

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

DATE: December 11, 2020

TIME: 8:30 A.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 Friday, December 11th at 8:30 A.M. The Sheriffs' Commission Meeting was held at the Wake Technical Community College Public Safety Education Center, 321 Chapanoke Rd., Raleigh, NC.

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

MEMBERS PRESENT

Sheriff Shelton White
Sheriff Jack Smith
Sheriff Landric Reid
Sheriff Mike Roberson
Sheriff Ricky Oliver
Sheriff Alan Norman
Sheriff Alan Cloninger
Sheriff Alan Jones
Sheriff David Mahoney
Sheriff Ed McMahan
Retired Sheriff David Smith
Mr. Jamie Markham

MEMBERS ABSENT

Sheriff John Ingram
Sheriff Doug Doughtie
Sheriff Terry Johnson
Mr. Marc Nichols
Ms. Tracy McPherson

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

Sheriff Cloninger welcomed everyone to the December Sheriffs’ Commission 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.

VISITORS

- Trevor Allen - NC Justice Academy
- Laurie Austen - NC Justice Academy
- Amanda Stephenson - NC Justice Academy
- Eddie Caldwell - NC Sheriffs’ Association
- Lacy McVey - Criminal Justice Standards

II. MINUTES OF 09/2020 AND 10/2020 MEETING

Sheriff Cloninger

A **MOTION** was made by Sheriff David Mahoney to accept the minutes of the September 2020 meeting; Seconded by Sheriff Mike Roberson. **MOTION CARRIED.**

A **MOTION** was made by Sheriff Landric Reid to accept the minutes of the October 2020 meeting; Seconded by Sheriff Shelton White. **MOTION CARRIED.**

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

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

Due to the current COVID-19 protocols, there were no presentations of the Professional Certificates or Service Awards.

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 for the Sheriffs’ Association. Mr. Caldwell informed the Sheriffs’ Commission Members that the annual In-Service Training for the Statewide Misdemeanant Confinement Program has been completed.

The Legislative Update training that is done each fall has also been completed. Due partially to COVID-19 and budget limitations, the Legislative Update training was provided on-line by the NC Justice Academy.

Mr. Caldwell stated that the Sheriffs' Association had a very successful fall meeting. The spring 2021 meeting will be held in New Bern. The format has changed with regard to dates. The meeting will be held Friday, April 23rd through Tuesday, April 27th. The Sheriffs' Association received a lot of feedback from Sheriffs that they liked coming in on a Friday and leaving on Tuesday.

Mr. Caldwell informed the Sheriffs' Commission Members that the Jail Administrators Institute for Leadership has been postponed due to COVID-19. The first week of this training has been rescheduled to May 16th – 21st in Chapel Hill. The second week will be held August 15th – 20th. Information regarding this training will be sent out across the state to all Sheriff's offices.

Mr. Caldwell stated that the Sheriffs' Association believes that there will be a good amount of Legislation that comes out of the 2021 session. There have been many committees that have published reports with recommendations regarding law enforcement.

The NC Sheriffs' Association published a report on Law Enforcement Professionalism. The House Select Committee published a report on Community Relations, Law Enforcement and Justice. The NC Governor's Task Force published a report for Racial Equity in Criminal Justice. The SBI Center for Reduction in Law Enforcement Use of Force recommendations may also be included in legislation.

Mr. Caldwell stated that there are two other legislative issues of interest to the Commissions. The first issue is with the Occupational Licensing Board and the clarification to ensure that the Commissions clearly have Final Agency Decision authority. The other issue of interest is the RapBack Program. The RapBack Program has responsibilities that fall with both DOJ and the SBI.

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

***North Carolina Justice Academy**

Trevor Allen

Mr. Trevor Allen addressed the Sheriffs' Commission members and thanked them for the opportunity to present the North Carolina Justice Academy updates. Mr. Allen provided the Sheriffs' Commission with a summary of news and events. [**Attachment #2**], as well as the Justice Academy Annual Report [**Attachment #3**].

Director Allen provided the Sheriffs' Commission Members with personnel updates as follows:

- Ms. Mary Amber Burgess-Cox accepted the Leadership Instructor/Developer position on November 16th.
- The Research and Development Instructor/Developer position is currently vacant. A candidate has been selected and awaits salary qualification. This position will support the

development of Detention and TC basic and in-service curricula and help develop virtual content.

- The Hate Crimes Instructor/Developer position is currently vacant. This position posted three (3) times without a suitable candidate. The Justice Academy is exploring Temp Solutions to hire a temporary employee to fill this position.

Director Allen provided some current statistics:

- On-Campus Courses: 249
- On-Campus Students: 4,483
- On-line Courses: 135
- MIST completions: 169,025
- Instructor Update completions: 6,603

Director Allen provided information regarding the Justice Academy Campuses:

- Residence Hall C renovations, which is a three-story structure at the Salemburg campus, is underway and should reopen January/February 2021.
- The new cafeteria vendor is Genuine Foods and will be ready for business in January 2021.

On-going at the Justice Academy is the new BLET Revision update based on the Job Task Analysis. Justice Academy staff began their work on this project in the spring of 2020 and it includes 15 lesson plans that are in various stages of review. Director Allen specifically discussed three topics:

- Elements of Criminal Law. The new BLET will present the material in modules and incorporate the law into the module block.
- First Responder. Only one job task was returned with regard to First Responder. This is currently a 32 hour topic block. Options are currently being explored for recommendations.
- Civil Process. Almost nothing came back for Civil Process in the Job Task Analysis. This is not the way the Justice Academy wants to proceed. The Justice Academy is working through recommendations on how to best incorporate Civil Process into BLET.

Director Allen addressed School Resource Officer (SRO) Train the Trainer and stated that they are now doing the same instructor training for Field Training Officer (FTO). This was seen as a critical need and the Criminal Justice Commission has adopted this training as part of their best practices.

Director Allen addressed the National De-Escalation Training Center. This training matches a personality type to a skill set for a de-escalation situation.

Director Allen stated that he has a meeting scheduled with Tracy McPherson, Community Colleges, to discuss how to deliver training utilizing the Community College network.

The other program for de-escalation that is being looked at is ICAT (Integrating Communications, Assessment and Tactics).

The Peace Officer Memorial Day is scheduled for May 6, 2021, in Winston-Salem. This event will happen virtually if COVID-19 prevents an in-person event.

Director Allen stated that the NC Justice Academy has a Podcast Series. The Academy is using this format as a way to provide training and information on topics that don't warrant a formal lesson plan for an in-person course.

[Chairman Cloninger had to leave the Sheriffs' Commission Meeting room temporarily and passed the gavel to Vice Chairman Sheriff Smith.]

Director Allen summarized the 2022 Law Enforcement, Detention, and Telecommunicator In-Service Training topics [**Attachment #4**]. At this time, these topics are being presented to the Sheriffs' Commission for consideration and approval.

A **MOTION** was made by Sheriff Alan Norman to approve the 2022 Law Enforcement, Detention, and Telecommunicator In-Service Training Topics; seconded by Sheriff Ed McMahon.
MOTION CARRIED

* **North Carolina Justice Academy**

Amanda Stephenson

Ms. Amanda Stephenson of the NC Justice Academy addressed the Sheriffs' Commission Members and discussed the DOCC updates to Bystander Liability-Duty to Intervene material added to Subject Control Techniques and Ethics. Ms. Stephenson stated that the majority of these updates are a result of the new DHHS rules that went into effect on September 4th, and statute updates that took effect in August. Ms. Stephenson also provided the Sheriffs' Commission Members with information for DOCC Transportation of Inmates. Ms. Stephenson asked the Commission to approve the updates as stated. [**Attachment #5**].

A **MOTION** was made by Sheriff Mike Roberson to approve the DOCC curriculum updates effective January 01, 2021; seconded by Sheriff Alan Norman. **MOTION CARRIED**

[Chairman Cloninger returned to the Sheriffs' Commission Meeting and relieved Vice-Chair Sheriff Smith of the gavel.]

V. OTHER REPORTS

*Probable Cause Committee

Sheriff David Mahoney

Sheriff David Mahoney reported that the Probable Cause Committee met December 10th, and during that session, the Committee reviewed a total of 37 cases. In fifteen (15) cases, Probable Cause was found, with four (4) of those cases resulting in Consent Agreements which are presented for your approval [**Attachment #6**], No Probable Cause was found in thirteen (13) cases, two (2) cases were postponed until the March 2021 meeting, and seven (7) cases were closed pursuant to the Consolidated Probable Cause Policy.

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

Sheriff Mike Roberson confirmed the Probable Cause Committee's recommendation of the four (4) Consent Agreements as presented [**Attachment #6**]; seconded by Sheriff Alan Jones. **MOTION CARRIED**

VI. DIVISION REPORT [**Attachment #5**]

Diane Konopka

Sheriffs' Standards Division Director Diane Konopka addressed the Sheriffs' Commission members and referred them to their December 2020 Meeting Division Report [**Attachment #7**]. Director Konopka provided an update regarding the Division activities. Ms. Konopka informed the Sheriffs' Commission Members that the Sheriffs' Standards Division remains fully staffed and the expectation is to continue to work remotely with staggered in-office schedules at least through the first quarter and probably beyond.

Director Konopka addressed the new database project and the continuing work with CJ Standards, NC Justice Academy and DHHS staff to meet weekly with the vendor, Envisage Technologies, to customize the compliance (certification) module of the new database. The expectation for the

design and migration process to last well into 2021. Director Konopka thanked Deputy Director Sirena Jones who has taken the lead for Sheriffs' Standards in this project.

Director Konopka provided the Sheriffs' Commission Members an update related to COVID-19. At the September Sheriffs' Commission Meeting, an additional period of time was given, up to six (6) months, for any officers (deputy, detention officer, or telecommunicator) whose probationary period will expire through March 31, 2021, and who have not completed their basic training requirement. Director Konopka will provide the number of officers who are utilizing this COVID-19 extension at the March 2021 Sheriffs' Commission Meeting.

Director Konopka addressed the Website Search Engine for Revoked Officer Certification project. She and CJ Standards Director Steven Combs have been working together with DOJ IT staff to add a searchable database to the DOJ website that would contain the names of officers whose certifications have been revoked or suspended. This search feature would be accessible to the general public. Director Konopka stated that they also hope to provide a link to the IADLEST National Decertification Index (NDI), though that search would be accessible only by law enforcement who have been approved to access this database. Director Konopka and Director Combs are scheduled to meet with IT staff for a demonstration of this feature.

Director Konopka provided the Sheriffs' Commission Members an update for the North Carolina Law Enforcement Accreditation Program (NCLEA). Director Konopka stated that Lacy McVey has hit the ground running with this program and is doing a very good job. North Carolina is now officially the 35th state to offer a state accreditation program. Director Konopka referred the Sheriffs' Commission Members to their Division Report [**Attachment #7**] to review a timeline summary of events that have occurred since the September meeting.

Director Konopka addressed the DOCC and TCC Job Task Analysis project(s) with the Sheriffs' Commission Members. The purpose of the Job Task Analysis is to collect information to be used as a basis for the updated curriculums for the Commission's basic training courses. On October 22nd, the vendor, Val Lubens of Systems Design Group, met virtually with Division and Academy staff, as well as subject matter experts to define and review the tasks to be evaluated.

Director Konopka stated that the next step is the Job Task Survey which is expected to be released on January 04, 2021. The Job Task Survey will be accessible through a link on the Division's website and will be offered to a randomly chosen group of less experienced detention officers and telecommunicators, as well as supervisors who were asked to participate. The survey should remain open until February 1st. Director Konopka asked the Sheriffs' Commission Members to encourage and promote participation in your own office, as well as Sheriffs' offices in your districts.

Director Konopka addressed the Task Force Recommendations topic and informed the Sheriffs' Commission Members that many recommendations have come from the various groups who have met this year in response to the George Floyd incident. The groups include, but may not be limited to: the Sheriffs' Association, the Police Chiefs' Association, the Governor's Task Force and the NC Legislature. Director Konopka stated that she will meet with CJ Standards Director

Combs and NC Justice Academy Director Allen to review and organize these recommendations as they relate to the work of the Commissions and the Academy. Then, the Executive Committees from both Commissions will meet in January 2021 to review and make recommendations to both Commissions going forward.

Director Konopka addressed the Sheriffs' Commission Members with regard to concerns with School Resource Officer (SRO) Certification and Training. Director Konopka referred the Sheriffs Commission Members to their handout (on green paper) with the proposed amendment to the School Resource Officer rules [**Attachment #8**]. Director Konopka stated that the Criminal Justice Standards Commission had not made a decision with regard to their SRO rules yet. Director Konopka stated that the Sheriffs' Commission Members might want to wait until after the Criminal Justice Standards Commission meets in February 2021 before making a motion for the amended SRO rule change.

Sheriff Cloninger asked the Sheriffs' Commission Members if they would like to make a motion for the amended SRO rule change or if the Commission Members would like to table it until the March 2021 Sheriffs' Commission Meeting, which would be after the CJ Commission has a chance to review their SRO rules.

A **MOTION** was made by Sheriff Mike Roberson to table the proposed amendment to the School Resource Officer rules 12 NCAC 10B .0510 until the March 2021 Sheriffs' Standards Commission Meeting; seconded by Sheriff Landric Reid.
MOTION CARRIED

Director Konopka addressed the Sheriffs' Commission Members and informed them of a proposed revision to the Probable Cause Policy with regard to Expungements [**Attachment #9**]. Director Konopka stated that the Probable Cause Committee approved the proposed revision and have presented the Proposed Revision to Probable Cause Policy for the full Sheriffs' Standards Commission review and approval.

Legal Counsel Ameshia Cooper addressed the Sheriffs' Commission Members to provide information regarding the Second Chance Act. The Second Chance Act was enacted in North Carolina as of December 01, 2020, and this law allows for the expunction of certain misdemeanors and felonies. Currently the Probable Cause policy does not allow for the ability to review expungements for a thorough investigation. The Proposed Revision to the Probable Cause Expungements Policy will provide the Sheriffs' Commission Members with the ability to review expunged charges and it is consistent with the new legislation.

Director Konopka addressed the Sheriffs' Commission Members and referred them to Form AOC-CR-280 – Law Enforcement Application For Verification Of Expunction Under G.S. 15A-145.4, 15A-145.5, 15A-145.6, 15A-145.8A, OR 15A-146 [**Attachment #10**].

Director Konopka addressed the Sheriffs' Commission Members and stated that a rule change will need to be submitted in support of the expunction information being requested in the application packet. The process for a new rule change is approximately six (6) months. Director Konopka stated that she would communicate the new process with the North Carolina Sheriff's Offices as a request to begin this process January 01, 2021. This request cannot be enforced until the rule change process is complete.

Mr. Eddie Caldwell of the Sheriffs' Association addressed the Sheriffs' Commission Members and stated that there is a process to request a temporary "emergency rule" when a change is based on recent legislation. The temporary "emergency rule" remains until the actual "rule change" process is complete.

A **MOTION** was made by Sheriff David Mahoney to include form AOC-CR-280 with Deputy, Detention Officer and Telecommunicator application packets effective January 01, 2021 as a request until the new rule process supporting this action is complete, to accept the proposed rule change 12 NCAC 10B .0305 to require Form AOC-CR-280, and to allow staff the ability to update the application packet forms needed to be consistent with the AOC-CR-280 form; seconded by Sheriff Alan Norman. **MOTION CARRIED**

Director Konopka addressed the Sheriffs' Commission Members and referred them to the proposed 2021 Meeting Dates:

March 11th & 12th
June 10th & 11th
September 9th & 10th
December 9th & 10th

A **MOTION** was made by Sheriff Ed McMahon to approve the proposed 2021 Sheriffs' Commission Meeting dates; seconded by Sheriff Mike Roberson. **MOTION CARRIED**

Sheriff Cloninger proposed that the March Sheriffs' Commission Meeting be held at the Guilford County Sheriff's Office Station 2 location.

Sheriff Cloninger asked the Sheriffs' Commission Members to consider hosting a Sheriffs' Commission Meeting.

A **MOTION** was made by Sheriff Mike Roberson to meet at the Guilford County Sheriff's Office Station 2 location for the 2021 March Sheriffs' Commission Meeting and to determine future 2021 Sheriffs' Commission Meeting locations at the March 2021 meeting; seconded by Sheriff David Mahoney. **MOTION CARRIED**

The Sheriffs' Commission Members were provided with a demonstration of synchronous training by Wake Tech Public Safety Campus Dean Jeffery Robinson.

A **MOTION** was made by Sheriff Mike Roberson to go into closed session; seconded by Alan Norman. **MOTION CARRIED**

A **MOTION** was made by Sheriff Jack Smith to go into open session; seconded by Sheriff Ed McMahon. **MOTION CARRIED**

Sheriff Alan Norman recused himself from the Cleveland County Sheriff's Office request for an extension to complete BLET for Joshua Tyler Goode.

A **MOTION** was made by Sheriff Ed McMahon to grant Joshua Tyler Goode an extension of 2.5 months to complete BLET; seconded by Sheriff Jack Smith. **MOTION CARRIED.**

VII. NEXT MEETING

March 11th & 12th – Guilford County

VIII. ADJOURNMENT

A **MOTION** was made at 12:00 p.m. by Sheriff David Mahoney to adjourn the December 2020 Sheriffs' Commission meeting; Seconded by Sheriff Mike Roberson. **MOTION CARRIED.**