



South Carolina Criminal Justice Academy

SOUTH CAROLINA
LAW ENFORCEMENT TRAINING COUNCIL
MEETING MINUTES

Wednesday, January 27, 2021
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 Wednesday, January 27, 2021. 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.

Chief Keel, State Law Enforcement Division (SLED) attended this meeting in person.

Members present via video/conference call were Attorney General Alan Wilson, S.C. Attorney General's Office; Director Bryan Stirling, S.C. Department of Corrections; Director Jerry Adger, S.C. Department of Probation, Parole and Pardon Services; 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; Director John Thomas, North Augusta Department of Public Safety; Chief Tony Taylor, Williamston Police Department; Captain Nick Gallam, Aiken County Detention Center.

Director Robert Woods, S.C. Department of Public Safety, was absent from this meeting but was represented by proxy, Chief Kenneth Phelps.

Guest attendees were Jeff Young, S.C. Attorney General's Office; Marcus Gore, S.C. Department of Public Safety; John O'Leary; Ryan Hicks; Glenn P. Justis; and Cameron J. Blazer.

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

SC Criminal Justice Academy attendees were Director Jackie Swindler; Deputy Director Mike Lanier; Scheri Francois, Executive Assistant; James Fennell, General Counsel; John Yarborough, Facilities Operations Manager; Tom McQueen, Financial Operations Manager; Justin Miller, IT; Christopher Brumlow, Investigator.



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APPROVAL OF AGENDA

Agenda Item 2

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

APPROVAL FOR MEETING MINUTES

Agenda Item 3

A motion to approve the minutes of the December 14, 2020, meeting was made by Attorney General Wilson and seconded by Captain Nick Gallam. Council voted unanimously to accept the meeting minutes as recorded.

2021 ELECTION OF BOARD CHAIR AND CO-CHAIR

Agenda Item 4

A motion was made by Attorney General Wilson, nominating Chief Mark Keel as Chair. The motion was seconded by Director Adger. Council voted unanimously to receive Chief Keel as Chair of the SC Law Enforcement Training Council for calendar year 2021.

Sheriff Faile made a motion nominating Sheriff Lee Foster as Co-Chair. The motion was seconded by Director Boyles. Council voted unanimously to receive Sheriff Foster as Co-Chair of the SC Law Enforcement Training Council for calendar year 2021.

DIRECTOR'S REPORT

Agenda Item 5

1. General Counsel Report

- Misconduct Cases

Jacqueline Wright: 2018-CJA-03-04 (Hartsville PD)

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; dishonesty/untruthfulness with respect to his/her employer. **Request for Final Agency Decision.**

The Hearing Officer recommended that Council:

- A) Issue its final agency decision, pursuant to S.C. Code Ann. Regs. 37-107 D., finding that the allegations of misconduct filed against Jacqueline Wright by the Hartsville Police Department have not been proven by substantial evidence;



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- B) Approve, pursuant to the authority of Council set forth at S.C. Code Ann. § 23-23-150 (G) (1), Jacqueline Wright's eligibility for certification as a law enforcement officer in the State of South Carolina; and
- C) Expunge within thirty (30) days of the final agency decision in this matter, pursuant to the requirements of S.C. Code Ann. § 23-23-150 (M), all evidence related to the allegations of misconduct filed against Jacqueline Wright by the Hartsville Police Department.

Attorney Ryan Hicks was in attendance to represent Ms. Wright and answer any questions from Council, if applicable.

Ms. Wright was in attendance to speak on her own behalf and to answer any questions from Council, if applicable.

Director Adger made a motion to accept the recommendation of the Hearing Officer. Sheriff Faile seconded the motion. Council voted unanimously to adopt the recommendation of the Hearing Officer and granted Ms. Wright eligibility for law enforcement certification and expungement of evidence related to the allegations of misconduct filed by the Hartsville Police Department.

Jordan Ward: 2019-CJA-11-16 (SC Department of Public Safety)

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 persons.
Request for Final Agency Decision.

The Hearing Officer recommended that Council:

- A) Issue its final agency decision, pursuant to S.C. Code Ann. Regs. 37-107 D., finding that the allegation of misconduct reported against Jordan Ward by the South Carolina Department of Public Safety has been proven by substantial evidence; and
- B) Deny Jordan Ward eligibility for certification as a law enforcement officer in the State of South Carolina, either permanently, for a specified period of time, or pursuant to such other conditions as may be deemed appropriate by Council, pursuant to its authority set forth at S.C. Code Ann. Regs. 37-108 A.

Attorney John O'Leary was present at this meeting to represent Mr. Ward and to answer any questions from Council, if applicable.

Mr. Ward was also in attendance at this meeting to speak on his own behalf and answer any questions from Council, if applicable.



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Marcus Gore, General Counsel for the SC Department of Public Safety, was in attendance at this meeting to represent the agency and answer any questions from Council, if applicable.

Council heard statements from and had questions answered by both attorneys regarding the misconduct allegations made against Mr. Ward.

After the conclusion of statements made and questions answered, Director Adger made a motion to allow Mr. Ward eligibility for law enforcement certification with no finding of misconduct. Sheriff Foster seconded the motion for the purpose of discussion.

Council had a discussion regarding the misconduct allegations against Mr. Ward and had questions answered by Academy staff regarding appropriate remedial training for Mr. Ward.

Upon conclusion of discussion, Director Adger withdrew his motion. A new motion was made by Attorney General Wilson to allow Mr. Ward eligibility for law enforcement certification with a finding of misconduct, and a requirement that Mr. Ward take refresher training to include, Use of Force, Legally Defensible Use of Force, and all of Week 8's training. With the exception of a 'No' vote from Director Boyles, Council voted unanimously to adopt the motion made by Sheriff Faile. *Please note that Chief Keel recused himself from the voting process in this case.*

Alvin Bremer: 2020-CJA-07-09 (Charleston County Sheriff's Office)

Summary: Allegation of conviction, plea of no contest or admission of guilt (regardless of withheld adjudication) to a felony, a crime punishable by a sentence of more than one year (regardless of the sentence actually imposed, if any) crime of moral turpitude in this or any other jurisdiction. **Request for Final Agency Decision.**

Hearing Officer recommended that Council:

- A) Issue its final agency decision, pursuant to S.C. Code Ann. Regs. 37-107 D., finding that the allegation of misconduct filed against Alvin Bremer by the Charleston County Sheriff's Office has been proven by substantial evidence; and
- B) Impose such sanctions as the Council in its discretion deem appropriate pursuant to its authority set forth at S.C. Code Ann. Regs. 37-108 A.

Attorney Glenn Justis was in attendance at this meeting to represent Mr. Bremer and answer any questions from Council, if applicable.

Mr. Bremer was present at this meeting to speak on his own behalf and answer any questions from Council, if applicable.



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No representative of Charleston County Sheriff's Office was present at this meeting.

Upon hearing the details of the misconduct allegations against Mr. Bremer, Sheriff Faile made a motion to permanently deny Mr. Bremer's eligibility for law enforcement certification. Captain Gallam seconded the motion. Council voted unanimously to permanently deny Mr. Bremer's eligibility for law enforcement certification.

Lyle McIntyre: 2020-CJA-01-09 (Beaufort Police Department)

Summary: Allegation of willfully making false, misleading, incomplete, deceitful, or incorrect statements to a law enforcement agency, or a representative of the agency except when required by departmental policy or by the laws of this State. **Request for Final Agency Decision.**

Hearing Officer recommended that Council:

- A) Issue its final agency decision, pursuant to S.C. Code Ann. Regs. 37-107 D., finding that the allegation of misconduct reported against Lyle McIntyre by the Beaufort Police Department has been proven by substantial evidence; and
- B) Consider, pursuant to S.C. Code Ann. Regs, 37-025 B, the single occurrence and seriousness of the misconduct to which Lyle McIntyre readily admitted at hearing, the mitigating personal circumstances offered at hearing by Lyle McIntyre as affecting his act of misconduct, and, as well give weight to the numerous letters of reference submitted on McIntyre's behalf, without objection, reflecting on his character and his prior history of service; and
- D) Determine a fitting and appropriate sanction regarding Lyle McIntyre's continuing eligibility for certification as a law enforcement officer in the State of South Carolina, pursuant to the authority set forth at S.C. Code Ann. Regs. 37-108 A.

Attorney Cameron Blazer was in attendance at this meeting to represent Mr. McIntyre and answer any questions from Council, if applicable. Ms. Blazer asked that Council consider other actions besides permanent denial of Mr. McIntyre's eligibility for law enforcement certification.

Mr. McIntyre was in attendance at this meeting to speak on his own behalf and answer any questions from Council, if applicable.

No representative for Beaufort Police Department was in attendance at this meeting.

Council had questions answered by Ms. Blazer regarding the misconduct allegations against Mr. McIntyre.

Director Boyles made a motion to grant Mr. McIntyre eligibility for law enforcement certification with a one (1) – year suspension of his law enforcement certification. The motion was not



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seconded. Sheriff Faile then made a new motion to permanently deny Mr. McIntyre eligibility for law enforcement certification. Director Thomas seconded the motion. Council voted unanimously to permanently deny Mr. McIntyre eligibility for law enforcement certification.

Jeffrey Day: 2021-CJA-01-01 (SC Department of Natural Resources)

Summary: Charleston County Sheriff's Office arrested Mr. Day and charged him with DUI and Open Container. **Request for Certification Suspension.**

Director Adger made a motion to suspend Mr. Day's law enforcement certification. Director Stirling seconded the motion. Council voted unanimously to temporarily suspend Mr. Day's law enforcement certification pending the outcome of the charges. ***Please note that Director Boyles recused himself from the voting process in this case.***

Lynsee Caulder (Carroll): No assigned case number (Chesterfield County Sheriff's Office)

Summary: Allegation of willfully making false, misleading, incomplete, deceitful or incorrect statements to a law enforcement officer, law enforcement agency, or a representative of the agency, except when required by departmental policy or by the laws of this State.

Ms. Caulder was terminated on November 1, 2019, while under SLED investigation. Chesterfield County Sheriff's Office filed a Routine Separation. On January 9, 2021, the agency filed an amended PCS alleging misconduct due to the results of a SLED investigation. Agency was notified that AG's Office declined to prosecute. **Acceptance Request.**

Director Boyles made a motion to accept the amended PCS Form. Sheriff Faile seconded the motion. Council voted unanimously to accept the amended PCS Form to reflect misconduct. ***Please note that Chief Keel and Attorney General Wilson recused themselves from the voting process in this case.***

Jessica Ellege: No assigned case number (Chesterfield County Sheriff's Office)

Summary: Allegation of willfully making false, misleading, incomplete, deceitful or incorrect statements to a law enforcement officer, law enforcement agency, or a representative of the agency, except when required by departmental policy or by the laws of this State.

Ms. Ellege was terminated on November 1, 2019, while under SLED investigation. Chesterfield County Sheriff's Office filed a Routine Separation. On January 9, 2021, the agency filed an amended PCS alleging misconduct due to the results of a SLED investigation. Agency was notified that AG's Office declined to prosecute. **Acceptance Request.**

Director Boyles made a motion to accept the amended PCS Form. Sheriff Faile seconded the motion. Council voted unanimously to accept the amended PCS Form to reflect misconduct. ***Please note that Chief Keel and Attorney General Wilson recused themselves from the voting process in this case.***



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Chad Kicklighter: No assigned case number (Clemson University Police Department)

Summary: In 2003, Mr. Kicklighter was charged and convicted of three (3) separate counts of Fraudulent Check under 500 dollars 1st offense of which two (2) convictions were in Anderson County (4/3/2003) with the remaining conviction being in Greenville County (7/23/2003). The Clemson University Police Department provided a sworn affidavit from Kicklighter outlining the facts and circumstances surrounding the above stated convictions (see attached). Clemson University Police Department also provided documentation that Mr. Kicklighter has applied for an expungement with the 10th Judicial Circuit, however; he was advised the charges do not qualify to be expunged off of his criminal background. Clemson University Police Department also provided certified copies of the Case History for Mr. Kicklighter's convictions and the incident report from Greenville City. **Eligibility Request**

Sheriff Faile made a motion to allow Mr. Kicklighter eligibility for law enforcement certification. Attorney General Wilson seconded the motion.

There was a brief discussion amongst Council regarding this case.

Upon conclusion of discussion, Sheriff Faile amended his motion to allow Mr. Kicklighter eligibility for law enforcement certification, asking him to request a pardon for the charges. Director Adger seconded the motion. Council voted unanimously to grant Mr. Kicklighter eligibility for law enforcement certification, asking Mr. Kicklighter to request a pardon for the charges. ***Please note that whether Mr. Kicklighter is or is not granted a pardon for the charges, he will still be eligible for law enforcement certification.***

1. **Financial Updates**

Tom McQueen

For the first five months of FY20-21 there was a decline in Fees & Fines revenue of \$552,501 compared with the prior year. There was a slight reprieve in December as it was \$63,141 ahead of last December. Therefore, year to date, the Academy is \$489,360 behind last year which is 18%. Since there are still no advanced students on campus, the Miscellaneous revenue also declined the first six months by \$122,453, although Miscellaneous expenses also declined by \$123,863. On a brighter note, the \$5 Surcharge funds continues to trickle in with the Academy ahead of last year by \$16,235, although there seemed to be a problem with \$15,992 coming from North Augusta. Prior to that amount arriving in December, the \$5 Surcharge funds were nearly identical to last year.

Expenses for payroll and fringes remains steady with the Agency spending only \$27,539 more than last year through the first six months while overall expenses have decreased by \$137,704. The



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Academy spent \$91,000 of Federal Funds from a COVID grant that offset several expenses including supplies in the Food Service and janitorial areas as well as purchasing multiple thermal cameras for measuring temperature. As the current health crisis continues, it is anticipated that revenues will be lower for the next several months but by keeping expenditures down, the Academy should remain financially stable.

Capital Projects Update

John Yarborough

Roof repairs to buildings #8 and #31, and Ranges #1, #2, #3 along with the Rifle Deck roofs are complete.

Toilet trailer installation for the Tactical Training Center has been completed.

All repairs from water damage due to a water leak in the JP Strom building have been completed.

Security type gates with automatic closers have been ordered to replace the four walk through gates in the village training area. Once installed, access will require a key or card swipe.

Director's Comments

Director Swindler

SCCJA received grants for COVID – 19. A portion of the funds was used to purchase kiosks that detect fever in individuals to aid in monitoring for possible COVID cases. Designated staff receive text messages to alert them when an individual is detected to have fever as well as alerting appropriate staff when individuals are not wearing masks.

DHEC testing for COVID is on site every two weeks to test staff and students.

To increase measures to combat COVID – 19 and increase the numbers per class, the Academy has been asking for students to volunteer to commute; therefore, for the last two classes that have started, 42 of those students are staying on campus while 30 students from one class and 10 students from the other have volunteered to commute. As of the date of this meeting, there are four classes on campus.

Director Swindler has participated in several meetings involving law enforcement reform committees. A bill has been introduced, and one of the things that is in the bill has to do with the budget. In the proposed budget there is a provision to help the Academy not lose money because



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of any loss of fees and fines. \$900,000 in revenue for fees and fines was lost last fiscal year. For the current fiscal year there is a loss of \$500,000 thus far in revenue for fines and fees. The Academy is hoping that through budget process and by statute this issue can be alleviated.

Director Swindler gave updates on the success of the Mobile Training Unit and employee updates.

With a public safety grant, the Academy has purchased forensics equipment and this equipment is now being utilized for training students.

Some training is still being taught virtually. Some of this training has been re-filmed and updated for better quality.

UNFINISHED BUSINESS

Agenda Item 6

There was no unfinished business to discuss.

NEW BUSINESS

Agenda Item 7

There was no new business to discuss.

CLOSING REMARKS/ADJOURNMENT

Agenda Item 8

Chief Keel asked if there were any comments or any other matters that needed to be addressed before adjournment.

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

Director Adger made a motion to adjourn the meeting.

The meeting was adjourned at 11:31 a.m.

Respectfully submitted by:

Scheri E. Francois
Executive Assistant