



South Carolina Criminal Justice Academy

SOUTH CAROLINA LAW ENFORCEMENT TRAINING COUNCIL MEETING MINUTES

March 16, 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, March 16, 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 10:07 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, SC Attorney General's Office; Director Jerry Adger, SC Department of Probation, Parole and Pardon Services; Acting Director Robert G. Woods, SC Department of Public Safety; Chief Tony Taylor, Williamston Police Department.

Members present via conference call were Director Bryan Stirling, SC Department of Corrections; Director Robert Boyles, SC Department of Natural Resources; Sheriff Barry Faile, Lancaster County Sheriff's Office; Captain Nick Gallam, Aiken County Detention Center.

Director John Thomas, North Augusta Department of Public Safety, was absent from the meeting.

Guest attendees were Deputy Attorney General Jeff Young, S.C. Attorney General's Office; Executive Director Jarrod Bruder, SC Sheriffs' Association; Executive Director Ryan Alphin, S.C. Police Chiefs Association/SC Law Enforcement Officers Association; Executive Director Mark Gosnell, S.C. Troopers Association; Attorney Marcus Gore, S.C. Department of Public Safety; Attorney John O'Leary; Michael Oliver, SC Department of Public Safety; Attorney Will Saltzman.

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; Justin Miller, IT; Christopher Brumlow, Investigator.



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APPROVAL OF AGENDA

Agenda Item 2

Upon a motion made by Sheriff Foster and seconded by Director Adger, 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 March 16, 2020, meeting was made by Director Adger 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

Steven Ticknor: 2019-CJA-07-11 (Pickens County Sheriff's Office)

Summary: Allegations of physical or psychological abuses of members of the public and/or prisoners. The Hearing Officer recommends a finding of no misconduct, approve eligibility for certification as a law enforcement officer and expungement within thirty – (30) days of the date of the Final Agency Decision. **Request for Final Agency Decision.**

Mr. Ticknor was in attendance to speak on his behalf and answer any questions from Council, if applicable.

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

Director Adger made a motion to accept the recommendation of the Hearing Officer. Director Woods seconded the motion. Council voted unanimously to adopt the recommendation of the Hearing Officer's finding of no misconduct, Mr. Ticknor 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.

Michael Hernandez: 2019-CJA-09-03 (Beaufort County Sheriff's Office)

Summary: Misrepresentation of employment related information. The Hearing Officer recommends a finding of misconduct, denial of eligibility for certification either permanently, for



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a specific period of time, or pursuant to other such conditions as may be deemed by Council.
Request for Final Agency Decision.

Lieutenant Barret of the Beaufort County Sheriff's Office was in attendance to represent the agency and to answer any questions from Council, if applicable. Lt. Barrett asked that Council uphold the recommendation of the Hearing Officer.

Sheriff Foster made a motion to adopt the recommendations of the Hearing Officer. Director Adger seconded the motion. Council voted unanimously to adopt the Hearing Officer's recommendation and permanently denied Mr. Hernandez's law enforcement eligibility.

Demetris Rivers: 2019-CJA-12-15 (Pageland Police Department)

Summary: The Pageland Police Department filed an allegation of certification misconduct against Mr. Rivers, alleging physical or psychological abuses of members of the public and/or prisoners. A consent order proposal has been submitted in lieu of a contested case hearing.
Consent Order Request.

Mr. Rivers was in attendance to speak on his behalf and to answer any questions from Council, if applicable.

Attorney Will Saltzman was in attendance to represent Mr. Rivers and asked that Council agree to the consent order that he and his client had reached with the Pageland Police Department.

Chief Taylor made a motion to **not** accept the consent order request. Director Adger seconded the motion.

Prior to the voting process, Council had a brief discussion in regard to the consent order request from Mr. Rivers and what appears to be a pattern in Mr. Rivers' conduct in regards to the incident that led to misconduct allegations against him.

Upon conclusion of discussion, Council voted unanimously to **not** accept the consent order request.

Cody Carroll: 2019-CJA-08-06 Fairfax Police Department)

Summary: The South Carolina Law Enforcement Division arrested and charged Mr. Carroll with Assault and Battery 3rd Degree. The South Carolina Law Enforcement Training Council voted to temporarily suspend Mr. Carroll's certification eligibility pending the adjudication of the charges. The South Carolina Criminal Justice Academy received documentation from Mr. Carroll advising that he successfully completed Pre-Trial Intervention for the above stated charges and those charges were expunged from his record. **Request for Reinstatement of Certification Eligibility.**



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Prior to the voting process, Council inquired of Mr. Fennell as to whether PTI had been completed. Mr. Fennell confirmed that Mr. Carroll completed the terms for having his record expunged and that the expungement order has been received by the Academy. As the topic of Pre-Trial Intervention had come up in previous cases brought before Council, Mr. Fennell provided information regarding the expungement process for completion of PTI. Mr. Fennell brought forth information from a 1997 Court of Appeals case, *State v Joseph*. According to language in that case, when a person completes PTI, it is as if the arrest never occurred, the offender is not required to admit to the arrest, and the offender's denial of the arrest is, by statute, deemed to be truthful. The language continues on by saying that not disclosing that arrest when applying for a position cannot be held against the offender because it is as if the act never occurred.

Upon completion of discussion, Director Adger made a motion to reinstate Mr. Carroll's law enforcement certification. Director Woods seconded the motion. Council voted unanimously to reinstate Mr. Carroll's law enforcement certification.

Derek Lee: 2020-CJA-01-01 (Sheriff Al Cannon Detention Center)

Summary: The Berkeley County Sheriff's Office arrested and charged Mr. Lee with Domestic Violence 2nd Degree. The South Carolina Law Enforcement Training Council voted to temporarily suspend Mr. Lee's law enforcement certification pending the disposition of criminal charges. The Sheriff Al Cannon Detention Center provided documentation from the 9th Circuit Solicitor's Office that the charge against Mr. Lee was dismissed citing the victim was uncooperative and recanted her statement. They further stated the victim completed dismissal forms and the State cannot prove the case without victim cooperation. The charge has been expunged from Mr. Lee's record. **Request for Reinstatement of Law Enforcement Certification.**

Director Adger made a motion to reinstate Mr. Lee's law enforcement certification. Director Woods seconded the motion.

Council voted unanimously to reinstate Mr. Lee's law enforcement certification.

Tanitha Sterling: 2020-CJA-01-10 (J. Reuben Long Detention Center)

Summary: The South Carolina Law Enforcement Division notified the South Carolina Criminal Justice Academy that Ms. Sterling was arrested by the Horry County Police Department and charged with Domestic Violence 2nd Degree. The South Carolina Law Enforcement Training Council voted to temporarily suspend Ms. Sterling's law enforcement certification pending the disposition of the criminal charges. The J. Reuben Long Detention Center provided documentation from the 15th Circuit Solicitor's Office that the charge against Ms. Sterling was dismissed. Ms. Sterling has initiated the process for expungement. **Request for Reinstatement of Law Enforcement Certification.**

Sheriff Foster made a motion to reinstate Ms. Sterling's law enforcement certification pending the receipt of the expungement order. Director Adger seconded the motion. Council voted



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unanimously to grant reinstatement of Ms. Sterling's law enforcement certification contingent upon receipt of the expungement order.

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

Summary: The South Carolina Law Enforcement Division notified the South Carolina Criminal Justice Academy that Brandon Hegi was arrested by the Horry County Police Department and charged with Domestic Violence 3rd Degree. The South Carolina Law Enforcement Training Council voted to temporarily suspend Mr. Hegi's law enforcement certification pending the disposition of the criminal charges.

The Surfside Beach Police Department submitted documentation advising the 15th Circuit Solicitor's Office dismissed the charges against Mr. Hegi at the request of the alleged victim. It is believed that Mr. Hegi has begun the expungement process. **Request for Reinstatement of Law Enforcement Certification.**

Sheriff Foster made a motion to reinstate Mr. Hegi's law enforcement certification pending the receipt of an expungement order. Director Adger seconded the motion. Council voted unanimously to reinstate Mr. Hegi's law enforcement certification contingent upon receipt of an expungement order.

David Eck: 2020-CJA-02-16: (SC Department of Public Safety)

Summary: The South Carolina Law Enforcement Division notified the South Carolina Criminal Justice Academy that David Eck of the South Carolina Highway Patrol was arrested and charged by SLED Agents and charged with Assault and Battery 3rd Degree. Further information obtained states that Eck's arrest stemmed from an off-duty incident that took place in 2019. Eck was off-duty and out of uniform when he attempted to take enforcement action against the victim. The South Carolina Department of Public Safety has advised that Eck is on administrative leave pending the outcome of the criminal charges. **Request for Suspension of Law Enforcement Certification.**

Sheriff Foster made a motion to suspend Mr. Eck's law enforcement certification pending the outcome of the criminal charges. Director Adger seconded the motion. Council voted unanimously to temporarily suspend Mr. Eck's law enforcement certification pending the outcome of the criminal charges. *Please note that Chief Keel and Director Woods abstained from the voting process in this case.*



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2. Director's Comments

Director Swindler

Director Swindler spoke about the closure of the Academy for two weeks in compliance with Governor McMaster's announcement on Sunday, March 15, 2020, to temporarily suspend classes for colleges and public schools for two weeks to help prevent the spread of COVID-19. Director Swindler stated that if possible, the Academy would like to stay on a two-week schedule once allowed to continue training as this is best logistically. However, he stated, Academy Staff would continue monitoring updates as given by the Governor for directions.

Director Swindler stated that the Academy's intentions are to try to fill as much Basic Training as possible while limiting some advanced training when students are allowed to return. The Academy has ordered a number of thermometers that would be used to monitor trainees when they return to campus.

Director Swindler stated that instructors would continue putting together lesson plans and the Academy would continue preparing for the upcoming CALEA Assessment of the agency.

Director Swindler answered questions from Council in regards to what this two-week shutdown means for current classes enrolled at the Academy. Director Swindler explained that currently there are four classes enrolled at the Academy. He explained that there may be the possibility of granting certification to BLE Class 714, who only had four more days of training left before they were scheduled to graduate. The rest of the classes would have to come back to complete their training, continuing testing and training on the material they last learned before the two-week closure. Director Swindler also stated that the Academy was looking into possibly putting material out online for distance learning.

Director Swindler stated that a backlog of classes should not occur, due to the fact the Academy has gotten caught up on Basic Training classes. He stated that if a small backlog did occur, the Academy should be able to get those done quickly as there is currently not a large number of candidates in the pool.

Director Swindler stated that Scheri Francois would be sending an email to Council requesting confirmation or updates to the contact information currently on file for each member. Director Swindler also mentioned that emails had been sent to Chiefs, Sheriffs and Training Officers in regards to the two-week closure.

CLOSING REMARKS/ADJOURNMENT

Chief Keel reiterated Director Swindler's sentiments about it being a good thing that there is currently no backlog of candidates waiting to get into the Academy for training and class sizes are



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going down. Although the Academy may be closed for two weeks, or longer depending on what happens with the virus, at least the number of candidates waiting for training are not as many as there were when the hybrid program first began.

Attorney General Wilson stated that he received information from Chief Justice Donald Beatty regarding the state of the judiciary. Cases requiring jury pooling and the general public coming into courts will be discontinued for the time being. However, oral arguments, bond hearings, family court matters involving children, and other emergency hearings will continue until further notice. Since the situation is very fluid, these circumstances could change at any moment.

Director Stirling asked Attorney General Wilson if anything has been decided about PCRs (Post-Conviction Reliefs). Director Stirling and Attorney General Wilson decided to discuss the matter further by phone.

When there were no more comments, Attorney General Wilson made a motion to adjourn the meeting. Director Adger seconded the motion.

The meeting was adjourned at 10:38 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