



South Carolina Criminal Justice Academy

SOUTH CAROLINA LAW ENFORCEMENT TRAINING COUNCIL MEETING MINUTES

July 22, 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 Wednesday, July 22, 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 10:02 a.m. Chief Keel called for a roll call of the Council members. The roll was called by Scheri Francois.

Chief Mark Keel, State Law Enforcement Division (SLED) (Chair) attended the meeting in person.

Members who attended the meeting via Webex Video/Teleconference were Sheriff Lee Foster, Newberry County Sheriff's Office (Co-Chair); Attorney General Alan Wilson, SC Attorney General's Office; Director Bryan Stirling, SC Department of Corrections; Director Robert Boyles, SC Department of Natural Resources; Acting Director Robert G. Woods, SC Department of Public Safety; Sheriff Barry Faile, Lancaster County Sheriff's Office; Director John Thomas, North Augusta Department of Public Safety; Chief Tony Taylor, Williamston Police Department; and Captain Nick Gallam, Aiken County Detention Center.

Guest attendees who attended the meeting via Webex Video/Teleconference Call and in person were Executive Director Jarrod Bruder, SC Sheriffs Association; Executive Director Ryan Alphin, SC Police Chiefs Association/SC Law Enforcement Officers Association; Barry Bernstein, SC Attorney General's Office; John O'Leary, Esquire; Marcus Gore, Esquire, SC Department of Public Safety; Adam Whitsett, Esquire, SLED; Edward Knisley, Esquire, Charleston County Sheriff's Office; Patrick Sharpe, Esquire.

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; Justin Miller, IT; John Yarborough, Facilities Operations Manager; Tom McQueen, Financial Operations Manager; Christopher Brumlow, Investigator.



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APPROVAL OF AGENDA

Agenda Item 2

Upon a motion made by Attorney General Wilson 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 June 15, 2020, meeting was made by Director Boyles and seconded by Director Woods. Council voted unanimously to accept the meeting minutes as recorded.

DIRECTOR'S REPORT

Agenda Item 4A

2. General Counsel

- Misconduct Cases

Shane Conkey: 2019-CJA-12-10 (Charleston County Sheriff's Office)

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

Attorney Edward Knisley was present at the meeting to represent Charleston County Sheriff's Office and to answer any questions from Council, if applicable. Mr. Knisley asked that Council uphold the recommendation of the Hearing Officer.

The recommendation of the Hearing Officer is to deny Shane Conkey eligibility for law enforcement certification 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.

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

Austyn Vaughn: 2019-CJA-10-02 (SC Department of Public Safety)

Summary: Allegation of willfully making false, misleading, incomplete, deceitful, or incorrect statements to a law enforcement officer, a law enforcement agency, or representative of the agency



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except when required by departmental policy or by the law of this State. **Request for Final Agency Decision.**

The recommendation of the Hearing Officer is to deny Mr. Vaughn's eligibility for law enforcement certification 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. Vaughn and to answer any questions from Council, if applicable. Mr. O'Leary asked that Council issue other disciplinary actions regarding Mr. Vaughn except permanent denial of his law enforcement certification.

Attorney Marcus Gore was present at this meeting to represent the SC Department of Public Safety (SCDPS) and to answer any questions from Council, if applicable.

Council had an extensive discussion regarding the actions that led to the allegation against Mr. Vaughn brought forth by SCDPS. During this discussion Council asked questions regarding the allegations against Mr. Vaughn and had their questions answered by both Mr. O'Leary and Mr. Gore.

Upon conclusion of discussion, Director Adger made a motion to grant Mr. Vaughn eligibility for law enforcement certification with a finding of no misconduct. Sheriff Foster seconded the motion. Council voted unanimously to grant Mr. Vaughn eligibility for law enforcement certification with a finding of no misconduct. ***Please note that Director Woods recused himself from the voting process in this case.***

Laura Patton: 2019-CJA-09-04 (Greenwood County Sheriff's Office)

Summary: Allegation of willfully making 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. **Request for Final Agency Decision.**

The recommendation of the Hearing Officer is to deny Mr. Vaughn's eligibility for law enforcement certification 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.

Ms. Patton was in attendance at this meeting to represent herself and answer any questions from Council, if applicable.

Council had questions regarding the allegations of misconduct against Ms. Patton and gave her an opportunity to speak on own her behalf.



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Upon hearing from Ms. Patton, Director Adger made a motion to accept the recommendation of the Hearing Officer to permanently deny Ms. Patton's eligibility for law enforcement certification. Chief Taylor seconded the motion. Council voted unanimously to adopt the recommendation of the Hearing Officer and permanently denied Ms. Patton's eligibility for law enforcement certification.

Huger Brown: 2018-CJA-09-12 (SLED)

Summary: Dangerous and/or unsafe practices involving firearms, weapons, and/or vehicle which indicated either a willful or wanton disregard for the safety of persons. **Consent Order Proposal.**

The consent order is stated: A) Consents to a finding of misconduct, Dangerous and/or unsafe practices involving a firearm, weapon, and/or vehicle. B) Two years' probation. C) Mr. Brown should attend anger management. D) At the end of probation a letter to SCCJA will be provided by Mr. Brown's employing agency stating that he has not engaged in misconduct.

Mr. Brown was in attendance at this meeting to answer any questions from Council, if applicable. Attorney Patrick Sharp was in attendance at this meeting to represent Mr. Brown and to answer any questions Council may have, if applicable.

Council asked questions regarding the case against Mr. Brown which were answered by Mr. Brown and Mr. Whitsett.

After hearing from both attorneys, Director Adger made a motion to accept the Consent Order Proposal. Sheriff Faile seconded the proposal.

Prior to the voting process Council had a brief discussion regarding the Consent Order Proposal.

Upon conclusion of discussion, Council voted unanimously to accept the Consent Order Proposal as recommended by the Hearing Officer. *Please note that Chief Keel recused himself from the voting process in this case.*

David Taylor: 2020-CJA-07-04 (Union County Sheriff's Office)

Summary: The SC Criminal Justice Academy received information that David Taylor, Sheriff of Union County, was formerly indicted by a Grand Jury and was charged with Misconduct in Office and Dissemination of Obscene Material. The indictment was the result of an investigation by the SC Law Enforcement Division (SLED). **Request for Final Suspension.**

Sheriff Foster made a motion to suspend Mr. Taylor's law enforcement certification. Sheriff Faile seconded the motion. Council voted unanimously to temporarily suspend Mr. Taylor's law enforcement certification pending the outcome of the criminal investigation. *Please note that*



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Chief Keel and Attorney General Wilson recused themselves from the voting process in this case.

Jason Barry: 2020-CJA-07-10 (Charleston County Sheriff's Office)

Summary: The SC Law Enforcement Division (SLED) notified the SC Criminal Justice Academy that Jason Barry was arrested by the SC Highway Patrol and charged with Reckless Homicide. Further information states that Barry was travelling in his departmentally issued vehicle at a high rate of speed when he struck a vehicle attempting a left turn which caused the victim's vehicle to overturn. The victim later succumbed to their injuries. **Request for Suspension.**

Sheriff Foster made a motion to suspend Mr. Barry's law enforcement certification. Sheriff Faile seconded the motion. Council voted unanimously to temporarily suspend Mr. Barry's law enforcement certification pending the outcome of criminal charges. *Please note that Director Woods recused himself from the voting process in this case.*

Benjamin Bolding: 2020-CJA-06-10 (Richland County Sheriff's Office)

Summary: On June 15, 2020, the Richland County Sheriff's Office submitted a Misconduct Allegation regarding Mr. Bolding. The date of separation listed on the Misconduct Allegation is April 6, 2020. The Richland County Sheriff's Office was contacted to verify the date of separation. The Richland County Sheriff's Office verified that the date of separation was correct. They further advised that the reason for the delay in submission of the Misconduct Allegation was a clerical error and oversight. They advised once the error and oversight were discovered the allegation was submitted. **Request to Accept Late Misconduct Allegation.**

Director Adger made a motion to accept the late PCS of Separation Due to Misconduct. Sheriff Faile seconded the motion. Council voted unanimously to accept the late PCS of Separation Due to Misconduct.

Jordan Nubern: 2020-CJA-06-15 (Anderson County Sheriff's Office)

Summary: On June 15, 2020, the Anderson County Sheriff's Office submitted a Misconduct allegation regarding Nubern. The date of separation listed on the Misconduct Allegation is listed as 8/15/2018. The lower right corner of the Misconduct Allegation lists the date of August 27, 2018 which is the date the allegation was printed. The Anderson County Sheriff's Office was contacted in order to obtain further information regarding the delay in submission. The Anderson County Sheriff's Office advised they had in fact submitted the allegation on August 27, 2018; however, the South Carolina Criminal Justice Academy conducted a search of its records to verify this information and determined the allegation was never received on the date in question. Based on the information received from the Anderson County Sheriff's Office, it appears that a clerical error was to blame for the delay in submission. **Request to Accept Late Misconduct Allegation.**



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Director Adger made a motion to accept the late PCS of Separation Due to Misconduct. Director Boyles seconded the motion. Council voted unanimously to accept the late PCS of Separation Due to Misconduct.

Financial Update

Agenda Item 4B

Due to the COVID crisis, Court Fines revenues have declined for the past couple of months, with receipts for May and June only being about \$200,000 each month. After speaking with the Academy's Executive Budget Analyst regarding the falling revenues and the uncertainty of whether the 10% carryover would take place this year, it decided the best course of action was to move several expenditures from other funds to state funds. This allowed the Academy to start the year with cash in the court fine category of \$3.7 million which is \$1.4 million more than the beginning amount last year. This gives the Academy somewhat of a cushion.

With this move, even with the declining revenues, as long as there is not a budget reduction this year, the Academy should be financially sound. Total expenditures for FY20 were \$12.8 million and the beginning cash balance for FY21 is right at \$13 million prior to any court fine receipts for the year. If the 10% carryover is available, the Academy would have another \$272 million to bring forward as well.

The Academy is beginning the year conservatively so that Staff can have what is needed but not necessarily what is wanted.

Capital Projects Update

Agenda Item 4C

Village Dormitory Restroom Renovation: The waterproofing was successfully completed. Final inspection to be conducted after some cosmetic touch ups.

Roof Repairs at SCCJA: Bid opening was complete on 7 July 2020 for roof repairs to buildings #8 and #31 and replace the roofing systems on Ranges #1, #2, #3 along with the Rifle Deck roof. CMS Roofing was the low bid, but withdrew stating that they made an error on their calculations. The process is on hold until approved by the Office of State Engineer.

Campus Security Upgrade: The new systems were installed, and we adding a few more cameras for areas where there is no coverage.

Kitchen Water Heater: The new unit was installed on 23 April 2020.



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Vehicle Tactical Range: The site was surveyed by the National Guard, and we are currently cleaning the area in preparation for the National Guard to begin work on the berm and range area.

Director's Comments/Council Discussion

Agenda Item 4D

Mr. Fennell informed Council that the Director of the SC Criminal Justice Academy has authority under State law to impose a penalty of up to \$1,500 of an individual who is found to be in violation of the regulations of the Training Act which would include failure to prosecute allegations of misconduct. This is a two-step process; the first step is the requirement of the agency to report the allegation of misconduct to the Academy, and the second step is the requirement of the agency to prosecute the allegation of misconduct. Due to the number of cases Council has seen recently involving agencies that have failed to appear to prosecute allegations of misconduct against their officers Council tasked the Academy with researching whether civil penalties could be imposed.

The proposal would be that the Director of the Academy impose the penalty, but the imposition of the penalty has to be approved by Council. The Academy would send out a letter informing agency heads that the Academy Director and the Training Council would start imposing fines to agencies that fail to comply with the requirement of prosecuting cases of misconduct. Once the Council sets the date in which this will take effect, the Academy will start notifying agency heads of a proposed civil penalty in writing. This notification would include the Director's authority to impose the penalty, the reason for the penalty, the amount of the penalty, and notification of the date, time and location of the next Training Council Meeting to address the matter. There would be a requirement for the agency head(s) to attend this meeting to address any questions from Council, and the agency would be reminded of their responsibility to report allegations of misconduct in the future. The final piece of information the notice would contain is a warning that any future violations could result in another penalty and even higher amount within the \$1,500 limit. After the agency head(s) has addressed the questions and concerns from Council, the Training Council would vote on the imposition of the civil penalty, if the Training Council agrees with the imposition of the penalty an order containing the details of it would be drafted, signed and mailed to the agency head(s) via US Certified Mail.

After Mr. Fennell gave this information to Council, Director Swindler addressed Council regarding imposing civil fines on agencies who fail to speak with someone in a command position at the current or former departments of officers their agency intends to hire. Agency heads would receive a letter from the Academy notifying them of the civil penalty and date and time of the next Training Council meeting in which they are to appear before Council and explain why they did not follow regulations.

Council had an extensive discussion on the proposals given by the Academy in regards to civil penalties imposed on agencies failing to comply with regulations.



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Upon conclusion of discussion, Chief Keel asked a member of Council to make a motion to accept the proposal made by the Academy. Sheriff Foster made a motion regarding imposing penalties on agencies that fail to prosecute allegations of misconduct and fail to perform complete background checks, which include contacting a prospective hire's current or former department. Director Adger seconded the motion. Council voted unanimously to adopt the proposal brought forth by the Academy.

A letter to agency heads regarding these civil penalties was drafted, signed by Director Swindler and sent via email.

Director Swindler gave Council information regarding issues with agencies such as allowing Class III Officers to work in a capacity as a Class I Officer. Director Swindler wanted to make Council aware that other issues such as these may be brought before them depending on the severity of the offense.

Director Swindler then spoke on what is being taught regarding to de-escalation, implicit bias, pride and prejudice, crisis communications, etc. Over forty- (40) hours of training in these topics is currently being taught to basic law enforcement students. Academy instructors have been tasked with looking at their teaching to see if it can be made more current with the best information out there and to add more to the material to make it even more robust.

The Mobile Training Team is beginning to go out in the field to also teach these types of topics. One of the new instructors on the Mobile Training Team devised a new de-escalation class that is four (4) hours and is able to teach this class throughout the State. Several instructors are writing new implicit bias classes, new communications classes, new pride and prejudice classes and other classes along these lines. Those lesson plans will also be available for the Mobile Training Team to teach to the field.

The Academy researched several nationally known speakers and contacted Chief Harry Dolan. The Academy brought Chief Dolan to South Carolina in the past and filmed his de-escalation training. The training was pushed out via Acadis to approximately 16,000 officers throughout the State. Director Swindler spoke with Chief Dolan and asked if he could come teach a hybrid of the issues law enforcement is facing on a national level to a live audience and give the Academy permission to film it and push it out to SC Officers through Acadis. Chief Dolan wrote up a proposed contract to come teach this training which is a four (4)-hour class. The class is quite costly at \$19,950. Director Swindler stated that he believes he has some associations that will help offset some of the cost.

Director Swindler made a recommendation that Council consider to adopt making Chief Dolan's training an annual requirement for SC Law Enforcement.



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A discussion ensued regarding this training. During the discussion, Director Jarrod Bruder, SC Sheriffs Association, informed Council that the Legislative Black Caucus wanted more focus on diversity trainings and would like to see African American instructors leading these trainings.

Chief Keel and Director Swindler had already spoken about the request from the Black Caucus, and Academy staff is searching for African American instructors around the nation to satisfy this request in the future. The Academy would like to get a solid diversity training filmed and made available to officers in the very near future, and acquiring Chief Dolan's services would allow that to happen.

Chief Tony Taylor recommended contacting the Riley Institute because they may have some qualified African American speakers qualified to teach diversity trainings.

Upon conclusion of discussion, Chief Keel asked members of Council if anyone would make a motion to make diversity type trainings an annual requirement allowing the Academy to determine the required hours of the training. Sheriff Faile made the motion, and it was seconded by Sheriff Foster. Council voted unanimously to make diversity type trainings an annual requirement for SC Law Enforcement Officers.

Chief Keel then asked members of Council if someone would make a motion to hire Chief Dolan to teach a hybrid training covering several topics such as cultural diversity and implicit bias. Sheriff Foster made the motion and it was seconded by Sheriff Faile. Council voted unanimously to contract Chief Dolan's services.

After the voting took place, Director Swindler asked members of Council to please consider asking associations they are associated with to assist in helping cover the cost of the training by Chief Dolan to help offset the cost.

CLOSING REMARKS/ADJOURNMENT

Prior to closing, Sheriff Foster raised his concern about Internet Explorer not being loaded on newer model computers and is not supported by Microsoft; therefore, there may be issues accessing trainings on Acadis. Justin Miller, the Academy's IT Manager, recommends that people still use Internet Explorer to access trainings on Acadis, but the program can also be accessed through Google Chrome. Mr. Miller said that Microsoft Edge will also work as long as it is the new version.

Director Swindler stated that the Academy is looking to build a vehicle close quarter combat course. The National Guard has already come and site surveyed and will help do the construction. A Training Council member has agreed to donate some soil for the construction. The Academy is hoping to make this project not be very costly. Rob Chadwick, the Tactical Training Coordinator of the Federal Bureau of Investigations, has said that if this construction is built, this would certainly make the Academy a state-of-the art facility.



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Captain Gallam asked if the mandatory training would apply to Class II and Class III Officers. Director Swindler stated that while it would not be mandatory for those officers, it could certainly be made available for officers who wanted to watch the training. Chief Keel stated that although it will not be mandatory for these officers, he certainly recommends that all officers watch the training.

Chief Keel asked if more discussion was needed on the topics brought forth or if anyone had any other topics to discuss.

When it was established that there was nothing more to discuss, Attorney General Wilson made a motion to adjourn the meeting. Sheriff Foster seconded the motion.

The meeting was adjourned at 11:47 am.

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