



# South Carolina Criminal Justice Academy

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SOUTH CAROLINA  
LAW ENFORCEMENT TRAINING COUNCIL  
MEETING MINUTES  
September 21, 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, September 21, 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 10:10 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) and Chief Tony Taylor, Williamston Police Department 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 Jerry Adger, SC Department of Probation, Parole and Pardon Services; Director Robert Boyles, SC Department of Natural Resources; 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; and Captain Nick Gallam, Aiken County Detention Center.

Director Bryan Sterling, SC Department of Corrections was absent from this meeting.

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; Mark Gosnell, SC Troopers Association; Attorney Ryan Hicks, Attorney Octavia Wright, SC Department of Probation, Parole and Pardon Services; Melvin Warren, SC Department of Probation, Parole and Pardon Services; and Attorney Marcus Gore, SC Department of Public Safety.

***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; Tim Plunkett, Attorney; Christopher Brumlow, Investigator.



# South Carolina Criminal Justice Academy

## APPROVAL OF AGENDA

### *Agenda Item 2*

Upon a motion made by Sheriff Faile and seconded by Director Boyles, 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 August 17, 2020, meeting was made by Sheriff Foster and seconded by Director Boyles. Council voted unanimously to accept the meeting minutes as recorded.

## DIRECTOR'S REPORT

### *Agenda Item 4A*

#### 2. General Counsel

- Misconduct Cases

#### Ashley Stinson: 2020-CJA-02-03 (PPP)

**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 Ryan Hicks was in attendance at this meeting to represent Ms. Stinson and answer questions from Council, if applicable.

Attorney Octavia Wright was in attendance to represent the SC Department of Probation, Parole and Pardon Services and answer any questions from Council, if applicable.

The recommendation of the Hearing Officer is either to grant Ms. Stinson eligibility for certification as a law enforcement officer in the State of South Carolina after successful completion of a period of probation deemed appropriate by Council or, alternatively, deny Ms. Stinson eligibility for certification as a law enforcement officer in the State of South Carolina for a specified amount of time, either as may be deemed appropriate by Council, pursuant to the authority set forth at S.C. Code Ann. Regs. 37-108 A.3. or 37-108 A.2.

For the sake of discussion, Sheriff Faile made a motion to accept the recommendation of the Hearing Officer. Director Boyles seconded the motion.



# South Carolina Criminal Justice Academy

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Prior to the voting process, Council had questions answered by both attorneys and Mr. James Fennel, General Counsel for the Academy, regarding the misconduct allegations against Ms. Stinson.

After hearing from Mr. Hicks and Ms. Wright, Sheriff Faile made a new motion to permanently deny Ms. Stinson's eligibility for law enforcement certifications. Director Boyles seconded the motion. Council voted unanimously to adopt the recommendation of the Hearing Officer to permanently deny Ms. Stinson's eligibility for law enforcement certification. *Please note that Chief Keel and Director Adger abstained from the voting process in this case.*

### **Avery Noel: 2020-CJA-02-03 (SC Department of Public Safety)**

**Summary:** Allegations of the repeated use of excessive force in dealing with the public and/or prisoners and dangerous and/or unsafe practices involving firearms, weapons and/or vehicle which indicated either willful or wanton regard for the safety of persons. **Request for Final Agency Decision.**

The recommendation of the Hearing Officer is to deny Mr. Noel's eligibility 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.

Mr. Noel was in attendance to represent himself and answer questions from Council, if applicable.

Attorney Marcus Gore was in attendance to represent the SC Department of Public Safety and answer questions from Council, if applicable.

For the sake of discussion, Sheriff Foster made a motion to accept the recommendation of the Hearing Officer's recommendation. Director Adger seconded the motion.

Council asked questions of Mr. Noel and SCCJA in regards to the misconduct allegations against Mr. Noel.

Upon hearing from Mr. Noel, Mr. Gore and SCCJA, Sheriff Foster made a new motion to accept the Hearing Officer's recommendation to permanently deny Mr. Noel's eligibility for law enforcement certification. Chief Taylor seconded the motion. Council voted unanimously to adopt the recommendation of the Hearing Officer to permanently deny Mr. Noel's eligibility for law enforcement certification. *Please note that Director Woods abstained from the voting process in this case.*

### **Daniel McGowan: 2020-CJA-02-09 (Oconee County Sheriff's Office)**

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



# South Carolina Criminal Justice Academy

the agency except when required by departmental policy or by the law of this State and willfully providing false, misleading, incomplete, deceitful, or incorrect statements 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 permanently deny Mr. McGowan's eligibility as a law enforcement certification in the State of South Carolina, pursuant to the authority set forth at S.C. Code Ann. Regs. 37-108 A.1.

No one was in attendance to represent Mr. McGowan or the Oconee County Sheriff's Office.

Captain Gallam made a motion to accept recommendation of the Hearing Officer. Sheriff Faile seconded the motion. Council voted unanimously adopt the recommendation of the Hearing Officer to permanently deny Mr. McGowan's eligibility for law enforcement certification.

## **Kevin Abbatiello: 2019-CJA-09-07 (North Charleston Police Department)**

**Summary:** Allegation of willfully making false, misleading, incomplete, deceitful, or incorrect information 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. **Request for Final Agency Decision.**

The recommendation of the Hearing Officer is to permanently deny Mr. Abbatiello's eligibility 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.1.

Mr. Abbatiello was in attendance to represent himself and answer questions from Council, if applicable.

No one was in attendance to represent the North Charleston Police Department.

Council asked questions of Mr. Abbatiello regarding the misconduct allegations against him.

Upon hearing from Mr. Abbatiello, 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 to permanently deny Mr. Abbatiello's eligibility for law enforcement certification.

## **James Bateman:2018-CJA-08-18**

**Summary:** Allegation of willfully providing false, misleading, incomplete, deceitful, or incorrect statements 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.**



# South Carolina Criminal Justice Academy

The recommendation of the Hearing Officer is to permanently deny Mr. Bateman's 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 by Council, pursuant to its authority set forth at S.C. Code Ann. Regs. 37-108 A.

There were no representatives in attendance for the officer or the agency.

Sheriff Foster made a motion to accept the recommendation of the Hearing Officer to permanently deny Mr. Bateman's eligibility for law enforcement certification. Attorney General Wilson seconded the motion. Council voted unanimously to permanently deny Mr. Bateman's eligibility for law enforcement certification.

## **Christopher Manley: 2020-CJA-08-16 (Greenville County SO)**

**Summary:** The South Carolina Criminal Justice Academy received information that Christopher Manley of the Greenville County Sheriff's Office was arrested by the Fountain Inn Police Department and charged with Domestic Violence 2<sup>nd</sup> Degree. **Request for Suspension of Law Enforcement Certification.**

Sheriff Foster made a motion to suspend Mr. Manley's law enforcement certification. Attorney General Wilson seconded the motion. Council voted unanimously to temporarily suspend Mr. Manley's law enforcement certification pending the outcome of the criminal charges.

## **Bancier Smith: 2018-CJA-09-13 (SC Department of Juvenile Justice)**

**Summary:** The South Carolina Criminal Justice Academy received information that the charges against Mr. Smith were dismissed, nolle prossed, or he was found not guilty on November 19, 2018, and was expunged from his record. **Request for Reinstatement of Law Enforcement Certification.**

Director Adger made a motion to reinstate Mr. Smith's law enforcement certification. Captain Gallam seconded the motion. Council voted unanimously to reinstate Mr. Smith's law enforcement certification.

## **Jamil Hall: 2017-CJA-02-08 (Florence County SO)**

**Summary:** The South Carolina Criminal Justice Academy was notified that the charges against Mr. Hall were dismissed, nolle prossed, or he was found not guilty on January 29, 2020, and was expunged from his record. The dismissal of the criminal charges stem from his successful completion of Pre-Trial Intervention. **Request for Reinstatement of Law Enforcement Certification.**

Captain Gallam made a motion to reinstate Mr. Hall's law enforcement certification. Director Adger seconded the motion. Council voted unanimously to reinstate Mr. Hall's law enforcement certification.



# South Carolina Criminal Justice Academy

## **Hannah Catoe: 2020-CJA-04-07 (Lancaster PD)**

**Summary:** The South Carolina Criminal Justice Academy received information that the charges against Ms. Catoe were nolle prossed on September 3, 2020. **Request for Reinstatement of Law Enforcement Certification.**

Captain Gallam made a motion to reinstate Ms. Catoe's law enforcement certification. Director Adger seconded the motion. Council voted unanimously to reinstate Ms. Catoe's law enforcement certification.

## **Norman Lunsford: No case number assigned (Cottageville PD)**

**Summary:** Mr. Lunsford is a Reserve Officer candidate with the Cottageville Police Department. In 1995, he was arrested by the Charleston County Sheriff's Office and charged with Fraudulent Check less than \$200 1<sup>st</sup> Offense. He was convicted and paid restitution in the amount of \$26.96 and court costs. Mr. Lunsford has advised that he has applied for expungement.

Director Adger made a motion to grant Mr. Lunsford eligibility to become a Reserve Officer upon expungement of criminal charges. Sheriff Foster seconded the motion. Council voted unanimously to grant Mr. Lunsford's eligibility to become a Reserve Officer upon expungement of criminal charges.

## **Director's Comments/Council Discussion**

### ***Agenda Item 4B***

First, Director Swindler informed Council of an August 18, 2020, meeting in which he and Chief Keel met with Tom Hardy of the Technical College System, Walt Tobin, President of Orangeburg Technical College, Galen DeHay, President of Tri-County Technical College, and Dan Cooper of Tri-County Technical College.

During this meeting, the representatives of the college system/colleges did a presentation explaining their desire to assist the Academy by offering their schools for new hires to do their pre-academy training and any additional training that agencies require. Potential hires could also attend that same training and once completed could take their certificates to an agency showing they have completed the pre-academy training at a technical college.

This proposal is simply for the purpose of assisting agencies in the field who have expressed an interest in this option as agencies feel this could benefit them in cost savings. The colleges would also vet candidates to be sure they were fit for hire in the law enforcement profession and if deemed unfit, candidates would not be accepted into the program. There would be no cost to the students or agencies as this proposal has been presented to the Legislature and students attending this training would be eligible for lottery money and/or the WINS Scholarship.





## South Carolina Criminal Justice Academy

An ACADIS numbers could be assigned to the schools, and they can show the Academy 4-week training to the students and administer Academy tests. Once students have completed the 4-week training, they would be eligible to come to the Academy to take the cumulative and physical abilities tests. Students would still be required to take psychological exams and aptitude tests. The representatives from the technical colleges also explained they would offer remedial training for students who do not do well on the aptitude test.

After Director Swindler presented this information to Council, members of Council had their questions answered by Chief Keel and Director Swindler.

Upon conclusion of discussion, Director Boyles made a motion for the Academy Staff to work with the representatives of the technical college system/colleges to come up with a concrete proposal to present to Council. Director Adger seconded the motion. Council voted unanimously to adopt the motion made by Director Boyles.

Next, Director Swindler presented a request from the field for Class 3 Officers to have the ability to serve civil process papers. James Fennell researched this information to find out whether this was permissible according to the statute. Mr. Fennell did not find any information that would prohibit Class 3 Officers from serving civil process papers. Director Swindler addressed Sheriffs Faile and Foster in regards to whether they had any concerns with this request being granted. Neither Sheriff had any objections to the request.

Sheriff Foster stated that it should be made clear that granting this request would not circumvent the Training Act to have Class 3 Officers do other duties outside of what these officers are permitted to do. Sheriff Foster stated that he was concerned about Class 3 Officers serving other civil process documents such as evictions, ejectments or seizing of properties. He questioned whether serving these types of civil processes would require a higher level of certification. Chief Keel stated that serving these types of civil process documents can very easily turn into dangerous situations, which gives him some trepidation about going down this avenue. Sheriff Foster stated that he would like to discuss this with sheriffs at the next sheriffs meeting before Council makes a decision regarding this request for Class 3 Officers to be allowed to serve civil process documents. This matter will be tabled until after the next sheriffs meeting.

The third item Director Swindler addressed was regarding the requirements of training of telecommunication officers. The Academy received a Freedom of Information Act request and Director Swindler was interviewed by a news station in reference to this training. Under the regulations, once a telecommunication officer is hired they are required to attend Academy training within a year. The regulations do not require agencies to submit Personnel Status Forms for these officers as law enforcement and detention officers are required to do. The news media outlet contacted a local representative from their area and asked if they would consider introducing legislation requiring Personnel Status Forms be submitted for telecommunication officers to the Academy so there would be a paper trail from agencies showing that these officers have hired and



# South Carolina Criminal Justice Academy

have attended the Academy for certification. The representative contacted the Academy to see if this requirement is something Council would like to see added to the regulation so it can be brought before the General Assembly. Council discussed this matter and had questions answered by Director Swindler and James Fennell.

Sheriff Foster made a motion to pursue this matter with the General Assembly and also to advise agencies on what they should be doing regarding their telecommunication officers. The motion was seconded by Director Adger. Council unanimously decided that agencies should be required to submit Personnel Status Forms for telecommunication officers.

While on the topic of certification matters, Sheriff Foster asked whether an officer can keep their certification as part-time officers. Director Swindler stated that these officers could keep their certification IF they are regularly employed by a law enforcement agency. Sheriff Foster also asked whether people hired as code enforcement officers such as litter and animal control officers are required to attend any type of Academy training. Director Swindler stated that these officers are considered Class 3 Officers and are required to complete training for Limited Duty Officers. Sheriff Faile asked if a Code Enforcement Officer employed by the County Administrator is a Class 3 Officer. James Fennell stated that according to the statute, if a person has arresting authority then they have to be trained through the Academy. If they do not have arresting authority then they do not have to be trained through the Academy and therefore are not considered a Class 3 Officer. It was also stated that these officers cannot carry firearms under the latter circumstance.

Director Swindler gave an update on how many agencies have returned their acknowledgements in regards to receiving the memo issued about the enforcement of civil penalties. Director Swindler also reminded Council of the change in date for the November meeting. The new meeting date is November 9, 2020, due to the SC Police Chiefs Association Leadership Conference being held at the time of the original November 16<sup>th</sup> date.

## **CLOSING REMARKS/ADJOURNMENT**

### ***Agenda Item V***

Director Boyles informed Council of the retirement of Captain Robert McCullough of the SC Department of Natural Resources.

Sheriff Foster made a motion to adjourn the meeting. The motion was seconded by Captain Gallam.

The meeting was adjourned at 12:05 p.m.





# South Carolina Criminal Justice Academy

Respectfully submitted by:

Scheri E. Francois

Scheri E. Francois  
Executive Assistant