



South Carolina Criminal Justice Academy

SOUTH CAROLINA
LAW ENFORCEMENT TRAINING COUNCIL
MEETING MINUTES
February 10, 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 Monday, February 10, 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 10:03 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); Sheriff Lee Foster, Newberry County Sheriff's Office (Co-Chair); Attorney General Alan Wilson, S.C. Attorney General's Office; Director Bryan Stirling, S.C. Department of Corrections; Director Robert Boyles, S.C. Department of Natural Resources; Acting Director Robert G. Woods, S.C. Department of Public Safety; Chief Tony Taylor, Williamston Police Department.

Members present via conference call were Director John Thomas, North Augusta Department of Public Safety; Sheriff Barry Faile, Lancaster County Sheriff's Office; Captain Nick Gallam, Aiken County Detention Center.

Director Jerry Adger, S.C. Department of Probation, Parole and Pardon Services was absent but represented by proxy, Mike Nichols.

Guest attendees were Deputy Attorney General Jeff Young, S.C. Attorney General's Office; Executive Director Ryan Alphin, S.C. Police Chiefs Association/SC Law Enforcement Officers Association; Executive Director Mark Gosnell, S.C. Troopers Association; Robert McCullough, S.C. Department of Natural Resources; Attorney Marcus Gore, S.C. Department of Public Safety; Attorney Janet Rhodes.

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

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



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APPROVAL OF AGENDA

Agenda Item 2

Upon a motion made by Director Boyles and seconded by Attorney General Wilson, 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 January 29, 2020, meeting was made by Director Boyles and seconded by Attorney General Wilson. Council voted unanimously to accept the meeting minutes as recorded.

DIRECTOR'S REPORT

Agenda Item 4

2. General Counsel

- Misconduct Cases

Emily Coty: 2018-CJA-06-08 (Summerville Police Department)

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 law of this State. The Hearing Officer's recommendation is that Ms. Coty is eligible for certification as a law enforcement officer in the State of South Carolina; expungement within 30 days of the date of the issuance of the final agency decision. **Final Agency Decision Request.**

Sheriff Foster made a motion to accept the recommendation of the Hearing Officer. Director Boyles seconded the motion. Council voted unanimously to adopt the recommendation of the Hearing Officer that Ms. Coty is eligible for certification as a law enforcement officer in the State of South Carolina and that records of this misconduct case should be expunged within thirty- (30) days of the date of the issuance of the final agency decision.

Richard Cruz: 2018-CJA-12-06 (Greenville County Sheriff's Office)

Summary: 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 laws of this State. Proposed consent order permanently relinquishing his law enforcement certification without admitting he committed the alleged misconduct and CJA expunges the allegation of misconduct from his file but keeps the consent order in his file. **Consent Order Request.**



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Mr. Cruz was in attendance at this meeting to speak on his own behalf and answer any questions Council may have regarding the allegations of misconduct against him.

Mr. Cruz was represented by Attorney Janet Rhodes, who was also in attendance at this meeting to speak on Mr. Cruz's behalf and answer any questions Council may have regarding the allegations against her client.

For the sake of discussion, Sheriff Foster made a motion to accept the proposed consent order. Director Woods seconded the motion.

Prior to the voting process, a discussion amongst Council took place in regards to the allegations against Mr. Cruz. Council also asked questions of both Mr. Cruz and Ms. Rhodes to gain clarity of the misconduct allegations and what led to these allegations against Mr. Cruz.

Upon conclusion of the discussion, Council voted unanimously to accept the proposed consent order, with the understanding that Mr. Cruz relinquished his right to be eligible for law enforcement certification in the State of South Carolina or any other state.

Cody Carroll: 2019-CJA-08-06 (Fairfax PD)

Summary: The South Carolina Law Enforcement Division (SLED) arrested Cody Carroll and charged him with Assault and Battery 3rd Degree. Council voted to temporarily suspend Mr. Carroll's law enforcement certification pending the disposition of the criminal charges. Mr. Carroll successfully completed PTI and obtained an expungement for the criminal charges. **Request for Law Enforcement Eligibility.**

For the sake of discussion, Sheriff Foster made a motion to reinstate Mr. Carroll's law enforcement certification. Director Stirling seconded the motion.

Prior to the voting process, Council discussed the case involving Mr. Carroll.

After discussion, Sheriff Foster amended his original motion to grant Mr. Carroll eligibility for law enforcement certification with the condition that Mr. Carroll take and pass a new psychological exam.

After Sheriff Foster stated his amended motion, discussion of the matter regarding Mr. Carroll continued.

Upon conclusion of more discussion, Sheriff Foster withdrew his amended motion and made a new motion that the Academy contact the PTI coordinator to find out the details and requirements of Mr. Carroll's pre-trial intervention program before Council makes a decision on his eligibility. Attorney General Wilson seconded the motion. Council voted unanimously to have the Academy



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obtain more information regarding the requirements of Mr. Carroll's pre-trial intervention program prior to making a decision on his law enforcement eligibility.

Brandon Hegi: 2020-CJA-01-19 (Surfside Beach Police Department)

Summary: Horry County Police Department arrested Mr. Hegi and charged him with Domestic Violence 3rd Degree. No further information regarding the facts or circumstances surrounding his arrest is available at this time. **Request for Suspension of Law Enforcement Certification.**

Director Boyles made a motion to accept the recommendation of the Hearing Officer. Attorney General Wilson seconded the motion. Council voted unanimously to adopt the recommendation of the Hearing Officer and temporarily suspended Mr. Hegi's law enforcement certification pending the outcome of the criminal investigation.

Christopher Hocker: No case number assigned

Summary: The 15th Circuit Solicitor's Office has petitioned the South Carolina Law Enforcement Training Council for a determination on Mr. Hocker's eligibility to attend training as a Class 3 Officer. On November 6, 2019, Mr. Hocker received a Pardon for several disqualifying convictions. He also received a letter of support from the Director of the 15th Circuit Drug Court Director and the 15th Circuit Solicitor. No further information regarding the facts or circumstances are available at this time. **Request for Law Enforcement Certification Eligibility.**

For the sake of discussion, Sheriff Foster made a motion to grant Mr. Hocker eligibility for law enforcement certification as a Class 3 Officer. Director Woods seconded the motion.

Council engaged in a discussion regarding the case involving Mr. Hocker and the convictions for which he received a Pardon. Council discussed at length the differences between a Pardon and expungement of records. The conclusion of Council is that while Mr. Hocker has been absolved from all legal consequences of his crimes and convictions and all civil rights have been restored, the Pardon does not expunge these convictions from Mr. Hocker's criminal history record.

Upon conclusion of discussion, Sheriff Foster withdrew his original motion and stated a new motion to deny Mr. Hocker eligibility for law enforcement certification. Attorney General Wilson seconded the new motion. Council voted unanimously to deny Mr. Hocker eligibility for law enforcement certification.

Montey Burley: 2020-CJA-01-18 (Alvin S. Glenn Detention Center)

Summary: On January 21, 2020, the Alvin S. Glenn Detention Center submitted a late PCS of Separation Due to Misconduct regarding Mr. Burley alleging misrepresentation of employment related information. The date of separation listed on the PCS is listed and confirmed as June 25, 2019. The agency advised that the PCS Form was not submitted as an oversight. **Request to Accept Late PCS of Separation Due to Misconduct.**



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Director Boyles made a motion to accept the late PCS of Separation Due to Misconduct. For the sake of discussion purposes, Director Stirling seconded the motion.

Council had a discussion regarding the late PCS submitted by Alvin S. Glenn Detention Center. As with past cases of this nature, Council voiced their concerns about these PSC forms being submitted late and thanked the Academy for the recent memo that was sent out to law enforcement agencies in regards to compliance in submitting allegations of misconduct to the Academy within thirty- (30) days after an officer's separation.

Council had in-depth discussion regarding this issue, discussing options of how an agency could be held accountable when these PCS forms are submitted late with no real extenuating circumstance, the definition of the statute (S.C. Code §23-23-150(F)) that requires these forms be submitted within thirty- (30) days after an officer's separation, and what Council defines as extenuating circumstances.

Upon completion of discussion, Council voted unanimously to accept the late PCS of Separation Due to Misconduct submitted by the Alvin S. Glenn Detention Center.

Carl Shultz: 2020-CJA-01-22 (Orangeburg Department of Public Safety)

Summary: On February 1, 2019, the Orangeburg Department of Public Safety submitted a Routine/Administrative Separation for Shultz advising the CJA that he had resigned while under investigation by the South Carolina Law Enforcement Division (SLED). On January 16, 2020, the Orangeburg Department of Public Safety submitted a PCS of Separation Due to Misconduct amending the original separation advising, that Shultz was arrested by SLED and charged with Misconduct in Office and the PCS of Separation Due to Misconduct was submitted as a result of the conclusion of the SLED investigation.

Allegations against Mr. Shultz are as follows: Willfully making a false, misleading, incomplete, deceitful, or incorrect statement to a law enforcement officer, a law enforcement agency, or representative of the agency, except when required by departmental policy and the laws of this State. **Request to Accept Late PCS of Separation Due to Misconduct.**

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

Prior to the voting process, the question came up about whether a section could be added to the PCS form for agencies to be able to disclose whether the matter in which the officer separates from the agency is under investigation. The Academy stated that this could be added to the PCS form.

Upon conclusion of this brief discussion, Council voted unanimously to accept the late PCS of Separation Due to Misconduct submitted by the Orangeburg Department of Public Safety. ***Please note that Chief Keel recused himself from the voting process in this case.***



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2. Director's Comments

Director Swindler

Director Swindler stated that the memo addressing timely submission of PCS forms was sent out to agencies as was requested by members of Council.

Director Swindler gave updates on the success of the 4/8 week curriculum as it relates the starting numbers of students enrolling in the most recent classes and the number of candidates waiting for testing.

Director Swindler stated that the Academy is not seeing many academic or proficiency failures but is sending more students home for disciplinary reasons. Director Swindler also stated that several students realized that the law enforcement profession was not their calling and left the Academy.

Director Swindler stated that as of last week's testing, the Academy is seeing only a 2% failure rate on the academic testing and 4% failure rate on the physical abilities testing. This is showing that agencies are eliminating candidates who will likely be unsuccessful at the Academy instead of sending them to the Academy for the academic and proficiency tests.

Director Swindler thanked Council for their letter of recommendation to the Agency Head Salary Commission. The outcome of that letter was successful.

CLOSING REMARKS/ADJOURNMENT

Attorney General Wilson asked if a 2nd Offense memo could be drafted that would be sent to agencies when a second PCS form is submitted late barring no extenuating circumstance. Jimmy Fennel stated that a model policy could be drafted and brought to Council at the March meeting. Director Swindler stated that the Academy could draft a letter, but he believes sanctions will eventually have to be imposed on repeat offending agencies.

Director Boyles asked if Council would benefit from a policy being drafted on how Council votes on Pardons and Expungements or consider these cases on a case-by-case basis. Chief Keel stated that even if a policy is drafted, each case is so different that he believes the best thing to do is look at these cases individually and make a determination according to each specific case's circumstances. Council spent time discussing this matter.

Upon completion of this discussion Chief Keel asked if there were any further remarks.

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



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Sheriff Foster made a motion to adjourn the meeting. Attorney General Wilson seconded the motion.

The meeting was adjourned at 11:10 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