



South Carolina Criminal Justice Academy

SOUTH CAROLINA
LAW ENFORCEMENT TRAINING COUNCIL
MEETING MINUTES
Monday, May 17, 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, May 17, 2021. 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 10:03 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), and Director Robert Woods, S.C. Department of Public Safety.

Members present via video/conference call were Director Jerry Adger, S.C. Department of Probation, Parole and Pardon Services; Director Robert Boyles, S.C. Department of Natural Resources; Director Bryan Stirling, S.C. Department of Corrections; Sheriff Lee Foster (Co-Chair), Newberry County Sheriff's Office; Sheriff Barry Faile, Lancaster County Sheriff's Office; Chief John Thomas, North Augusta Department of Public Safety; Chief Tony Taylor, Williamston Police Department; Captain Nick Gallam, Aiken County Detention Center.

Attorney General Alan Wilson was absent from this meeting but was represented by proxy, Deputy Attorney General Barry Bernstein.

Guest attendees were Jarrod Bruder, S.C. Sheriffs Association; Marcus Gore, Esquire, S.C. Department of Public Safety; Deputy Chief Jim Stewart, Richland County Sheriff's Office; Joanna McDuffie, Esquire, Richland County Sheriff's Office; Jack Frost, Esquire; Carolina Cleveland, Esquire; Stephen Henry, Esquire; Wesley A. Vorberger, Esquire, Greenville County Sheriff's Office; Arthur Myers; and Matthew Bell.

SC Criminal Justice Academy attendees were Director Jackie Swindler; Mike Lanier, Deputy Director; Scheri Francois, Executive Assistant; Lauren Fennell, Accreditation Manager; Justin Miller, IT Manager; Christopher Brumlow, Investigator; and Bradley Young, Attorney/Instructor.



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APPROVAL OF AGENDA

Agenda Item 2

Upon a motion made by Director Woods and seconded by Captain Gallam, Council voted unanimously to adopt the agenda as presented.

APPROVAL FOR MEETING MINUTES

Agenda Item 3

A motion to approve the minutes of the April 29, 2021, meeting was made by Director Woods and seconded by Director Boyles. Council voted unanimously to accept the meeting minutes as recorded.

DIRECTOR'S REPORT

Agenda Item 4

A. General Counsel Report

- Misconduct Cases

Arthur W. Myers, III: 2019-CJA-12-14 (Charleston Police Department) -

Summary: Allegations of willfully making false, misleading, incomplete, deceitful, or incorrect statement to a law enforcement officer, law enforcement agency, or a representative of the agency, except when required by departmental policy, or 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 allegation of misconduct reported against Arthur Myers by the Charleston Police Department has been proven by substantial evidence; and
- Determine a fitting and appropriate sanction regarding Arthur Myers' continuing eligibility for certification as a law enforcement officer in the State of South Carolina, pursuant to the authority set for at S.C. Code Ann. Regs. 37-108 A.

Attorney Jack Frost was in attendance to represent Mr. Myers and to answer any questions from Council, if applicable.

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



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For the Charleston Police Department, Attorney Caroline Cleveland was in attendance at this meeting to represent the department and to answer any questions from Council, if applicable.

Council entered into a discussion regarding the misconduct allegations brought forth against Mr. Myers. After having questions answered by both attorneys. Director Woods made a motion to issue a Final Agency Decision that Mr. Myers did not commit misconduct. Sheriff Foster seconded the motion. With the exception of No votes by Director Boyles and Chief Taylor, Council voted unanimously to issue its Final Agency Decision stating that Mr. Myers did not commit misconduct; therefore his eligibility for law enforcement certification will continue. ***Please note that Chief Keel recused himself from the voting process in this case.***

Samuel Manley: 2021-CJA-03-29 (Greenville County Sheriff's Office)-

Summary: Dishonesty/untruthfulness with respect to his/her employer. **Request for Final Agency Decision.**

Hearing Officer recommended that Council:

Order that the contested case file in this matter be closed; and

- A. 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.

Director Boyles 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 close and expunge the misconduct allegations brought forth by the Greenville County Sheriff's Office against Mr. Manley.

James Rodgers: 2020-CJA-06-14 (Florence County Central Dispatch) -

Summary: Allegation of dangerous and/or unsafe practices involving firearms, weapons, and/or vehicle which indicated either willful or wanton disregard for the safety of persons. **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 James Rodgers by the Florence County Central Dispatch has not been proven by substantial evidence;



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- B) Approve, pursuant to the authority of Council set forth at S.C. Code Ann. § 23-23-150 (G) (1), James Rodgers' 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 allegations of misconduct filed against James Rodgers by the Florence County Central Dispatch.

Director Woods made a motion to accept the recommendation of the Hearing Officer. Sheriff Faile seconded the motion. Council voted unanimously to adopt the recommendation of the Hearing Officer to grant eligibility for law enforcement certification to Mr. Rodgers and to expunge all evidence related to misconduct filed against James Rodgers by the Florence Central Dispatch.

Matthew Bell: 2020-CJA-07-14 (North Charleston Police Department)-

Summary: Allegation of willfully making false, misleading, incomplete, deceitful, or incorrect statement to a law enforcement officer, law enforcement agency, or a representative of the agency except when required by departmental policy, or 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 reported against Matthew M. Bell by the City of North Charleston Police Department has been proven by substantial evidence; and
- B) Determine a fitting and appropriate sanction regarding Matthew M. Bell's continuing eligibility for certification 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.

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

After hearing from Mr. Bell, Director Boyles made a motion to permanently deny Mr. Bell's eligibility for law enforcement certification. Director Adger seconded the motion. Council voted unanimously to permanently deny Mr. Bell's eligibility for law enforcement certification.

Barbara Hunnicutt-Nelson: 2019-CJA-12-11 (Greenville County Sheriff's Office) –

Summary: Allegation of willfully making false, misleading, incomplete, deceitful, or incorrect statement to a law enforcement officer, law enforcement agency, or a representative of the agency except when required by departmental policy, or the laws of this State. **Request for Final Agency Decision.**



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Hearing Officer recommended that Council:

- A) Deny Respondent's motion to dismiss the misconduct allegation;
- B) Deny Respondent's motion to collaterally estop the Greenville County Sheriff's Office from litigating whether Respondent willfully provided false, misleading, incomplete, deceitful, or incorrect information to a law enforcement officer, law enforcement agency, or a representative of the agency;
- C) Issue its final agency decision, pursuant to S.C. Code Ann. Regs. 37-107 D. finding that the allegation of misconduct filed against Barbara Hunnicutt-Nelson by the Greenville County Sheriff's Office has not been proven by substantial evidence; and
- D) Approve, pursuant to the authority of Council set forth at S.C. Code Ann. § 23-23-150 (G) (1), Barbara Hunnicutt-Nelson's eligibility for certification as a law enforcement officer in the State of South Carolina; and
- E) 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 Barbara Hunnicutt-Nelson by the Greenville County Sheriff's Office.

Attorney Stephen Henry was in attendance to represent Ms. Hunnicutt-Nelson and to answer any questions from Council, if applicable.

Attorney Wesley Vorberger was in attendance to represent Greenville County Sheriff's Office and to answer any questions from Council, if applicable.

Upon hearing from both attorneys, Director Boyles made a motion to accept parts A and B of the Hearing Officer's recommendation. Director Adger seconded the motion. Council voted unanimously to adopt parts A and B of the Hearing Officer's recommendation.

Director Adger then made a motion to issue a Final Agency Decision that Ms. Hunnicutt-Nelson did not commit misconduct, grant Ms. Hunnicutt-Nelson continued eligibility for law enforcement certification and to expunge all evidence related to the allegation of misconduct filed against Ms. Hunnicutt-Nelson by the Greenville County Sheriff's Office. Council voted unanimously to grant Ms. Hunnicutt-Nelson eligibility for law enforcement certification and to expunge the misconduct allegation.

Derrall Foster: 2021-CJA-05-01 (Belton Police Department)-

Summary: Academy was notified that SLED arrested and charged Mr. Foster with Assault and Battery 2nd Degree and Misconduct in Office. **Request for Suspension.**

Sheriff Foster made a motion to temporarily suspend Mr. Foster's law enforcement certification. Director Adger seconded the motion. Council voted unanimously to temporarily suspend Mr.



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Foster's law enforcement certification pending the outcome of criminal charges. *Please note that Chief Keel recused himself from the voting process in this case.*

Abbey Doyle: 2021-CJA-05-02 (S.C. Department of Probation, Parole and Pardon Services) – Summary: Academy was notified that the Lexington County Sheriff's Office arrested and charged Ms. Doyle with DUI less than .10 1st Offense. **Request for Suspension..**

Director Boyles made a motion to temporarily suspend Ms. Doyles' law enforcement certification. Sheriff Foster seconded the motion. Council voted unanimously to temporarily suspend Ms. Doyles' law enforcement certification pending the outcome of criminal charges. *Please note that Director Adger abstained from the voting process in this case.*

Asha Goodnight: 2021-CJA-05-03 (North Charleston Police Department Jail)- Summary: Academy was notified that the Dorchester County Sheriff's Office arrested and charged Ms. Goodnight with Assault and Battery 3rd Degree. **Request for Suspension.**

Director Boyles made a motion to temporarily suspend Ms. Goodnight's law enforcement certification. Sheriff Faile seconded the motion. Council voted unanimously to temporarily suspend Ms. Goodnight's law enforcement certification pending the outcome of criminal charges.

Princess Henderson: 2021-CJA-03-28 (S.C. Department of Juvenile Justice) Summary: Academy was notified that the charges against Ms. Henderson were dismissed citing prosecutorial discretion and were not as a result of pre-trial intervention. **Request for Reinstatement.**

Director Adger made a motion to reinstate Ms. Henderson's eligibility for law enforcement certification. Sheriff Faile seconded the motion. Council voted unanimously to reinstate Ms. Henderson's eligibility for law enforcement certification.

Ashley Williams: (No assigned case number – S.C. Department of Corrections) Summary: On April 16, 2021, the South Carolina Department of Corrections (SCDC) submitted a PCS of Separation Due to Misconduct for Ms. Williams. The date of separation listed is October 31, 2020. The South Carolina Department of Corrections advised the delay in submission was due to circumstances stemming from COVID-19 and upon discovery, the allegation was promptly submitted. **Acceptance Request.**

Director Boyles made a motion to accept the late PCS. Director Adger seconded the motion. Council voted unanimously to accept the late PCS of Separation Due to Misconduct. *Please note that Director Stirling recused himself from the voting process in this case.*



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Tycheia Reed: (No assigned case number – S.C. Department of Corrections)

Summary: On April 16, 2021, the South Carolina Department of Corrections (SCDC) submitted a PCS of Separation Due to Misconduct for Ms. Reed. The date of separation listed is March 23, 2020. The South Carolina Department of Corrections advised the delay in submission was due to circumstances stemming from COVID-19 and upon discovery, the allegation was promptly submitted. **Acceptance Request.**

Director Boyles made a motion to accept the late PCS. Sheriff Foster seconded the motion. Council voted unanimously to accept the late PCS of Separation Due to Misconduct. ***Please note that Director Stirling recused himself from the voting process in this case.***

Kashalia Hawthorne: (No assigned case number – S.C. Department of Corrections)

Summary: On April 16, 2021, the South Carolina Department of Corrections (SCDC) submitted a PCS of Separation Due to Misconduct for Ms. Hawthorne. The date of separation listed is April 29, 2020. The South Carolina Department of Corrections advised the delay in submission was due to circumstances stemming from COVID-19 and upon discovery, the allegation was promptly submitted. **Acceptance Request.**

Director Boyles made a motion to accept the late PCS. Sheriff Faile seconded the motion. Council voted unanimously to accept the late PCS of Separation Due to Misconduct. ***Please note that Director Stirling recused himself from the voting process in this case.***

Tori Bennett: (No assigned case number – Horry County 911)

Summary: On May 7, 2021, Horry County 911 submitted a PCS of Separation Due to Misconduct for Ms. Bennett. The date of separation listed is November 23, 2020. Horry County 911 advises the delay in submission was due to the Agency Director being on FMLA. **Acceptance Request.**

Director Boyles made a motion to accept the late PCS. Director Adger seconded the motion. Council voted unanimously to accept the late PCS of Separation Due to Misconduct.

B. Director's Comments

Director Swindler

Director Swindler gave an update on Basic Law Enforcement and Basic Detention classes being taught by the Academy. Director Swindler stated that classes that were delayed due to COVID 19 should be caught up by the summer.

Director Swindler also stated that the Academy is working on training for officers as it relates to the new open carry law in S.C.



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OLD BUSINESS

Agenda Item 5

Council revisited the discussion regarding Class 3 officers. Particularly, a discussion regarding the required testing and training for Advanced Class 3 Officers.

Council had an in-depth discussion regarding testing and training of Class 3 Advanced Officers. During this discussion, Jarrod Bruder spoke on behalf of SC Sheriffs. Director Swindler provided input and responded to the questions and concerns of Mr. Bruder.

During this discussion, Chief Keel asked Director Swindler and the Academy to review and respond to a letter he received from the Spartanburg Fire Department regarding the duties and responsibilities of their Class 3 fire marshals. Chief Keel asked that a discussion regarding training and duties of arson investigators be added to the agenda for the June 21, 2021, meeting.

CLOSING REMARKS/AJOURNMENT

Agenda Item 6

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

The meeting was adjourned at 12:47 p.m.

Respectfully submitted by:

Scheri E. Francois
Executive Assistant