and for the expungement of the record within 30 days.

## **Michael Fishback – 2018-CJA-07-10**

**Summary:** Darlington County Detention Center made an allegation that Mr. Fishback was convicted, pled guilty to, or admitted guilt to a disqualifying crime. The hearing officer found the



# South Carolina Criminal Justice Academy

agency did not prove their case by substantial evidence and recommended certification and expungement.

Mr. Fishback was present to answer any question or concerns from the Council. The Council had no questions.

Director Smith made a motion for discussion of the case against Mr. Fishback. Director Smith gave details of the case against Mr. Fishback. Director Smith recommended the following amendments to the hearing officer's recommendation: Approve Mr. Fishback's eligibility for law enforcement certification with 2 years' probation; 8 hours of ethics training for 2 years, to be funded by Mr. Fish back or his employer; once these conditions have been met, then expunge all records of this matter.

Council had a brief discussion on the event that led to the allegation against Mr. Fishback.

After the discussion, Director Smith repeated the motion that Council adopt the hearing officer's recommendation to continue Mr. Fishback's law enforcement certification with 2 years' probation, 8 hours of ethics training, to be funded by Mr. Fishback or his employer, for 2 years and for the expungement of the record *after* the aforementioned conditions had been met. The motion was seconded by Director Thomas. With the exception of a 'NO' vote from Captain Gallam, the Council unanimously voted to adopt the hearing officer's recommendation with amendments.

## **Justin Romero – 2018-CJA-07-06**

**Summary:** Greenville PD made an allegation that Mr. Romero was dishonest. The hearing officer found the agency did not prove their case by substantial evidence and recommended certification and expungement.

No representative was present for Mr. Romero or Greenville PD.

Upon a motion made by Director Smith to adopt the hearing officer's recommendation and seconded by Captain Gallam, the Council voted unanimously for the continuation of Mr. Romero's law enforcement certification and to expunge the record within 30 days.

## **Michael Valdario – 2019-CJA-03-08**

**Summary:** Michael Valdario was employed by the Greenville County Sheriff's Office. He was arrested by Traveler's Rest for DV 2<sup>nd</sup> Degree. Request for suspension of certification.

Upon a motion made by Sheriff Foster and seconded by Director Thomas, the Council unanimously voted to adopt and approve the request for suspension of Michael Valdario's law enforcement certification.



# South Carolina Criminal Justice Academy

## **Peter Forney – 2019-CJA-03-14**

**Summary:** Peter Forney was employed by J. Reuben Long Detention Center. SCHP arrested him for DUI. Request for suspension of certification.

Upon a motion made by Director Stirling and seconded by Sheriff Foster, the Council unanimously voted to adopt and approve the request for suspension of Peter Forney's law enforcement certification.

## **Jacob Scott – 2019-CJA-03-15**

**Summary:** Jacob Scott was employed by the Beaufort County Sheriff's Office. The Port Royal Police Department arrested him for Domestic Violence, 2<sup>nd</sup> Degree. Request for suspension of certification.

Upon a motion made by Sheriff Faile and seconded by Director Adger, the Council unanimously voted to adopt and approve the request for suspension of Jacob Scott's law enforcement certification.

## **Nicholas Morella – CJA-03-16**

**Summary:** Nicholas Morella was employed by the Summerville Police Department. Dorchester County Sheriff's Office arrested him for Burglary, 1<sup>st</sup> Degree. Request for suspension of certification.

Upon a motion made by Sheriff Faile and seconded by Director Adger, the Council voted unanimously to adopt and approve the request for suspension of Nicholas Morella's law enforcement certification.

## **Allen Hunter – 2019-CJA-04-02**

**Summary:** Allen Hunter was employed by the Springfield Police Department. The Federal Bureau of Investigation arrested him for Conspiracy, Conspiracy with Intent to Distribute and Possession of a Firearm in Furtherance of Drug Trafficking. Request for suspension of law enforcement certification.

Upon a motion made by Sheriff Foster and seconded by Captain Gallam, the Council unanimously voted to adopt and approve the request for suspension of Allen Hunter's law enforcement certification.

## **Carolyn Franklin – 2019-CJA-04-03**

**Summary:** Carolyn Franklin was employed by the Orangeburg County Sheriff's Office. The Federal Bureau of Investigation arrested her for Conspiracy, Conspiracy with Intent to Distribute, Possession of A Firearm in Furtherance of Drug Trafficking, and Visa Fraud. Request for suspension of certification.





## South Carolina Criminal Justice Academy

Upon a motion made by Director Thomas and seconded by Sheriff Faile, the Council unanimously voted to adopt and approve the request for suspension of Carolyn Franklin's law enforcement certification.

### **Nathaniel Shazier- 2019-CJA-04-04**

**Summary:** Nathaniel Shazier was employed by the Orangeburg County Sheriff's Office. The Federal Bureau of Investigation arrested him for Conspiracy, Conspiracy with Intent to Distribute and Possession of a Firearm in the Furtherance of Drug Trafficking. Request for suspension of certification.

Upon a motion made by Captain Gallam and seconded by Director Thomas, the Council unanimously voted to adopt and approve the request for suspension of Nathaniel Shazier's law enforcement certification.

### **Stanley Timmons – 2019-CJA-04-05**

**Summary:** Stanley Timmons was employed by the Orangeburg County Sheriff's Office. The Federal Bureau of Investigation arrested him for Conspiracy, Conspiracy with Intent to Distribute and Possession of a Firearm in Furtherance of Drug Trafficking. Request for suspension of certification.

Upon a motion made by Director Thomas and seconded by Captain Gallam, the Council unanimously voted to adopt and approve the request for suspension of Stanley Timmons's law enforcement certification.

### **Willie Rogers – 2019-CJA-04-06**

**Summary:** Willie Rogers was employed by the Orangeburg County Sheriff's Office. The Federal Bureau of Investigation arrested him for Conspiracy and Visa Fraud.

Upon a motion made by Sheriff Faile and seconded by Director Stirling, the Council unanimously voted to adopt and approve the request for suspension of Willie Rogers's law enforcement certification.

### **La'Cra Jenkins – 2019-CJA-04-07**

**Summary:** La'Cra Jenkins was employed by the Springfield Police Department. The Federal Bureau of Investigation arrested him for Conspiracy, Conspiracy with Intent to Distribute, Possession of A Firearm in Furtherance of Drug Trafficking and Visa Fraud.

Upon a motion made by Director Thomas and seconded by Director Stirling, the Council unanimously voted to adopt and approve the request for suspension of La'Cra Jenkins's law enforcement certification.



# South Carolina Criminal Justice Academy

## **Joshua Wagner – 2018-CJA-08-02**

**Summary:** Joshua Wagner was arrested for Burglary 1<sup>st</sup> Degree, Domestic Violence 1<sup>st</sup> Degree and Stalking. Charges were dismissed at a preliminary hearing. Request for certification reinstatement.

The Council had a brief discussion on the case against Mr. Wagner. It was determined that the discussion on this case would be delayed until further information is provided by the City of Columbia Police Department.

Upon a motion made by Sheriff Foster to delay for further discussion and seconded by Director Adger, the Council unanimously voted to delay the discussion until receipt of further information from the City of Columbia Police Department.

## **John McCloud – 2018-CJA-06-13**

**Summary:** John McCloud was arrested for Driving Under the Influence but was found not guilty. Mr. McCloud's driver's license does not contain any suspension within the last five years for DUI or DUAC. Request for certification reinstatement.

Upon a motion made by Sheriff Foster and seconded by Director Stirling, the Council voted unanimously to reinstate Mr. McCloud's certification.

## **4. Financial Updates**

### **Tom McQueen**

The April 2019 figures for Fees and Fines had not been received as of the date of this meeting. Based on last month's figures, revenue from Fees and Fines has increased slightly during the past three months; however, the revenue is still approximately \$425,000 behind this time last year. The \$5 Surcharge funds continue to get submitted to the Academy, with some agencies submitting 3-4 per month. Thus far, the Academy has received about 68,000 or so this year.

Both the House and the Senate versions of the Budget have voted to put in \$2,000,000 to replace some of the fees and fines, so that leaves the Academy's budget to about 50% State appropriated money. The main difference between the House and State versions of the budget is the House put in money for some mobile training teams, and the Senate replaced that portion of the budget with Phase 3 of the instructor salary. Both the House and Senate voted to remove the Pass Through money for the ETB Project.

An A-1 form was approved by Capital Budget Office for campus security increases to put additional cameras throughout the agency.



# South Carolina Criminal Justice Academy

The Office of the State Auditor recently completed their annual audit of the Academy. There was only one finding that an entry was entered on the incorrect line in one of the annual closing packages.

799 psychological tests have been performed so far this fiscal year, with 125 of those individuals tested not being hired. These numbers are broken down by agencies.

## **5. Capital Projects Updates**

### Lenny Hicks

The ammunition storage building is just about complete. A walkthrough of the building was done with the contractor this week. A few minor issues were found with the guard rail, the handrail and the emergency lighting. That will be taken care of and should be done within a week.

A waterproofing expert from Charleston, as recommended by the State engineer, was retained to address the issues the Dormitory Restroom Waterproofing Project. The contractor is almost certain that the issues arise from failure of roll-on waterproofing below the tile flooring, which is allowing water to penetrate through the crack of the grout. The contractor will come back and put a camera in the wall to make sure there is no plumbing leak or any other damage such as the studs in the wall which may be rusting away due to the leaking. If the contractor's assessment and intrusive investigation are correct, the process that has to be done will save the Academy a lot of money.

The Department of Administration has approved the upgrades to campus security. We plan to put the project out as soon as we can get an equipment list and prepare the bid documents.

Because of price reduction in food cost, the Academy has been able to keep the cost of meals down.

## **6. Director's Comments**

### Director Swindler

The building of the Tactical Training Facility is progressing well. The concrete foundation pad has been poured, and additional foundation has been placed at the site of the facility. It is still projected to be completed by the end of June 2019. The progress of the project can be viewed on the Academy's Facebook page. The project will use all of the money that was budgeted for the cost of building the facility. Rob Chadwick of the FBI, who has been so involved with the project, is transferring to be a part of the security detail for Attorney General Barr. Mike Kelly of the FBI is still involved, so that relationship is still intact.



# South Carolina Criminal Justice Academy

The Director gave a report of staffing changes at the Academy since the last Council meeting.

The Director gave an update on the progress of the new hybrid program where students now spend 4 weeks in the field with their respective law enforcement agency and then receive 8 weeks training at the Academy. Staff has done a tremendous amount of work to ensure the quality of the program. Study materials have already been sent out to incoming students to review as they await Academy training.

The Academy had thought about building an outdoor permanent PAT Course, but at the suggestion of staff, an old warehouse on the campus is being utilized for the Course instead. The warehouse was cleaned out and rubberized flooring was installed by Academy staff. A project with a projected cost of \$125,000 only cost the Academy \$7,000. The course has already been used for a Defensive Tactic pre-qualification. The course held up well and is a great addition. It is now available for officers and applicants use. In fact, some agencies are already utilizing it to test their applicants.

Deputy Director Mike Lanier has written a procedural manual for every detail of the process to get into the Academy. It has been sent out to the agencies and has been received well. More agencies have been added to the list of agencies willing to host. The list was already at 96.

Due to Basic LE Class 699 being the last 12-week training class and Basic LE Class 700 not scheduled to start Academy training until July, there has been training scheduled in May and June for proficiency training for agencies who may be needing additional officers to help augment training in the field. A class of 40 special basic students from out-of-state has been scheduled for June 24-28, 2019.

## **UNFINISHED BUSINESS**

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

7. There was no unfinished business to discuss

## **NEW BUSINESS**

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

8. Director Stirling would like for research to be done in regard to the Council's ability to implement fines in certain misconduct cases.

Jimmy Fennell will research this information and report back to the Council.





# South Carolina Criminal Justice Academy

## CLOSING REMARKS AND ADJOURNMENT

Chief Keel made remarks of appreciation to Director Swindler and the Academy staff for the work they put in to accommodate the needs for this meeting. He gave additional thanks to the Director and Academy staff for the new things that have been implemented to accommodate law enforcement agencies and their officers. Chief Keel also thanked Jimmy Fennell for the work he put into preparing the misconduct cases for the Council's review and decision.

W. Jeff Young gave regards from Attorney General Alan Wilson, who had a prior commitment. Mr. Young also stated that the Attorney General is always willing to give Opinions when needed.

Chief Keel thanked Mr. Young for attending the meeting in the attorney general's stead and for the Attorney General's Office always providing any information and assistance requested by the Council.

A motion to adjourn the meeting was made by Director Thomas and seconded by Director Adger. After a unanimous vote by the Council, the meeting was adjourned at 12:29 PM.

Respectfully submitted by:

A handwritten signature in black ink that reads "Scheri E. Francois". The signature is written in a cursive style.

Scheri E. Francois  
Executive Assistant