



South Carolina Criminal Justice Academy

SOUTH CAROLINA
LAW ENFORCEMENT TRAINING COUNCIL
MEETING MINUTES

August 17, 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, August 17, 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 10:03 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 Sheriff Barry Faile, Lancaster County Sheriff's Office 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; and Director Robert G. Woods, SC Department of Public Safety.

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; Barry Bernstein, SC Attorney General's Office; John O'Leary, Esquire; Marcus Gore, Esquire, SC Department of Public Safety; Douglas A. Barfield, Jr., Esquire.

Members absent from this meeting were Director Bryan Stirling, SC Department of Corrections; Director John Thomas, North Augusta Department of Public Safety; Chief Tony Taylor, Williamston Police Department; and Captain Nick Gallam, Aiken County Detention Center.

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.



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APPROVAL OF AGENDA

Agenda Item 2

Upon a motion made by Director Boyles and seconded by Sheriff Faile, 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 July 22, 2020, meeting was made by Attorney General Wilson 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

Ashlei Borquez: 2019-CJA-07-04 (Lancaster County Sheriff's Office)

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 Douglas A. Barfield, Jr. was in attendance at this meeting to represent the Lancaster County Sheriff's Office and to answer any questions from Council, if applicable.

No one was in attendance to represent Ms. Borquez.

The recommendation of the Hearing Officer is to deny Ms. Borquez' 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 set forth S.C. Code of Ann. Regs 37-108 A.

Director Adger made a motion to permanently deny Ms. Borquez' law enforcement certification. Sheriff Foster seconded the motion.

Prior to the voting process, Mr. Barfield gave a brief synopsis of the allegation of misconduct against Ms. Borquez brought forth by the Lancaster County Sheriff's Office and asked that Council permanently deny her eligibility for law enforcement certification.



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After hearing from Mr. Barfield, Council voted unanimously to permanently deny Ms. Borquez' eligibility for law enforcement certification. *Please note that Sheriff Faile recused himself from the voting process in this case.*

Sean Pettengill: 2020-CJA-03-03 (Surfside Beach Police Department)

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.**

The recommendation of the Hearing Officer is to deny Mr. Pettengill's eligibility for law enforcement certification 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 A.

No one was in attendance at this meeting to represent Mr. Pettengill or the Surfside Beach Police Department.

Sheriff Faile made a motion to permanently deny Mr. Pettengill's law enforcement certification. Sheriff Foster seconded the motion. Council voted unanimously to permanently deny Mr. Pettengill's eligibility for law enforcement certification.

Matthew Taylor: 2020-CJA-07-06 (SC Department of Public Safety)

Summary: Allegation of dangerous/and or unsafe practices involving firearms, weapons, and/or vehicle which indicated either a willful or wanton disregard for the safety of persons. **Consent Order Proposal.**

The consent order is stated as: A) Consents to a finding of misconduct, Dangerous and/or unsafe practices involving firearms, weapons and/or vehicle. B) Two years' suspension. C) Eligible to work as telecommunications operator during that time. D) Attend anger management counseling and treatment. E) Attend substance abuse counseling and treatment. F) 15 hours of firearms training (7.5 each year). G) At the end of suspension, LETC would determine if his suspension may be lifted to allow him to return to work. H) At the end of suspension, Mr. Taylor will provide a letter to CJA from his employer that he has not engaged in misconduct. I) Failure to meet the conditions will result in a permanent withdrawal/denial of his law enforcement certification.

Attorney John O'Leary was in attendance at this meeting to represent Mr. Taylor and answer any questions from Council, if applicable. Mr. O'Leary asked that Council accept the consent order proposal.



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Attorney Marcus Gore was in attendance to represent the SC Department of Public Safety and answer any questions from Council, if applicable. Mr. Gore stated that the Department was in agreement with the consent order proposal.

Director Boyles made a motion to accept the Consent Order Proposal. Director Adger seconded the motion.

Prior to the voting process, Council had a brief discussion regarding some of the circumstances of the case and the Consent Order Proposal.

Upon conclusion of discussion, Council voted unanimously to accept the Consent Order Proposal as recommended by the Hearing Officer. *Please note that Director Woods recused himself from the voting process in this case.*

Rickey Moore: 2020-CJA-06-03 (SC Department of Mental Health)

Summary: The South Carolina Department of Mental Health notified the South Carolina Criminal Justice academy that Rickey Moore was arrested by the South Carolina Department of Public Safety and charged with Driving Under the Influence less than .10 1st Offense. Council voted to temporarily suspend Mr. Moore's law enforcement certification pending the adjudication of the above stated charge.

The South Carolina Criminal Justice Academy was notified that that Moore pleaded guilty to Reckless Driving and the charge for DUI was dismissed. A check of Mr. Moore's driver's license history does not reveal a suspension for DUI/DUAC within the past 5 years. **Request for Reinstatement of Law Enforcement Certification.**

Sheriff Foster made a motion to reinstate Mr. Moore's law enforcement certification provided that Mr. Moore participate in a safe driving course approved by the Academy and the National Safety Council; Mr. Moore must also attend an alcohol counseling program within 6 months of the reinstatement of his law enforcement certification. If Mr. Moore does not comply with these requirements, he will lose his certification permanently. Attorney General Wilson seconded the motion. Council voted unanimously to adopt the motion and reinstated Mr. Moore's law enforcement certification. *Please note that Director Woods recused himself from the voting process in this case.*

Director's Comments/Council Discussion

Agenda Item 4B

Director Swindler informed Council that a letter regarding civil penalties for failure to follow state statutes and regulations had been drafted and sent out to SC Law Enforcement agency heads. Agency Heads have already started sending back the signed letter acknowledging their receipt and understanding of the penalties for failing to follow statutes and regulations.



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The Academy has begun increasing class sizes to keep up with the demands of the field. The Academy is continuing to ensure safety by maintaining social distance guidelines within the classrooms.

Attorney Bill Smith, who had been the Hearing Officer for misconduct cases, has resigned. He will complete a few upcoming matters over the next few months to finalize misconduct cases brought forth to the Academy during his role as Hearing Officer. Tim Plunkett, another Academy attorney and instructor, will take over the role as Hearing Officer.

Chief Dolan's services have been secured, and he will come to the Academy on Monday, August 30, 2020, to teach a de-escalation training. The training will be filmed before a live audience, and the video will be uploaded to ACADIS for officers to view to fulfill the annual requirement for diversity training.

CLOSING REMARKS/ADJOURNMENT

Agenda Item V

Council was informed of the date for the next meeting, which will be held on Monday, September 21, 2020, at 10:00 am.

Attorney General Wilson made a motion to adjourn the meeting. The motion was seconded by Sheriff Faile.

The meeting was adjourned at 10:27 am.

Respectfully submitted by:

Scheri E. Francois
Executive Assistant