



South Carolina Criminal Justice Academy

SOUTH CAROLINA LAW ENFORCEMENT TRAINING COUNCIL MEETING MINUTES

Monday, August 22, 2022
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, August 22, 2022. This meeting was advertised in accordance with 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.

Members present for this meeting in-person were Chief Keel, State Law Enforcement Division (SLED); Director Robert Woods, S.C. Department of Public Safety; and Director Robert Boyles, S.C. Department of Natural Resources.

Members present via video/conference call were Sheriff Lee Foster (Co-Chair), Newberry County Sheriff's Office; Director Bryan Stirling, S.C. Department of Corrections; Sheriff Barry Faile, Lancaster County Sheriff's Office; Chief John Thomas, North Augusta Department of Public Safety; and Captain Nick Gallam, Aiken County Detention Center.

Attorney General Alan Wilson was absent from this meeting but was represented by proxy, Chief Deputy Attorney General Jeff Young. Director Jerry Adger was absent from this meeting.

In-person guest attendees were Jarrod Bruder, S.C. Sheriffs Association; JJ Jones, S.C. Police Chiefs Association/S.C. Law Enforcement Officers Association; Mark Gosnell, S.C. Troopers Association; Francie D. Austin, Esquire, City of North Charleston; Ryan Hicks, Esquire; R. Nichols Riley, Esquire; Adam Whitsett, Esquire, S.C. Law Enforcement Division (SLED); Garryl L. Deas, Esquire; William S. Duncan, Esquire; William Bowering; Octavia Wright, Esquire, S.C. Department of Probation, Parole and Pardon; Deputy Director Chad Gambrell; S.C. Department of Probation, Parole and Pardon Services; Melvin Warren, S.C. Department of Probation, Parole, and Pardon Services; Chief John Perry, Johnston Police Department; and Kyle Joslin.

Guests who attended via Webex were Deputy Chief Jim Stewart, Richland County Sheriff's Department; Joanna McDuffie, Esquire, Richland County Sheriff's Department; Captain Lee Ellis, S.C. Department of Natural Resources; and Erica Wright, S.C. Municipal Association.



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S.C. Criminal Justice Academy attendees were Director Jackie Swindler; Scheri Francois, Executive Assistant; James Fennell, General Counsel; Lauren Fennel, Accreditation and Standards Manager; Florence McCants, Administrative Operations Manager; Justin Miller, IT Manager; Christopher Brumlow, Investigator; and Daniel Malkeweiz, Certification Manager.

APPROVAL OF AGENDA

Agenda Item 2

A motion to adopt the agenda was made by Director Boyles and seconded by Director Woods. Council voted unanimously to adopt the agenda as presented.

APPROVAL FOR MEETING MINUTES

Agenda Item 3

A motion to approve the minutes of the July 20, 2022, 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 4

A. General Counsel Report

- Misconduct Cases

Darryl Felkel: 2021-CJA-09-03 (N. Charleston PD)

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

Hearing Officer recommended that Council:

- Order that the contested case file in this matter be closed; and
- Order, pursuant to the requirements of S.C. Code Ann. § 23-23-150 (M), that the "Personnel Change in Status Report: Notification of Separation Due to Misconduct" filed by the Department in this matter be expunged, and that the certification file of the Officer be updated in the records of the Criminal Justice Academy to reflect no outstanding allegations of misconduct based on the allegations reported by the Department in this matter.



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Ryan Hicks, Esquire, attended this meeting to represent Darryl Felkel and answer questions from Council, if applicable.

Francie D. Austin, Esquire, attended this meeting to represent the North Charleston Police Department and answer questions from Council, if applicable. North Charleston Police Department failed to prosecute this case, and Council addressed this issue with Ms. Austin.

After hearing from both attorneys and having questions answered by James Fennell, Sheriff Faile made a motion to accept the recommendation of the Hearing Officer to close and dismiss all allegations of the case against Mr. Felkel. Director Woods seconded the motion. Council voted unanimously to adopt the recommendation of the Hearing Officer and granted Mr. Felkel continued eligibility for law enforcement certification.

Ryan Harp: 2021-CJA-08-11 (SLED) –

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

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 Harp by the South Carolina Law Enforcement Division has not been proven by substantial evidence; and
- B. Approve, pursuant to the authority of Council set forth at S.C. Code Ann. § 23-23-150 (G) (1), Ryan Harp'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 allegation of misconduct filed against Ryan Harp by the South Carolina Law Enforcement Division

Ryan Harp attended this meeting to speak on his own behalf and answer questions from Council, if applicable.

R. Nichols Riley, Esquire, attended this meeting to represent Mr. Harp and answer questions from Council, if applicable. During his presentation before Council, Mr. Riley asked Council to determine whether SLED submitted their appeal of the recommendations of the Hearing Officer in a timely manner.



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Adam L. Whitsett, Esquire, SLED General Counsel, attended this meeting to represent SLED and answer questions from Council, if applicable.

After hearing from both attorneys and having questions answered by James Fennell, Director Boyles made a motion that SLED did respond to and submit an appeal of the Hearing Officer's recommendation in a timely manner. Director Stirling seconded the motion. Council voted unanimously that SLED did, in fact, respond to and appeal the recommendation of the Hearing Officer in a timely manner.

Director Boyles then made a motion to accept the recommendation of the Hearing Officer for the sake of opening a discussion. Captain Gallam seconded the motion.

After discussion and having questions answered by the attorneys, with a 4 'Yes' to 3 'No' votes, the motion to adopt the recommendation of the Hearing Officer passed. ***Please note that Chief Keel recused himself from the voting process in this case.***

Derron Solomon: 2021-CJA-08-03 (SLED) –

Summary: Allegation of willfully making false, misleading, incomplete, deceitful, or incorrect statements 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 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 Derron Solomon by the South Carolina Law Enforcement Division has been proven by substantial evidence; and
- B. Impose such sanction as the Council in its discretion deems appropriate pursuant to its authority set forth at S.C. Code Ann. Regs. 37-108 A.

Derron Solomon attended this meeting to speak on his own behalf and answer questions from Council, if applicable.

Garryl L. Deas, Esquire, attended this meeting to represent Mr. Solomon and answer questions from Council, if applicable.

Adam Whitsett attended this meeting to represent SLED and answer questions from Council, if applicable.



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After hearing from all parties, Director Woods made a motion to accept the recommendation of the Hearing Officer and to permanently deny Mr. Solomon's law enforcement certification. Sheriff Faile seconded the motion. Council voted unanimously to permanently deny Mr. Solomon eligibility for law enforcement certification. *Please note that Chief Keel recused himself from the voting process in this case.*

William Bowering: 2021-CJA-11-18 (Georgetown County Sheriff's Office) –

Summary: Allegation of physical or psychological abuse of members of the public or prisoners. **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 reported against William Bowering by the Georgetown County Sheriff's Office has not been proven by substantial evidence; and
- B. 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 William Bowering by the Georgetown County Sheriff's Office.

William Bowering attended this meeting to speak on his own behalf and answer questions from Council, if applicable.

William S. Duncan, Esquire, attended this meeting to represent Mr. Bowering and answer questions from Council, if applicable.

After hearing from Mr. Duncan, Director Woods made a motion to accept the recommendation of the Hearing Officer that there was no finding of misconduct. Director Boyles seconded the motion. Council voted unanimously to adopt the recommendation of the Hearing Officer and granted Mr. Bowering continuing eligibility for law enforcement certification.

Rashad McDuffie: 2022-CJA-03-03 (S.C. Department of Probation, Parole, and Pardon Services) –

Summary: Allegation of providing false information to the S.C. Criminal Justice Academy. **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 an allegation of misconduct reported against Rashad McDuffie by the South Carolina Department of Probation, Parole, and Pardon Services has been proven by the preponderance of evidence; and



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- B. Impose such sanction as the Council in its discretion deems appropriate pursuant to the authority set forth at S.C. Code Ann. Regs. 37-108 A.

Rashad McDuffie attended this meeting to speak on his own behalf and answer questions from Council, if applicable.

Octavia Wright, Esquire, Deputy Director Chad Gambrell, and Investigator Melvin Warren attended this meeting to represent S.C. Probation, Parole and Pardon Services and answer questions from Council, if applicable.

After hearing statements from Mr. McDuffie and Ms. Wright, Director Boyles made a motion to permanently deny Mr. McDuffie eligibility for law enforcement certification. Director Woods seconded the motion. Council voted unanimously to permanently deny Mr. McDuffie eligibility for law enforcement certification.

Carol Shannon: 2022-CJA-07-18 (Dorchester County Codes Enforcement) –

Summary: The South Carolina Law Enforcement Division (SLED) notified the South Carolina Criminal Justice Academy that the South Carolina Highway Patrol arrested Carol Shannon of the Dorchester County Codes Enforcement and charged her with Driving Under the Influence Less Than .10 1st Offense. **Suspension Request.**

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

William Zurcher: No assigned case number (Andrews Police Department) –

Summary: The Andrews Police Department submitted a late Personnel Change Status (PCS) for Misconduct for William Zurcher. The delay in the submission was due to a member of the agency not following a directive to submit the PCS to the S.C. Criminal Justice Academy. **Acceptance Request.**

Captain Gallam made a motion to accept the late PCS. Director Boyles seconded the motion. Council voted unanimously to accept the late PCS of Misconduct submitted by the Andrews Police Department. ***Please note that Chief Keel recused himself from the voting process in this case.***

S.C. Code Ann. 23-23-60(5)(b) Violation: Johnston Police Department –

Summary: Two officers with the Johnston Police Department resided outside the jurisdiction of South Carolina and did so with the expressed knowledge and consent of the Johnston Police Department leadership which is in violation of S.C. Code Ann. 23-23-60(5)(b).



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Chief John Perry of the Johnston Police Department attended this meeting to address the issue and answer questions from Council, if applicable.

Investigator Chris Brumlow presented to Council a brief summary of the history of the allegations of the officers living outside of South Carolina jurisdiction. Investigator Brumlow provided Council with the information that one of the officers resigned their post as an officer with the Johnston Police Department. The other officer was now back in compliance and living in South Carolina.

After hearing from Chief Perry and having questions answered by James Fennell, Sheriff Foster made a motion to not impose any civil penalties upon the Johnston Police Department. Director Woods seconded the motion. Council voted unanimously to not impose any civil penalties upon the Johnston Police Department as their agency had corrected the issue of the officers being out of compliance.

B. Director's Comments

Director Swindler

Director Swindler gave an Academy update regarding training classes.

UNFINISHED BUSINESS

Agenda Item 5

Director Swindler addressed the nine model standards for the PACT Act and asked that Council approve the policies, with any amendments, so the Academy could send them out to the state's law enforcement agencies to use as guides.

Chief Keel asked the Academy to keep Council apprised of any questions or concerns as they are received from the field.

Council had a brief discussion regarding the policies. Jarrod Bruder participated in this discussion.

After the discussion concluded, Director Woods made a motion to approve model standards with suggested amendments. Sheriff Faile seconded the motion. Council voted unanimously to adopt the nine model standards to be sent to the field once amendments have been made.

Next, Director Swindler addressed a request made by Sheriff PJ Tanner regarding the training of Advanced Class 3 Officers as school resource officers.

Director Swindler and Council had a discussion regarding Sheriff Tanner's inquiry. Upon conclusion of the discussion, Director Woods made a motion to amend the current guidelines for



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Advanced Class 3 Officers to include School Resource Officers with the stipulation that they receive School Resource Officers training through the Academy or NASRO, include Active Shooter training, and that newly hired candidates submit to a psychological evaluation. Sheriff Foster seconded the motion. Council voted unanimously to pass the motion.

Council had one final discussion on this matter to include whether grant money for SROs would be affected by this change and what candidates would be eligible to be considered under this new guideline.

Director Woods stated that he does not believe that grant money for SROs would be affected but that he would make certain. Lastly, it was Council's decision that any candidate who successfully passed all the required training and a psychological evaluation would be eligible under this new guideline.

NEW BUSINESS

Agenda Item 6

There was no new business to discuss.

CLOSING REMARKS/AJOURNMENT

Agenda Item 7

When there were no more matters to discuss, Director Woods made a motion to adjourn the meeting.

The meeting was adjourned at 12:55 pm.

Respectfully submitted by:

Scheri E. Francois
Executive Assistant