



South Carolina Criminal Justice Academy

SOUTH CAROLINA LAW ENFORCEMENT TRAINING COUNCIL MEETING MINUTES

Monday, December 13, 2021
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, December 13, 2021. 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 Lauren Fennell.

Members present for this meeting in-person were Chief Keel, State Law Enforcement Division (SLED); Director Jerry Adger, S.C. Department of Probation, Parole, and Pardon Services; Director Robert Woods, S.C. Department of Public Safety; Director Robert Boyles, S.C. Department of Natural Resources; and Chief Tony Taylor, Williamston Police Department.

Members present via video/conference call were Sheriff Lee Foster (Co-Chair), Newberry County Sheriff's Office; Attorney General Alan Wilson, S.C. Attorney General's Office; and Captain Nick Gallam, Aiken County Detention Center.

Directors Bryan Stirling, S.C. Department of Correction and John Thomas, North Augusta Department of Public Safety, were absent from this meeting.

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; Deputy Attorney General Barry Bernstein; Major Jim Stewart, Richland County Sheriff's Department; Joanne McDuffie, Esquire, Richland County Sheriff's Department; and Investigator King Hemingway, Horry County Police Department.

S.C. Criminal Justice Academy attendees were Director Jackie Swindler; James Fennell, Chief General Counsel; Lauren Fennell; Standards and Accreditation Manager; Florence McCants, Administrative Operations Manager; Justin Miller, IT Manager; and Christopher Brumlow, Investigator.



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APPROVAL OF AGENDA

Agenda Item 2

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

APPROVAL FOR MEETING MINUTES

Agenda Item 3

A motion to approve the minutes of the November 15, 2021, meeting was made by Director Woods and seconded by Director Adger. Council voted unanimously to accept the meeting minutes as recorded.

DIRECTOR'S REPORT

Agenda Item 4

A. General Counsel Report

- Misconduct Cases

Joshua Kirby: 2021-CJA-02-12 (Kingtree PD) -

Summary: Allegations 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; willfully providing 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.**

Hearing Officer recommended that Council:

- Issue its final agency decision, pursuant to S.C. Code Ann. Regs. 37-107 D., finding that the allegations of misconduct reported against Joshua B. Kirby by the Kingtree Police Department have not been proven by substantial evidence; and
- Approve, pursuant to the authority of Council set for at S.C. Code Ann. § 23-23-150 (G) (1), Joshua B. Kirby's eligibility for certification as a law enforcement officer in the State of South Carolina; and
- 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 Joshua B. Kirby by the Kingtree Police Department.



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Director Woods made a motion to accept the recommendation of the Hearing Officer. Director Boyles seconded the motion. Council voted unanimously to adopt the recommendation of the Hearing Officer. *Please note that Attorney General Wilson abstained from the voting process in this case.*

Curtis Thompson: 2021-CJA-03-09 (Horry Co. PD) -

Summary: Allegations 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 Curtis Thompson by the Horry County Police Department 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.

Investigator Hemingway attended this meeting in representation of the Horry County Police Department.

After hearing a statement from Investigator Hemingway, Director Adger made a motion to permanently deny Mr. Thompson's eligibility for law enforcement certification. Director Woods seconded the motion. Council voted unanimously to permanently deny Mr. Thompson's eligibility for law enforcement certification.

UNFINISHED BUSINESS

Agenda Item 5

There was no unfinished business to discuss at this meeting.

NEW BUSINESS

Agenda Item 6

Council was presented with two training reimbursement cases, in which Estill Police Department sought reimbursement from Varnville Police Department, and Allendale Police Department sought reimbursement from Hampton County Sheriff's Office.



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Prior to this meeting, the Varnville Police Department paid the reimbursement for training to the Estill Police Department.

Chief Tyrone Smith of the Varnville Police Department attended this meeting to represent the agency and addressed Council regarding this matter. Chief Smith offered his apologies for the delay in the reimbursement being issued to the Estill Police Department, citing budget issues as the cause for delay.

Chief Keel and Director Swindler responded to Chief Smith and thanked him for attending the meeting.

The case of Allendale Police Department seeking reimbursement from the Hampton County Sheriff's Office is continued until the January meeting.

Director Swindler

Director Swindler spoke about the issue of a small number of officers not completely watching the content of online training videos. According to Director Swindler, after the issue had been identified, the South Carolina Criminal Justice Academy sent a letter to law enforcement agencies in South Carolina, notifying them that, effective immediately, a statement that officers will have to agree that they attest to completely watching the online videos in each training module and understand that failure to comply may result in a determination of certification misconduct.

Director Swindler and the Academy issued this letter to ensure disciplinary measures are consistent for all officers that violate this policy. ***A copy of this letter may be obtained upon request.***

CLOSING REMARKS/AJOURNMENT

Agenda Item 7

Attorney General Wilson thanked Director Swindler and the Academy staff for welcoming a group of civic leaders he brought to the Academy to experience the virtual simulator used for law enforcement training. The group spoke highly of the professionalism of the Academy staff and the valuable insight they received through the experience.

James Fennel noted, for the record, that representation for the Kingstree Police Department arrived to the meeting late. The case in which their agency was involved had already been presented to Council, and a Final Agency Decision had been made.

When there were no more remarks, Attorney General Wilson made a motion to adjourn the meeting.



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The meeting was adjourned at 10:21 a.m.

Respectfully submitted by:

Scheri E. Francois

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Executive Assistant

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