



South Carolina Criminal Justice Academy

SOUTH CAROLINA
LAW ENFORCEMENT TRAINING COUNCIL
Certification Meeting Minutes
Monday, March 18, 2019

The South Carolina Law Enforcement Certification Meeting was held on Monday, March 18, 2019, at the South Carolina Criminal Justice Academy. Council Chair, Chief Mark Keel opened the meeting at 10:00 a.m. and asked for a roll call.

ROLL CALL

Members Present

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
Jail Admin. Capt. Nick Gallam/ Aiken County Det. Center
Director Jackie Swindler/ S.C. Criminal Justice Academy

Represented by Proxy

Director Bryan P. Stirling/S.C. Dept. of Corrections/Brian Bolchoz (proxy)
Attorney General Alan Wilson/Attorney General's Office/ Barry Berstein (Conf. call-in)

Members Absent

Director Alvin A. Taylor/S.C. Dept. of Natural Resources

Guest Attendees

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 (SCTA)
Marcus Gore/ SC Dept. of Public Safety
Chief Jim Stewart/ Anderson Police Department
Garland Major
Robert Norton
Tanner Hamrick
Gabriela Martinez
Justin Mack
Attorney John O'Leary

SC Criminal Justice Academy Attendees:

Mike Lanier/ Deputy Director

James Fennell / General Counsel

Florence McCants /Administrative Operations Manager

Debbie Bryant/Human Resources

Justin Miller/IT

Mark Thomas/IT

APPROVAL OF MINUTES

Approval of the January 30, 2019 Quarterly Business meeting minutes.

MOTION: Sheriff Faile made a motion to approve the January 30, 2019 meeting minutes as written. Sheriff Foster, seconded the motion and was unanimously approved.

Approval of the February 20, 2019 LETC Certification Meeting minutes.

MOTION: Sheriff Foster a motion to approve the February 20, 2019 meeting minutes as written. Sheriff Faile seconded the motion and was unanimously approved.

Chief Keel welcomed everyone and reminded Council that in these monthly meetings the Council will be handling disciplinary/Certification issues. Chief Keel Regs, but would allow individuals to speak on the issues presented today.

Chief Keel also reminded the Council that their proxies cannot vote on these certification issues.

Katrina Canada – 2017-CJA-05-04

Summary: City of Spartanburg made allegations of misconduct against Katrina Canada. After reviewing all the evidence the hearing officer made a recommendation of no misconduct and to allow Ms. Canada to pursue her law enforcement certification and pursuant to S.C. Code 23-23-150 (G) (1) have all documents pertaining the to allegation be expunged.

MOTION: Director Smith made a motion to adopt the hearing officer's recommendation to approve eligibility for law enforcement certification in South Carolina and expunge all documents and evidence within 30 days regarding this misconduct against Katrina Canada by the Spartanburg Police Department. Captain Gallam seconded the motion and was unanimously approved.

Chief Keel called for a roll call vote.

Those in favor: Chief Mark Keel
 Director Smith

Those opposed:

Director Adger
Sheriff Barry Faile
Sheriff Lee Foster
Director John Thomas
Captain Nick Gallam

Garland Major – 2018 CJA 08-12

Summary: Anderson Police Department made an allegation of dishonesty against Mr. Major. The hearing officer found no substantial evidence to prove the allegation of misconduct and recommended that Mr. Major regain his eligibility certification as a law enforcement officer and to have all documents pertaining to this allegation of misconduct be expunged within 30 days.

MOTION: Director Smith made a motion to adopt the hearing officer's recommendation that Mr. Major is eligible for law enforcement certification in the State of South Carolina and expunge all documents and evidence regarding this misconduct against him regarding this matter within 30 days. Sheriff Faile seconded the motion and was unanimously approved.

Chief Keel called for a roll call vote.

Those in favor:	Chief Keel	Those opposed:
	Director Smith	
	Director Adger	
	Sheriff Faile	
	Sheriff Foster	
	Director Thomas	
	Captain Gallam	

Justin R. Mack -2017 CJA- 11-06

Summary: Florence Regional Airport Police Department made an allegation of Dishonesty/Untruthfulness with respect to his/her employer against Mr. Justin Mack. The hearing officer found that there was substantial evidence to find Dishonesty/Untruthfulness against Justin Mack and recommended a permanent denial of his certification as a law enforcement officer.

MOTION: Director Smith made a motion to adopt the hearing officer's recommendation and permanently deny Justin Mack his law enforcement certification in the State of South Carolina. Director Thomas seconded the motion and was unanimously approved.

Chief Keel called for a roll call vote.

Those in favor:	Chief Keel	Those opposed:
	Director Smith	
	Director Adger	
	Sheriff Faile	
	Sheriff Foster	

Director Thomas
Captain Gallam

Kirk Carter – 2017 CJA 10-10

Summary: Sumter Police Department made an allegation of Dishonesty/Untruthfulness against Mr. Kirk Carter. The hearing officer's recommendation was actually a procedural due process issue that bared the case effectively from moving forward against Mr. Carter. The hearing officer's recommendation is two-fold. First is the confrontational clause violation of the 6th amendment because the individual was a confidential complaint against the officer and even in civil proceedings if there is an economic interest in it, the due process will trigger the confrontation clause. The second part is an issue with the amount of detail in the allegation which was too vague for the office to provide a proper defense of the allegations, so the recommendation was a finding of no dishonesty as a result of the procedural bar.

MOTION: Director Smith made a motion to adopt the hearing officer's recommendation approve eligibility of certification as a law enforcement officer in the State of South Carolina and expunge all documents and evidence, within 30 days, regarding this misconduct against him regarding this matter. Director Adger seconded the motion and was unanimously approved.

Chief Keel called for a roll call vote.

Those in favor:

Chief Keel
Director Smith
Director Adger
Sheriff Faile
Sheriff Foster
Director Thomas
Captain Gallam

Those opposed:

Tanner Hamrick – 2018 CJA 08-01

Summary: This is an allegation against Tanner Hamrick for private tinting of his state vehicle windows. The hearing officer's recommendation is a finding of misconduct and permanent denial of his eligibility of his certification as a law enforcement officer.

MOTION: Sheriff Faile made a motion to accept the hearing officer's recommendation for decertification. Sheriff Foster seconded the motion to open the floor for discussion.

Chief Keel opened the floor for discussion.

James Fennell: Mr. Hamrick was issued a Tahoe and within the next day or so he took it to a shop to have the windows tinted. After the tinting was done, he leads his supervisor to believe that he received the vehicle with tinted windows. An investigation was started and at that time Mr. Hamrick admitted that he was dishonest during the OPR investigation.

Attorney O'Leary: Mr. Hamrick's vehicle broke down, so the replacement vehicle didn't have all the windows tinted. He took the replacement vehicle and the tinting done and thought that it was in the best interest of the department to have them done. At this time I am asking that the Council consider a reasonable punishment and not a permanent denial of certification in this case.

Tanner Hamrick: I had good intentions when I did this, but went about this the wrong way. I was a member of the SCHP Advance Civil Emergency Response Team. The full time guys have window tint on their vehicles thinking and I was thinking about safety.

Attorney Marcus Gore: Once Mr. Hamrick picks up the Tahoe he goes that next day to get the windows tinted, then tells his supervisor to go out and take a look at his new vehicle with tinted windows. Mr. Hamrick admitted that the reason he had that conversation was that he knew that he would not have been allowed to tint the windows. He goes and has the windows tinted and hopes that they will look the other way, or assume that it was already tinted. The department became aware of this when someone saw the tint company's ad posted on FB showing a picture of the vehicle Mr. Hamrick had them tint for him. Once the department confronted Mr. Tanner he was forthright about it, but the department was concerned about the first two instances when he is misrepresenting the matter with his supervisor. He told the OPR Investigator that he had to set the stage to get the tint approved.

I would also note that under the new version of the CJA Statute 23-23-150 the description of untruthfulness have been expanded and defines misconduct as willfully making false, misleading, incomplete, deceitful or incorrect statements to a law enforcement officer. Under any definition, Mr. Hamrick's statements were willful, misleading and incorrect, so he knew exactly what he was doing. The department doesn't have any specific position on the particular punishment. In two conversations he voluntarily said to his supervisor that he should look at his vehicle that came with tinted windows. He finally admitted that the reason that he approached it that way was they would just assume that it came that way.

Attorney O'Leary: Mr. Hamrick personally paid for the windows to be tinted and then later paid for the tint to be removed.

Director Adger: In his employment with SCHP were there any other disciplines?

Attorney Marcus Gore: I don't have the specifics, but I know there was one with a citizen complaint.

Tanner Hamrick: For the record, there was a lady driving very slow the interstate with her flashers on, so I came up behind her and put my blue lights on and activated my camera. Once she slowed down and finally came to a complete stop, she was in the middle of the interstate. I cursed at her and said "What in the F_ are you doing?" At that time my reaction was to cut my camera off after realizing what I said. I cut my video camera off, I cursed on camera and then I used my push bumper inappropriately. Once I turn my camera back on I am yelling at her to get out of the roadway and then I take the push bumper on the patrol vehicle and pushed her out of the roadway. I was disciplined for unauthorized vehicle, push bumper, cursing and

cutting my camera off. The only other was on a foot pursuit and not calling out to dispatch right away and I received counseling session.

Director Adger asked what other options the Councils has in this case other than decertification.

James Fennell: The Council actual has pretty broad range of power and flexibility. There are suspensions, indefinite suspensions for a period of time, the Council can use probations and also a provision of public reprimand.

Chief Keel: Obviously the Council has the option for permanent denial or revocation of certification. We also can have denial or revocation of certification for a specified amount of time, so a suspension for a determined amount of time or grant certification with probation. Public reprimand or we can do nothing.

Director Adger: Are we talking about the suspension of certification for a period of time?

Chief Keel: That is right. What that would do is to prohibit him from going to another agency during that suspension time.

Sheriff Foster: I seconded the motion for discussion, but I would also like to see some ethics training along with some Policy & Procedure training added.

Chief Keel: Mr. Hamrick is coming up on one year on July 19, 2019 of being out, so he would need to have an ethics class completed and documented prior to July 9th and the second class prior to July 2020. Chief Keel added that while on probation should any other misconduct allegations come up it would be an automatic denial of certification.

Director Smith: I am recusing myself.

AMENDED MOTION: Captain Gallam made a motion to allow Mr. Tanner Hamrick to be certified and be on probation for two (2) years and must complete eight (8) hours of approved ethics training prior to July 19, 2019 submitting documentation to the Academy. In the following year prior to July 19, 2020, he must complete another eight (8) hours of ethics training and certify the training through the Academy, at his expense. Again, any other allegations proven during this time, it would be an automatic denial of his law enforcement certification. Director Adger seconded the motion and the motion was approved.

Chief Keel called for a roll call vote.

Those in favor:

Chief Keel
Director Adger
Sheriff Faile
Sheriff Foster
Director Thomas
Captain Gallam

Those opposed:

Cameron Duecker – 2019-CJA-02-12

Summary: Mr. Decker was employed by the Richland CO SO and has submitted a request to suspend his law enforcement certification. He was arrested in regards to Assaulty and Battery 3rd Degree. His incident took place when he unlawfully injured a victim by grabbing and repeatedly tasing the victim while attempting an unlawful arrest. The defendant did so while operating under a code of law. The victim did receive bruising and scratches to the torso during the assault. Mr. Duecker was arrested and charged on February 22, 2019.

MOTION: Sheriff Foster made a motion to suspend Mr. Cameron Duecker's law enforcement certification. Director Adger second the motion and was unanimously approved

Chief Keel called for a roll call vote.

Those in favor:	Chief Keel	Those opposed:
	Director Smith	
	Director Adger	
	Sheriff Faile	
	Sheriff Foster	
	Director Thomas	
	Captain Gallam	

Marcus G. Atkinson – 2019 CJA 02-11

Summary: Mr. Atkinson of the Mauldin Police Department was charged with Pointing and Presenting a firearm by the Greenville CO SO. Deputies were dispatched to a disturbance involving a firearm. When the deputies spoke to the victim, she said they were involved in an argument and during the that time Mr. Atkinson he got a handgun from another room and pointed it at her and told her to leave. As a result of the deputies investigation, Mr. Atkinson was placed under arrest and charged with Pointing/Presenting a Firearm. The Mauldin Police Department submitted a PCS of Separation Due to Misconduct. The request is suspension of his law enforcement certification.

MOTION: Sheriff Faile made a motion to suspend Mr. Marcus Atkinson's law enforcement certification. Captain Gallam seconded the motion and it was approved.

Chief Keel called for a roll call vote.

Those in favor:	Chief Keel	Those opposed:
	Director Smith	
	Director Adger	
	Sheriff Faile	
	Sheriff Foster	
	Director Thomas	
	Captain Gallam	

Donald Lee – 2019-CJA-03-01

Summary: In this case Mr. Donald Lee was arrested and charged with Driving Under the Influence by the South Carolina Highway Patrol.

MOTION: Director Thomas made a motion to suspend Mr. Donald Lee's law enforcement certification. Director Adger seconded the motion and was unanimously approved

Chief Keel called for a roll call vote.

Those in favor:	Chief Keel	Those opposed:
	Director Smith	
	Director Adger	
	Sheriff Faile	
	Sheriff Foster	
	Director Thomas	
	Captain Gallam	

Brian Proffitt – 2019-CJA-03-02

Summary: Mr. Brian Proffitt was arrested and charged with Assault and Batter 2nd Degree and Misconduct in Office. Interviews were conducted and it was determined that Brian Proffitt did strike the victim Brian Timmons several times on the top of the head while he was handcuffed to the rear of his person. It was also determined that Brian Proffitt willfully and knowingly did omit material information from the incident report that would implicate him in an assault of the victim. Mr. Proffitt was given the opportunity to correct his narrative with a supplemental report and willingly and knowingly let the material information out of the report again. He did charge the with victim with trespassing even after the complainant stated that she wished for Timmons not to be charged. The investigator secured warrants for Misconduct in Office and Assault second degree. The request is for suspension regarding Mr. Brian Proffitt's certification.

MOTION: Director Adger made a motion to suspend Brian Proffitt's law enforcement certification. Director Thomas seconded the motion and was unanimously approved

Chief Keel called for a roll call vote.

Those in favor:	Chief Keel	Those opposed:
	Director Smith	
	Director Adger	
	Sheriff Faile	
	Sheriff Foster	
	Director Thomas	
	Captain Gallam	

Jamie Rogers – 2016-CJA- 11-10

Summary: Mr. Miller of the Columbia Police Department was arrested by the Lexington CO SO and charged with Criminal Sexual Assault with a minor less than eleven (11) years old. His certification was suspended and the Academy was notified that the criminal charges were dismissed. Provided documentation cites that while the victim disclosed abuse to law enforcement, current lack of corroborating evidence which caused a concern to meet the burden of proof beyond a reasonable doubt.

It should be noted that this is a request for the removal of the temporary suspension on Mr. Roger's law enforcement certification as there is a pending misconduct allegation which still need to be adjudicated.

MOTION: Director Smith made a motion to not remove the temporary suspension based on the nature of the allegations. Sheriff Foster seconded the motion and it was approved.

Chief Keel called for a roll call vote.

Those in favor:

Chief Keel
Director Smith
Director Adger
Sheriff Faile
Sheriff Foster
Director Thomas
Captain Gallam

Those opposed:

Re-Na Miller - Eligibility Request

Summary: Re-Na Miller has two (2) convictions for Fraudulent Checks which are crimes of moral turpitude. First conviction occurred in 1989 when the individual was 29 years old, when Mr. Miller wrote a check before his payroll check was deposited and received a pardon for the above charge, but it looks like Mr. Miller has additional criminal charges in his background. his record. Assault and Battery conviction in 1983, False Name to Police in 1984, Driving Under Suspension in 1986, Driving Under Suspension in 1986, Assault and Battery in 1993 and Non-Support Offense in 2010. The questions for the Council is whether there is evidence of good character for Mr. Miller to attend the Academy and if the individual is qualified, based on those two disqualifiers of fraudulent checks.

Director Smtih read the AG's May 16, 2002 Opinion. "A pardon and conviction can be considered in determining whether or not an applicant is suitable for admission to the Criminal Justice Academy" Smith stated that based on all of this here, I would definitely say no to both questions.

Director Adger – abstained from the vote.

MOTION: Director Smith made a motion to deny eligibility to Mr. Miller. Director Thomas seconded the motion and the motion was approved.

Chief Keel called for a roll call vote.

Those in favor:	Chief Keel	Those opposed:
	Director Smith	
	Director Adger	
	Sheriff Faile	
	Sheriff Foster	
	Director Thomas	
	Captain Gallam	

Darrell Stutts/Richland CO SO

Summary: On February 14, 1993 Mr. Stutts was charged with Hit and Run which is a crime of moral turpitude. He was convicted and paid a fine of \$142.00. At the time he was going to school and was 24 years old at the time of the incident and will turn 51 this September. Information provided states that Mr. Stutts was in a parking lot off Rosewood Driver when he struck the vehicle. At the time the incident happened, he did not think that the vehicle was hit hard enough to have done any damage. He said that he didn't get out of his vehicle to check because he thought it was just a mere bump. He left the scene and went to Five Points and the Columbia Police Department located him and showed him the damage on his vehicle from the other car. Mr. Stutts was given a ticket and paid the fine and later located the other driver and paid him \$100.00 for a new taillight lens. Richland CO SO would like to hire Mr. Stutts and believes that the time frame has been long enough for him to be allowed to attend the Academy. The Council will need to determine if there is evidence of good character and if he is eligible to attend the Academy.

MOTION: Director Smith made a motion to allow eligibility with a one (1) probationary sanction. Director Adger seconded the motion and

Those in favor:	Director Smith	Those opposed: Chief Keel
	Director Adger	
	Sheriff Faile	
	Sheriff Foster	
	Director Thomas	
	Captain Gallam	

Jerrell Burton/Sheriff Al Cannon Det. Center - Eligibility Request

Summary: Jerrell Burton was charged and convicted of Theft by Shoplifting in Georgia and sentenced to 12 months of probation under the Georgia First Offender Act. Burton contends that the probation Officer communicated with the judge presiding over his case and the First Offender Act was revoked and the sentence was amended to 2 weeks in jail. He also has one prior arrest in 2006 and he also had an Assault and Battery while on probation. His history also revealed that he has one (1) prior arrest in 2006 for Battery which was dismissed. The

Council will need to determine if there is evidence of good character and if is he eligible to attend the Academy At this time

MOTION: Director Smith made a motion to allow eligibility with a one (1) year probationary period. Sheriff Faile seconded the motion and the motion was approved.

Chief Keel called for a roll call vote.

Those in favor:

Chief Keel
Director Smith
Director Adger
Sheriff Faile
Sheriff Foster
Director Thomas
Captain Gallam

Those opposed:

DIRECTOR'S COMMENTS

Tactical Shoot House

Director Swindler reported that the tactical shoot house is underway. The building was delivered and currently digging the footings. They are now anticipating completion of the project in early June, weather permitting.

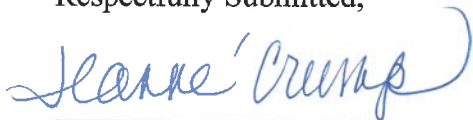
Retirement

Director Swindler announced that Jeanne' Crump will be retiring at the end of March. We are planning to have a drop-in the last week this month for her service.

Chief Keel reminded Council members that the next LETC Quarterly Business will be on Wednesday, April 24th.

A motion was made to adjourn.

Respectfully Submitted,



Jeanne' D. Crump
Executive Administrative Assistant
South Carolina Criminal Justice Academy