

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

**DATE:** April 23, 2020

**TIME:** 2:00 P. M.

**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, April 23, 2020 at 2:00 pm. The Sheriffs' Commission Meeting was held via teleconference.

Chairman Cloninger requested a roll call of Commission members. Judy Marchetti recorded the following:

**MEMBERS PRESENT**

Sheriff Dwayne Goodwin  
Sheriff Jack Smith  
Sheriff Landric Reid  
Sheriff Ricky Oliver  
Sheriff Alan Cloninger  
Sheriff Steve Bizzell  
Sheriff Alan Jones  
Sheriff David Mahoney  
Sheriff Ed McMahan  
Sheriff Alan Norman  
Sheriff John Ingram  
Sheriff Terry Johnson  
Sheriff Doug Doughtie  
Retired Sheriff David Smith  
Mr. Marc Nichols  
Ms. Tracy McPherson

**MEMBERS ABSENT**

Mr. Jamie Markham

**STAFF**

- Diane Konopka - Director, Sheriffs’ Standards Division
- Sirena Jones - Deputy Director, Sheriffs’ Standards Division
- Judy Marchetti - Admin. Assistant, Sheriffs’ Standards Division
- Ameshia Cooper - Legal Counsel, NC Department of Justice
- Brenda Rivera - NC Attorney General’s Office

Sheriff Cloninger welcomed everyone to the April Sheriffs’ Commission meeting being held via teleconference.

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.

**VISITORS**

- Trevor Allen - NC Justice Academy
- Chris Scott - Sheriffs’ Standards Division
- Steven Combs - CJ Standards Division Director
- Richard Squires - CJ Standards Division Deputy Director
- Merrily Cheek - NC Justice Academy
- Alex Gazaway - NC Justice Academy
- Dan Worley - NC Justice Academy
- Eddie Caldwell - NC Sheriffs’ Association
- Sheriff Danny Rogers - Guilford County Sheriff
- Autumn Hanna - Sheriffs’ Standards Division

**II. MINUTES OF 12/2019 & 03/2020 MEETINGS**

**Sheriff Cloninger**

A **MOTION** was made by Sheriff Dwayne Goodwin to accept the minutes of the December 2019 Sheriffs' Commission Meeting and the March 2020 Special Commission Meeting; Seconded by Sheriff David Mahoney. **MOTION CARRIED.**

**III. CERTIFICATES/AWARDS/RESOLUTIONS – (Attachment #1)**

A **MOTION** was made by Sheriff Ricky Oliver to approve the list of Professional Certificates and Service Awards; Seconded by Sheriff Ed McMahon. **MOTION CARRIED.**

**IV. INFORMATIONAL REPORTS**

**\*North Carolina Sheriffs' Association**

**Eddie Caldwell**

Mr. Eddie Caldwell of the North Carolina Sheriffs' Association addressed the Sheriffs' Commission members and provided an update with regard to training issues. The Sheriffs' Leadership Institute completed the fourth week of training in March. Graduation has been postponed and may be scheduled for August or September 2020.

The Sheriffs' Association Spring meeting that was scheduled in Wilmington at the Embassy Suites and hosted by Sheriff McMahon has been cancelled.

The Legislative Day scheduled for the end of May 2020 will be cancelled. A notice will be coming out in the next few days to announce the cancellation. On that same day, the retired sheriff's luncheon was also scheduled. The luncheon will also be cancelled and may be rescheduled for the fall.

The annual Business Conference is still scheduled for the last week of July in Wilmington. The Sheriffs' Association is monitoring that situation and will hopefully be able to hold the annual Business Conference.

The General Assembly is coming back Tuesday, April 28<sup>th</sup>. The Sheriffs' Association will be monitoring a bill that is being considered to set guidelines for how public meetings can be held during the COVID situation. The Sheriffs' Association will also be working on the status of the jail rules. The DHHS proposed changes to the jail rules. Some of those rules were objected to by

the Sheriffs' Association and the Sheriffs. The objection to the rules is because they are vague and unclear. The Sheriffs' Association is working to get a bill filed to strike the rules down or overturn them.

Chairman Cloninger asked the Commission Members if there were any questions. Negative response.

**\*North Carolina Justice Academy**

**Trevor Allen**

Director Trevor Allen thanked the Sheriffs' Commission for the opportunity to speak with them and provided the members with a summary of news and events from the Justice Academy. **[Attachment #2]**.

Director Allen stated that in-person training was suspended in March and has been extended through the month of April. The suspension of in-person training may be suspended until the middle of May. The Justice Academy continues to offer training on-line.

Director Allen provided an update with regard to personnel:

Mr. Alex Gazaway accepted an Instructor/Developer position within the Research & Development Section on March 9<sup>th</sup>. Mr. Gazaway's initial assignment will be the coordinator of the current BLET Revision Project.

Mr. Aaron Stevens accepted the Instructor/Developer-Traffic Crash and CITTLE position on March 16<sup>th</sup>. Mr. Stevens comes from the Fayetteville Police Department where he was assigned as a Traffic Unit member.

Mr. Doug Robinson retired from his Instructor/Developer position at the Edneyville campus. This position is being transferred to the Research & Development Section at the Salemburg campus. The position is currently posted.

The Advanced Traffic Crash and Reconstruction Instructor Developer position is vacant and has been sent to Human Resources for reposting. This position is at the Edneyville campus.

The Hate Crimes Instructor/Developer position that received funding via the Governor's Crime Commission has been created by Human Resources and posted with the State Human Resources. This position will close April 29<sup>th</sup>.

The Tactical and SWAT Instructor/Developer position is currently vacant and has been transferred to the Salemburg campus. The position is posted with the State Human Resources and will close April 29<sup>th</sup>.

The Justice Academy delivered 119 in-person courses to 1,952 students up until the suspension of in-person instruction.

There were 123 online In-Service Training Courses delivered to 77,022 students.

Director Allen gave the national statistic of 51 officers killed in action as of April 23<sup>rd</sup>. North Carolina has had two (2) officers killed in the line of duty. The national number for law enforcement officer suicide is 53 as of April 23<sup>rd</sup>. The Justice Academy has developed a new mandated 2020 In-Service Training course: “The Signs Within – Suicide Education and Awareness.”

The Justice Academy also developed an optional 2021 In-Service Training course: “Physical and Mental Wellness: Building/Implementing a Plan for Improvement.”

Director Allen stated that Residence Hall ‘C’ renovation is underway and will reopen in the Fall of 2020. The Law Enforcement Memorial Service was scheduled for May 7<sup>th</sup> but has been postponed due to the pandemic.

Director Allen addressed the Sheriffs’ Commission Members with regard to the BLET Revision Update. This is now the 2<sup>nd</sup> phase of the job task analysis which was completed by the Criminal Justice staff. Director Allen asked Alex Gazaway to provide the BLET Revision update.

Mr. Alex Gazaway addressed the Sheriffs’ Commission Members and stated that the BLET Revision Update is ahead of schedule. They have completed six (6) blocks of instruction from the project plan. The Use of Force lesson plan is in development at present. The first six (blocks) of lesson plans contain over 600 pages of content from over 130 sources and more than 26 subject matter experts providing input. The BLET Revision is currently ahead of schedule according to the project timeline.

Director Allen addressed the Sheriffs’ Commission Meeting and stated that the whole point of the BLET Revision update is to address the information that was revealed through the job task analysis. Director Allen stated that he would welcome a few members of the Sheriffs’ Commission to review these lesson plans. The CJ Commission has three or four members dedicated to the review of the lesson plans. Director Allen formerly asked Chairman Cloninger to assign a few Sheriffs’ Commission Members for lesson plan review and maximize the eyes looking at the BLET Revision Update lesson plans.

Chairman Cloninger asked the Sheriffs’ Commission Members for volunteers to review the BLET Revision Update lesson plans. Sheriff Terry Johnson volunteered to become a part of the review group, as well as, Sheriff Alan Norman and Sheriff Alan Cloninger. Director Allen thanked all the Sheriffs for becoming a part of the review process. The lesson plans for review will be sent by Alex Gazaway.

Chairman Cloninger asked the Commission members if there were any questions. Negative response.

**\*North Carolina Justice Academy**

**Merrily Cheek**

Ms. Merrily Cheek addressed the Sheriffs' Commission and stated that in January 2020 the Joint In-Service Training Committee met and heard from Justice Academy Developers on every training topic already approved by both the CJ Commission and the Sheriffs' Commission. After some good discussion all the Objectives were agreed upon by the In-Service Training Committee for Law Enforcement, Detention Officer, and Telecommunicator topics. Ms. Cheek referenced the Division Report [Attachment #1, Tab 4] for their review.

Chairman Cloninger asked the Commission Members if there were any questions. Negative response.

A **MOTION** was made by Sheriff Terry Johnson to approve the 2021 In-Service Training Objectives for Law Enforcement, Detention Officer, and Telecommunicator; seconded by Sheriff Steve Bizzell. **MOTION CARRIED**

**V. DIVISION REPORT [Attachment #1]**

**Diane Konopka**

Sheriffs' Standards Division Director Diane Konopka addressed the Sheriffs' Commission members and referred them to the Division Report [Attachment #1]. Director Konopka reviewed the Statement of Economic Interest which was due April 15<sup>th</sup>. The Statement of Economic Interest can be accessed online under Statement of Economic Interest at [ethics.ncsbe.gov](https://ethics.ncsbe.gov).

Director Konopka informed the Sheriffs' Commission Members that the Division is now fully staffed. Ms. Candace Satterfield accepted the Certification Specialist position vacated in 2019 and began work on Monday, March 16<sup>th</sup>. Processing Assistant Adriana Martinez returned to work on March 2<sup>nd</sup> following the birth of her baby.

Director Konopka provided an update on the Database Project. On January 15<sup>th</sup>, DOJ amended the current contract with Envisage Technologies Acadis Readiness Suite to include a compliance module and reporting portal. The Justice Academy and the Department of Health and Human Services (DHHS) were already utilizing this database and now the Criminal Justice and Sheriffs' Standards Divisions are coming on board. Division Staff is currently working with all parties to customize the database for our needs. Director Konopka stated that they expect the design and migration process to last well into 2021.

Director Konopka informed the Sheriffs' Commission Members that after a few delays, the In-Service Reporting Portal to all Sheriffs' Offices and District Confinement Facilities was opened on February 7<sup>th</sup>. In the past, the report was completed in a paper format and submitted to the Division for review, reconciliation and manual entry into our database. The new on-line format does not allow the report to be submitted until it is complete and the in-service compliance information is entered directly into our database. The Sheriffs' Standards Division will still review the report for any "red flags" or inconsistencies.

Currently, 89 Sheriffs' Offices have completed in-service reporting. Reminders were recently sent to the remaining 11 Sheriff's Offices. Non-Sheriff Telecommunicator agencies were not included in the on-line format for 2019 reporting. Director Konopka stated that it has been a good response and she has received very good comments so far.

Director Konopka provided an update for the DOCC and TCC Job Task Analysis. Two vendors had submitted proposals for the Job Task Analysis. The vendor proposals were reviewed and evaluated by Division staff. The recommendation made by Division staff was approved by the NC Division of Purchase and Contract. The anticipated start date for the project is August 15, 2020. Director Konopka referred the Sheriffs' Commission Members to the Division Report [Attachment #1, Tab #1] for review of the project timeline. Director Konopka stated that if all goes well, the hope is to have a completion date of Spring of 2022.

Director Konopka addressed the Sheriffs' Commission Members with regard to School Resource Officer Certification. The amended rule went into effect on January 01, 2020. The most significant change to the rule was the definition of a School Resource Officer, the addition of a certification component and a requirement for basic SRO training. Officers meeting the definition of a School Resource Officer prior to January 01, 2020, must complete the Justice Academy authored basic SRO training no later than December 31, 2020. Officers assigned as School Resource Officers on or after January 01, 2020 must complete the basic training within one year of assignment.

Director Konopka stated that approximately 300 applications for School Resource certification have been received, though some of them may not meet the requirements of the Sheriffs' Commission rule. The specific issues are:

- SRO training completion date is more than one year prior to SRO assignment
- SRO training not authored by the Justice Academy
- SROs with previous experience, but not yet achieved General Certification

Director Konopka will be sending out letters to the Sheriff's Offices with regard to those issues. Ms. Konopka stated that the biggest issue she has seen is that approximately 10% of the people that have completed the SRO basic training more than one (1) year prior to being assigned as a School Resource Officer. The SRO training is treated like any other basic training in that if a person has basic training more than a year prior to being appointed or sworn then that training would have expired. Director Konopka stated that Division staff is verifying that the SRO training completed is the training authored by North Carolina Justice Academy.

Director Konopka asked if there were any questions with regard to School Resource Officer Training.

Sheriff Bizzell asked Director Konopka if an officer had the SRO training three (3) years ago and was assigned as an SRO at that time but was then re-assigned to other duties until recently, would that officer need to take the basic SRO training again.

Director Konopka initially responded that if there was a break in service of more than one (1) year as an assigned School Resource Officer, that officer would need to take the basic SRO training again. However, upon further review indicated that may not be accurate and she would look further into that issue.

Sheriff Bizzell asked Director Konopka if an officer that has the Basic SRO training then receives the Advanced SRO training, does the Sheriff's Office need to send that information into the Division.

Director Konopka answered that the Sheriffs' Commission SRO rule does not require Sheriff's Offices to report the Advanced SRO training.

Sheriff Cloninger asked NC Justice Academy Director Allen if they were delivering SRO training via on-line due to the pandemic or if they had plans for future on-line training.

Director Allen answered that they are not currently offering School Resource Officer training on-line and that it does take some time to convert lesson plans to an on-line format. A lot of the SRO training would be difficult to do on-line.

Sheriff Cloninger asked the Commission Members if they felt that completing the required SRO training within the one (1) year timeframe was an issue due to the pandemic.

Ms. Tracey McPherson responded to Sheriff Cloninger's question and stated that she does agree with his concern.

Sheriff McMahon responded and stated that they plan to have two (2) classes this summer.

Sheriff Bizzell referred to sub-section [e] of SRO rule 12 NCAC 10B .0510 with regard to the one (1) credit requirement of School Resource Officer refresher training authored by NC Justice Academy and asked to confirm that if an officer does not take the SRO refresher, that officer will not be able to be assigned as an SRO.

Director Konopka answered yes, that is correct.

Director Konopka asked NC Justice Academy Director Allen if they plan to develop the SRO refresher course on-line.

Director Allen answered yes, that their intention is to develop the refresher course on-line for 2021.

Sheriff Bizzell asked Chairman Cloninger to add the School Resource Officer discussion to the June Sheriffs' Commission Meeting agenda.

Director Konopka asked the Sheriffs' Commission Members to please send her an email with any specific scenarios that they may have concerns about.



Director Konopka addressed the Sheriffs' Commission Members and provided a recap with regard to COVID-19. At the March 26<sup>th</sup> Special Commission Meeting, the Sheriffs' Commission Members directed staff to automatically allow an additional period of time, up to six (6) months, for any officer (deputy, detention officer, or telecommunicator) whose probationary period will expire through June 30, 2020, and who have not completed their basic training requirement. This applies only to individuals who have not yet been suspended. This information was provided in an April 9<sup>th</sup> email to all sheriffs with encouragement to take advantage of any basic training opportunities available.

Director Konopka stated that Division staff is also being more lenient with issuing "Cease & Desist" orders. This is in response to the many Sheriff's Offices that sent their administrative staff home weeks ago.

Director Konopka stated that also pursuant to the March 26<sup>th</sup> Special Commission Meeting, Governor Cooper signed Executive Order 129 allowing the Sheriffs' Commission to waive the training restriction that prevented DOCC classes from resuming after a week-long suspension. The DOCC school directors were notified of the Sheriffs' Commission action allowing DOCC courses that had suspended due to the COVID-19 State of Emergency to resume, regardless of how long the course was suspended. As a result, those classes that had suspended were allowed to resume where possible. As a result, those classes that had suspended were allowed to resume where possible. Such classes were directed to submit a modified schedule and to seek Division approval for any instructor changes or substitutions. Three of the four schools that had suspended classes have resumed. Director Konopka referred the Sheriffs' Commission Members to the Division Report [Attachment #1, Tab #3]

Director Konopka referred the Sheriffs' Commission members with statistics for Certified Justice Officers as of April 2020. The breakdown is as follows:

Deputies – 15,730  
Detention Officers – 10,499  
Telecommunicators – 1,908

Director Konopka referred Sheriffs' Commission Members to the Division Report [Attachment #1, Tab#5] for the results from the survey that was sent out in January 2020 regarding Officer Recruitment and Psychological Screenings. This survey was pursuant to direction from the Commission that the Sheriffs' Standards Division work with the Criminal Justice Standards Division to facilitate this survey. Director Konopka reviewed the survey results in two parts, beginning with the Recruitment results. Based on those results, Commission members were of the consensus that no action on this topic is required at this time.

The Psychological Survey results yielded a lot of discussion. Sheriff Terry Johnson advised that his agency does perform psychological screenings on all of their applicants and he believes it has saved them from some serious situations, but he does not know if it should be a requirement.

Sheriff Steve Bizzell stated he believes every region of the State is a little bit different. Some agencies may have the money to perform these psychological screenings, while others may not

have the funds. Sheriff Bizzell feels the Sheriffs' Commission should leave it alone and let each agency make their own decision in regards to this matter.

Sheriff Alan Norman stated that his agency does do psychological screenings along with a polygraph as part of the process for all applicants. Sheriff Norman believes psychological screening is a layer that may protect an agency if something did happen; however, he does not believe it is foolproof.

Sheriff Cloninger asked Commission members if anyone wanted to take action on this item.

Sheriff Jack Smith stated he agrees with other Sheriffs that the decision as to whether or not to perform psychological screenings should be left up to each agency.

Sheriff Landric Reid responded stating he agrees with Sheriff Smith that Psychological screenings should be left up to each agency.

Criminal Justice Director Steven Combs stated that the CJ Commission has an Advisory Group that is looking into the issue of psychological screening. This group is close to a conclusion and will report back to the CJ Planning and Standards Committee. Director Combs offered to provide the Sheriffs' Commission with those results to help them in their decision process.

Chairman Cloninger agreed that information would be helpful and asked the Sheriffs' Commission if they would like to table the matter for now.

A **MOTION** was made by Sheriff Alan Norman to table the issue of psychological screenings; seconded by Sheriff Terry Johnson. **MOTION CARRIED**

Director Konopka addressed the Sheriffs' Commission members with regard to electronic signatures on the Firearms Qualification (F-9A) form. Director Konopka advised that the Henderson County Sheriff's Office has asked that the Sheriffs' Commission reconsider the decision from their March 2015 meeting to not allow stamped or electronic signatures on the firearms Qualification (F-9A) form.

Sheriff Bizzell responded that he remembers that specific Sheriffs' Commission meeting and that the issue was discussed at length. Sheriff Bizzell stated there was concern that Sheriff or designee may allow others to sign off on the form.

A **MOTION** was made by Sheriff Steve Bizzell to leave the decision made at the 2015 Sheriffs' Commission meeting alone and not allow stamped or electronic signatures on the Firearms Qualification form (F-9A); seconded by Sheriff Ricky Oliver.  
**MOTION CARRIED**

Director Konopka referred the Sheriffs' Commission members to the Division Report [Attachment #1, TAB #6] to review the Administrative Code/Rules draft amendment to 12NCAC 10B .0407, Certification of a Former Sheriff. The public comment period ended at 5:00pm on March 2, 2020. Director Konopka asked for the Commission's approval to move forward with filing this permanent rule.

A **MOTION** was made by Sheriff Alan Jones to move forward with filing the permanent rule 12NCAC 10B .0407, Certification of a Former Sheriff; seconded by Sheriff Landric Reid.  
**MOTION CARRIED**

Director Konopka referred the Sheriffs' Commission members to the Division Report [Attachment #1, TAB #7] to review the Annual In-Service Training Rules and process for amending the rule. Each year the annual in-service topics change and although the required credits remain constant, a rule change is required. The current process is very long and cumbersome and does not allow for a pertinent topic (such as dealing with a pandemic) to be incorporated in a timely manner. The CJ Commission voted to seek a legislative amendment to allow their Commission the authority to determine mandatory topics, specifications and credits for annual in-service training under NCGS 17C. Legal Counsel Brenda Rivera has been working with the CJ Commission on this issue and stated they have not yet begun the process to seek a legislative amendment.

Director Konopka asked the Sheriffs' Commission if they would like to do something similar to what the CJ Commission is pursuing.

Sheriff Bizzell responded and asked Chairman Cloninger if this would be a good subject to table until the Sheriffs' Commission members are able to meet in person. Chairman Cloninger asked the Sheriffs' Commission members if they would like to table the discussion for the annual In-Service Training rules until the next Commission meeting when they are able to be together.

Director Konopka asked the Sheriffs' Commission members if they had concerns with the fact that the language had not been drafted or the process itself. Sheriff Landric Reid responded that it is a little bit of both.

A **MOTION** was made by Sheriff Steve Bizzell to table the discussion of a similar legislative amendment until the next “in-person” Sheriffs’ Commission meeting and that there has been a review of the language authored by legal counsel; seconded by Sheriff Alan Norman. **MOTION CARRIED.**

Commission member Tracy McPherson initiated further discussion of the issue, after which Chairman Cloninger asked Director Konopka if tabling the issue would impede the process. Director Konopka advised that it could impede the process.

A **MOTION** was made by Sheriff Steve Bizzell to move forward with a request for a legislative amendment to NCGS 17E; seconded by Sheriff Dwayne Goodwin. **MOTION CARRIED.**

In response to a question about the expected timeframe for the proposed language, Legal Counsel Brenda Rivera advised that she does not currently have a timeframe but believes it will be soon. Sheriff Ricky Oliver asked that the Commission be able to review the proposed draft language.

Director Konopka addressed Sheriffs’ Commission members and stated they do not have any additional requests for waivers or extension and no items needing a vote by the Commission, but a review of the status of the waivers and extensions approved at the December meeting was included in the Division Report.

Sheriff Cloninger stated that it would be difficult to go into a “closed session” utilizing teleconferencing and since there are no matters to vote on, would the Commission have any objection to not entering into a closed session. No objections were noted.

Chairman Cloninger raised the issue of the backlog of postponed Probable Cause (PC) cases. PC Committee Chairman David Mahoney responded they will do whatever needs to be done and will schedule an additional day for the Probable Cause meeting in order to accommodate the backlog of cases.

Sheriff Landric Reid asked Director Konopka what was the plan for signing the approved Professional Certificates. Director Konopka replied that certificates would be signed at the June meeting.

## **VI. NEXT MEETING**

June 17<sup>th</sup>, 18<sup>th</sup> and 19<sup>th</sup> – Wake County

## **VII. ADJOURNMENT**

Sheriff Cloninger adjourned the April 2020 Sheriffs’ Commission meeting at 3:21 pm.

