

MINUTES
OF
THE NORTH CAROLINA SHERIFFS'
EDUCATION AND TRAINING STANDARDS COMMISSION
Teleconference Meeting

DATE: March 26, 2020

TIME: 2:00 pm

SUBMITTED BY: Diane Konopka, Director Sheriffs' Standards Division

I. CALL TO ORDER

Chairman Sheriff Alan Cloninger

The North Carolina Sheriffs' Education and Training Standards Commission meeting was called to order by Chairman Cloninger on Thursday, March 26, 2020 at 2:00 p.m. via teleconference. Chairman Cloninger requested a roll call of Commission members. Judy Marchetti recorded the following:

MEMBERS PRESENT

Retired Sheriff David Smith
Sheriff Steve Bizzell
Sheriff Jack Smith
Sheriff Landric Reid
Sheriff Ricky Oliver
Sheriff Alan Cloninger
Sheriff Alan Jones
Sheriff David Mahoney
Sheriff Ed McMahan
Sheriff Alan Norman
Mr. Marc Nichols
Ms. Tracy McPherson
Mr. John Gregory
Ms. Andrea Hyson

MEMBERS ABSENT

Sheriff Dwayne Goodwin
Sheriff John Ingram
Mr. Jamie Markham
Sheriff Doug Doughtie
Sheriff Terry Johnson

STAFF

- Diane Konopka - Director, Sheriffs’ Standards Division
- Sirena Jones - Deputy Director, Sheriffs’ Standards Division
- Judy Marchetti - Admin. Ass’t, Sheriffs’ Standards Division
- Autumn Hanna - Sheriffs’ Standards Division
- Chris Scott - Sheriffs’ Standards Division
- Steven Combs - Director, Criminal Justice Division
- Ameshia Cooper - Legal Counsel, NC Department of Justice
- Brenda Rivera - Legal Counsel, NC Department of Justice

GUESTS

- Mr. John Gregory - Wake Technical Community College
- Ms. Andrea Hyson - Vance/Granville Community College

Chairman Cloninger declared a quorum for this meeting.

In the first order of business, Legal Counsel Ameshia Cooper read the Ethics Reminder which states:

All members have a duty to avoid conflicts of interest and appearances of conflict. Commission members have an affirmative duty to fully disclose any conflict of interest or potential conflict of interest between the member’s service on the Commission and his or her private interests. One of the most basic rules is that members cannot knowingly use their position on the Commission in a manner that will result in a financial benefit to the person, a member of the person’s family, or a business with which he or she is associated. [N.C.G.S. 138A-31]. Commission members are also prohibited from accepting gifts from persons doing or seeking to do business with the Commission, persons engaging in activities that are regulated or controlled by the Commission, or persons having a financial interest that may be substantially affected by the member’s official duties.

Legal Counsel Ameshia Cooper asked whether any member had a known conflict or appearance of conflict with respect to any matters coming before the Commission at this time. Negative response.

I. DIVISION UPDATE

Diane Konopka

Sheriffs' Standards Division Director Diane Konopka addressed the Sheriffs' Commission members and provided a review of the March 18, 2020 Executive Committee Meeting with regard to rule 12NCAC 10B .0704. The Executive Committee voted to seek an executive order from Governor Cooper regarding DOCC basic training. If the executive order is not approved, the Sheriffs' Commission Members voted to alternatively adopt an emergency rule. Director Konopka read aloud the executive order language approved by the Executive Committee on March 18, 2020.

A **MOTION** was made by Sheriff Alan Norman to proceed with requesting Governor Cooper to issue an executive order to allow flexibility with regards to the DOCC basic training rule 12NCAC 10B .0704; seconded by Mr. Marc Nichols. **MOTION CARRIED**

Director Konopka stated that this is the beginning stage in the process, and assuming that the executive order is approved, Division staff would need guidance on how to proceed and respond to the Community Colleges who are asking questions. Director Konopka asked Ms. Autumn Hannah to begin the discussion.

Ms. Autumn Hannah addressed the Sheriffs' Commission members and stated that it may be April 10th or later before the executive order is approved. Ms. Hannah asked the Sheriffs' Commission Members if, based on how long of a break the classes have had, will there be a time limit for when classes may resume and/or will they have to start over.

Commission Member Tracy McPherson addressed the Sheriffs' Commission members and stated that she believes the time limit should be as flexible as possible because of the fluid nature of the situation.

Ms. Hannah responded that the DOCC basic training class is four (4) weeks and she believes if there is a long break of four or five weeks that the test results may have more failures. Ms. Hannah also believes people who fail may attribute their failure to the break and not having to start the class over. Ms. Hannah referenced Isothermal Community College as an example. Their class had completed three (3) of the four (4) weeks of class. When the class was suspended, they had five (5) days left of class. Ms. Hannah stated that she could understand why they would not want to start over. Currently, they have been on a two (2) week break.

Director Konopka addressed the Sheriffs' Commission members and asked that if a class were allowed to resume and then test prior to the executive order being approved, would those test results be acceptable?

Sheriff Norman asked why some schools stopped classes before others.

Director Konopka responded that some schools stated that BLET classes and DOCC classes were at different locations on campus. Whether or not a school chose to stop or continue a class was the school's decision.

Ms. Tracy McPherson addressed the Commission members and stated that decision-making varies from college to college. Most colleges administer BLET from one side of the campus and DOCC is administered from the continuing education side. Tracy stated that she believes each group is trying to make the best decision possible during this time.

Sheriff Cloninger recommended to the Commission members that a DOCC class should begin where they left off no more than a week after the state of emergency is lifted. Sheriff Cloninger asked Sheriff Mahoney for his opinion.

Sheriff Mahoney addressed the Commission members and stated that he leans towards as much flexibility as possible. Sheriff Mahoney believes that it is up to the Community College to do what is needed to bring the students up to speed on the material.

Sheriff Cloninger once again recommended that a time limit is put in place for classes to resume after the state of emergency is lifted.

Sheriff Mahoney stated that Isothermal Community College is ready to start back up, Monday, March 30th.

Ms. Tracy McPherson stated that if Isothermal Community College did begin class Monday, they would risk the chance that the class would not be recognized since the executive order has not yet been approved.

Legal Counsel responded that they would be at risk and that classes should not resume until after the executive order has been approved.

The Sheriffs' Commission members stated that they are of the consensus to inform schools to wait and not begin classes until the executive order is approved.

A **MOTION** was made by Sheriff Ed McMahon to inform the School Directors to not begin classes until after the executive order is approved. Seconded by Sheriff Ricky Oliver. **MOTION CARRIED**

A **MOTION** was made by Sheriff Steve Bizzell to allow legal counsel to make minor grammatical changes to the executive order; seconded by Sheriff Jack Smith. **MOTION CARRIED**

Director Diane Konopka addressed the Sheriffs' Commission members regarding the issue of additional time for some officers to complete basic training. The Executive Committee had decided that Division staff would delay in issuing any suspensions for failure to complete basic training (BLET, DOCC, or TCC) for the duration of the Governor's declared State of Emergency. Once the State of Emergency is lifted, requests will be sent to Division for additional time.

Ms. Konopka stated that there are people that will run out of time and suggested the following option: Allow an automatic six (6) month additional period of time (extension) for any officer whose probationary period expires through June 30, 2020. This would be for individuals who have not yet been suspended.

A **MOTION** was made by Retired Sheriff David Smith to give people that have expired but are not yet suspended by June 30, 2020, an additional six (6) months of time to complete training; seconded by Sheriff Jack Smith. **MOTION CARRIED**

Director Konopka addressed the Sheriffs' Commission Members with regard to the statute requiring the Commission to meet four (4) times a year. A 20 day notice must be provided for a scheduled Sheriffs' Commission Meeting. Ms. Konopka asked the Commission Members if they would like to schedule a teleconference Sheriffs' Commission Meeting that will not include Probable Cause or Final Agency Decisions.

Sheriff Cloninger agrees to schedule a full Commission Meeting as soon as possible. A meeting date of April 23 was tentatively agreed upon. Sheriff Cloninger suggested that the Probable Cause cases be postponed/continued until the June Sheriffs' Commission Meeting.

Sheriff Steve Bizzell stated that he agrees with Sheriff Cloninger to reschedule the Probable Cause cases for June.

Sheriff David Mahoney stated that if the amount of cases for Probable Cause makes for a two day meeting, coordination will need to be made with the Sheriffs' Association Executive Committee.

Sheriff Cloninger asked Director Konopka to communicate with Mr. Eddie Caldwell to coordinate meeting schedules.

II. NEXT MEETING

April 23, 2020 - Teleconference

VIII. ADJOURNMENT

A **MOTION** was made at 3:30 pm by Sheriff Landric Reid to adjourn the March 26, 2020 Sheriffs' Commission teleconference meeting; Seconded by Sheriff Steve Bizzell. **MOTION CARRIED.**