

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

DATE: June 15, 2018

TIME: 8:31 A.M.

SUBMITTED BY: Diane Konopka, Director Sheriffs' Standards Division

I. CALL TO ORDER

Co-Chairman Sheriff Alan Cloninger

The North Carolina Sheriffs' Education and Training Standards Commission meeting was called to order by Vice Chairman Cloninger on Friday, June 15th at 8:31 A.M. The Sheriffs' Commission Meeting was held at the Courtyard Marriott, 360 Rockwood Rd., Arden, NC 28704.

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

MEMBERS PRESENT

Sheriff Dwayne Goodwin
Sheriff Jack Smith
Sheriff Jerry Monette
Sheriff Alan Cloninger
Sheriff Steve Bizzell
Mr. Marc Nichols
Mr. Zack Koonce
Sheriff John Ingram
Sheriff Ed McMahan
Sheriff Ricky Oliver
Sheriff Alan Jones
Sheriff David Mahoney
Sheriff Alan Norman
Ms. Tracy McPherson
Mr. Jamie Markham

MEMBERS ABSENT

Mr. Zack Koonce
Sheriff B. J. Barnes
Sheriff Brad Riley

STAFF

- Diane Konopka - Director, Sheriffs’ Standards Division
- Sirena Jones - Deputy Director Sheriffs’ Standards Division
- Judy Marchetti - Admin. Ass’t Sheriffs’ Standards Division
- Tammera Hill - Legal Counsel – NC Department of Justice
- Marie Evitt - Legal Counsel – NC Department of Justice
- Andy Stone - Field Representative - Sheriffs’ Standards Division
- Chris Batten - Field Representative - Sheriffs’ Standards Division
- Mike McLaughlin - Field Representative – Sheriffs’ Standards Division

Sheriff Cloninger welcomed everyone to the June Sheriffs’ Commission meeting and thanked Sheriff Mahoney for hosting.

In the first order of business, Legal Counsel Marie Evitt 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 Marie Evitt asked whether any member had a known conflict or appearance of conflict with respect to any matters coming before the Commission at this time.

Sheriff John Ingram of Brunswick County recused himself from the “Request for Leniency” for Mr. Brannon Gray.

Sheriff Cloninger asked if there was any other 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
- Steven Combs - CJ Standards Director
- Chief Bill Hollingsed - CJ Commission Chairman
- Jonathan Price - Wake County Sheriff’s Office

Brannon Gray	-	Brunswick County
Sean Rickard	-	Cabarrus County
Tim Fuss	-	Henderson County Sheriff's Office
Jeremy Luffman	-	Surry County Sheriff's Office
Dianna Sims	-	Surry County Sheriff's Office
Marty Shinault	-	Surry County Sheriff's Office
Gary Banks	-	Yancey County Sheriff's Office
Shane Hilliard	-	Yancey County Sheriff's Office
Bradley Boone	-	Yancey County Sheriff's Office
Leann Norris	-	Transylvania County Sheriff's Office
Pamela Harbin	-	Transylvania County Sheriff's Office
Bridget Jernigan Gregory	-	Perquimans County Sheriff's Office
Shelton White	-	Perquimans County Sheriff's Office

II. MINUTES OF MARCH MEETING

Sheriff Alan Cloninger

A **MOTION** was made by Sheriff Steve Bizzell to accept the minutes of the March 2018 meeting; Seconded by Sheriff Dwayne Goodwin. **MOTION CARRIED.**

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

A **MOTION** was made by Mr. Marc Nichols to approve the list of Professional Certificates and Service Awards; Seconded by Sheriff Alan Norman. **MOTION CARRIED.**

Lt. Shinault, Surry County, presented the Advanced Law Enforcement Professional Certificate to:

Jeremy Paul Luffman, Advanced Law Enforcement Professional Certificate, Surry County.

Dianna E. Sims, Advanced Law Enforcement Professional Certificate, Surry County.

Sheriff Mahoney, of the Transylvania County Sheriff's Office, presented the Advanced Telecommunicator Certificate to:

Pamela Owen Harbin, Advanced Telecommunicator Certificate, Transylvania County.

Leann Howe Norris, Advanced Telecommunicator Certificate, Transylvania County.

Sheriff Gary Banks, of Yancey County, presented the Advanced Law Enforcement Professional Certificate to:

Shane Doyle Hilliard, Advanced Law Enforcement Professional Certificate, Yancey County.

Sheriff Cloninger, of Gaston County, presented the Advanced Law Enforcement Professional Certificate to:

Sean Houston Rickard, Advanced Law Enforcement Professional Certificate, Cabarrus County.

Sheriff Shelton R. White, Advanced Law Enforcement Professional Certificate, Pasquotank County.

IV. INFORMATIONAL REPORTS

***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. The Justice Academy had some personnel changes to announce.

Mr. Jeff Zimmerman was promoted April 20, 2018, to the new Instructional Support Services Manager.

Mr. Ed Anderson resigned on June 01, 2018, as Training Coordinator in the Training Division. Mr. Anderson served the Academy since March 01, 2017.

Mr. Perry Harris resigned on March 30, 2018, as Training Coordinator in the Training Division. Mr. Harris served the Academy since March 28, 2016.

Mr. Mike Kudrick retired as Senior Developer in the Training Division. Mr. Kudrick has served the Academy since April 04, 2006.

Mr. Josh Phillips retired as Training Coordinator in the Training Division. Mr. Phillips served the Academy since December 01, 2008.

Ms. Laurie Austen has been promoted and began her new position as East Campus Training Manager on May, 21, 2018.

Mr. Allen informed the Sheriffs' Commission Members that 45,319 people have completed the 2018 Mandatory In-Service Training.

The 2018 Instructor Update/Refresher was completed by 4,415 individuals as of June 01, 2018.

Two deliveries of the Advanced SRO Survival training have been completed (East and West Campuses). The feedback has been fantastic. The scope of this class goes beyond the basic School Resource Officer techniques.

The Basic Narcotics Investigator Course has been newly rewritten. New courses available are:

Forensic Analysis for Patrol Officers
Critical Incident Stress Management
Civil Process for Law Enforcement
NCJA Basic Patrol Rifle Operator
Handling Suicide Callers (available in Salemburg, August 8th or in Edneyville, October 5th)

On July 18th the Opioid Overdose Training (NAGTRI) will be hosted at the Justice Academy's East Campus. The target group is Prosecutors and Law Enforcement across the state.

A *Courtroom Security* training course will be available in Edneyville on September 24th – 25th. This course is being put on by the National Sheriffs' Association but is coordinated through the North Carolina Sheriffs' Association.

A partnership has been approved with the Department of Health and Human Services (DHHS Forensic Test for Alcohol branch). They were looking at the same database used at the Justice Academy for training so rather than duplicate efforts, a partnership was formed and DHHS is funding the Justice Academy to purchase a module for the database that will be helpful for the Sheriffs' Training Coordinators. Training will be available.

During the month of October the North Carolina Justice Academy will hold a reception to celebrate the 20th anniversary of the West Campus being opened in Edneyville. A specific date has not been decided at this time.

The State Budget has provided funding to renovate Residence Hall 'B' in Salemburg, as well as funding for a new Firearms Instructor at the Edneyville Campus.

Vice-chairman Cloninger asked the Commission Members if there were any questions. Negative response.

***Criminal Justice Commission**

Steven Combs

Mr. Combs addressed the Sheriffs' Commission Members and provided information with regard to the Criminal Justice Fellows Program. This is a program that works through the Community College system and will provide 100 scholarships each year towards earning an Associate's Degree in any Criminal Justice program. If a person who has earned his or her Associate's Degree through the Fellows Program then works four (4) consecutive years in a Criminal Justice Profession, their tuition will be waived.

Mr. Combs thanked the Sheriffs' Commission Members for their support for the Criminal Justice Fellows Program. Mr. Combs stated that he knows having the Sheriffs' Commission support helped in getting a sponsor for the program. The Criminal Justice Fellows Program did not make it into the state budget and it is not currently funded. This issue is not of grave concern since this was a legislative short session. Mr. Combs will begin to pursue funding in April of 2019.

Work is in progress to set up the CJ Fellows Program which does include two (2) Sheriffs as part of the committee. Mr. Combs will be reaching out to the Sheriffs' Commission Members for participants.

Mr. Combs informed the Sheriffs' Commission Members that language was added to the CJ Fellows Program Bill to include "eligible counties". A county must have a population less than 75,000 to be considered an "eligible county".

Mr. Combs discussed the issue of removing the Sheriffs Unit from BLET for Agencies that run their own academy (eg. Police Departments and State Highway Patrol). This issue was discussed at the Criminal Justice Commission Meeting in May. At that time it was also decided to allow Community Colleges to remove the Sheriffs' Unit. The reason the Community College discussion came up is because there are agencies that utilize Community Colleges to run their BLET. Winston-Salem Police Department was the specific topic of discussion.

The Sheriffs' Commission members expressed concerns with the removal of the Sheriffs' Unit from BLET, even for those specific agencies. Since many law enforcement officers do eventually apply and become hired by a Sheriff's Office, the burden of training will then be placed on the Sheriff's Office to have training completed within a one year timeframe.

Mr. Combs informed the Sheriffs' Commission Members that there will be a Criminal Justice Planning and Standards Committee Meeting on Wednesday, August 15th at 10:30 am. The location is at the Wake Tech Public Safety Training Center. Mr. Combs invited Sheriffs' Commission Members to this meeting and stated that it would be good for them to attend and voice their concerns.

Sheriff Cloninger asked Chief Hollingsed for his opinion on the subject of removing the Sheriffs' Unit from BLET for specific agencies. Chief Hollingsed believes the topic of Community Colleges not including the Sheriffs' Unit for a BLET course was meant for those specific agencies that utilize a Community College to run their own BLET program.

A **MOTION** was made by Sheriff Alan Jones to request that the Criminal Justice Commission not allow Community Colleges to remove the Sheriffs' Unit from the BLET program; Seconded by Sheriff Ricky Oliver. **MOTION CARRIED.**

Sheriffs' Standards Division Director Konopka will send Criminal Justice Division Director Steven Combs a letter informing their Commission of the motion to request that the Sheriffs' Unit not be removed from Community College's BLET program. Sheriff Jones, Sheriff Goodwin, Sheriff Cloninger, and Director Konopka plan to attend the August 15th Planning and Standards Meeting in Raleigh to voice the Sheriffs' Commission concerns.

Mr. Combs addressed the Sheriffs' Commission Members with regard to School Resource Officers Training. The Criminal Justice Commission is in the process of creating a rule that states a School Resource Officer must hold General Certification which means they are past their one year probation [**Attachment #2**]. They must also complete the School Resource Officer Training within one year of being assigned as a School Resource Officer. The SRO Training is a 40 hour course authored by the North Carolina Justice Academy.

Sheriff Cloninger asked if there should be a discussion to add School Resource Officer Training to BLET. If the SRO training was given to everyone at the beginning, small agencies would have less of a chance of having problems with coverage when their SRO is not available to work.

Mr. Trevor Allen stated that they have been working proactively to address the volume of personnel that will need School Resource Officer training in the future. They are currently working on a "train the trainer" option and class options to meet the demand.

Director Konopka proposed a similar rule requiring School Resource Officer training for the Sheriffs' Commission.

A **MOTION** was made by Sheriff Dwayne Goodwin to adopt Rule 12NCAC 10B.0510 Certification Training For School Resource Officers [**Attachment #3**]; Seconded by Sheriff Ed McMahon.
MOTION CARRIED.

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

Mr. Combs continued his presentation to the Sheriffs' Commission Members and provided information with regard to the Law Enforcement Accreditation Committee. This committee was put together approximately eight (8) months ago. The Criminal Justice Division was receiving feedback from a lot of Departments indicating that they wanted to meet certain standards.

These Departments cannot afford to become a part of CALEA. The Criminal Justice Commission Chairman, Chief Hollingsed, had also been hearing the same concern. The committee was put together to begin looking into this issue. A survey was sent out to all the Chiefs across the State of North Carolina and the survey was very well received. The Criminal Justice Commission is moving forward with this and does not intend to be in competition with CALEA. The goal is to make an option available for some of those smaller departments who cannot afford CALEA to have a set of standards, meet those standards, and become certified at the State level. The next meeting will be July 11th. Director Combs stated that the Criminal Justice Commission would welcome the Sheriffs' Commission to be a part of this voluntary program.

The Sheriffs' Commission Members requested Director Konopka to send a survey to all Sheriff's Offices requesting their feedback regarding this State Accreditation program as an alternative to CALEA.

Director Combs provided information to the Sheriffs' Commission regarding training that is offered through IADLEST. This is a National Certification Program that reviews training to ensure that it meets a certain standard to receive their stamp of approval. The Criminal Justice Commission is in the process of adopting a rule to allow this training to be used as a Chief's choice for In-Service Training. This program is currently going through rules and should be approved and ready to go by January 1st of 2019. The Sheriffs' Commission Members requested Director Konopka to draft a similar rule for their review at the next Sheriffs' Commission meeting in September.

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

***Community Colleges**

Tracy McPherson

Ms. Tracy McPherson addressed the Sheriffs' Commission Members and informed them that Mr. Peter Hans became the ninth president of the North Carolina Community College System on May 01, 2018 [**Attachment #4**].

V. OTHER REPORTS

***Probable Cause Committee**

Sheriff Jones

Sheriff Alan Jones reported that the Probable Cause Committee met June 14, 2018, and during that session, the Committee reviewed a total of 40 cases. In twenty-two (22) cases, Probable Cause was found, with eleven (11) of those cases resulting in a Consent Agreement to be executed at your next meeting. No Probable Cause was found in ten (10) cases, three (3) cases were postponed at the agency's request, and four (4) cases were closed pursuant to the Consolidated Probable Cause Policy. One (1) case was given a written warning sanction against a school director.

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

***Request for Leniency**

Diane Konopka

Director Konopka addressed the Sheriffs' Commission Members regarding the Request for Leniency from Mr. Daniel Brannon Gray. Sheriff John Ingram recused himself from the proceedings and requested to speak on behalf of Mr. Gray.

Sheriff John Ingram addressed the Sheriffs' Commission Members and stated that he did not know a tremendous amount about the situation that occurred, but that he did review Mr. Gray's file. Sheriff Ingram stated that since that situation transpired, Mr. Gray was able to get his Criminal Justice certification and is now working for the Southport Police Department. Sheriff Ingram stated that Mr. Gray has done a great job as a law enforcement officer and has a very good reputation. Sheriff Ingram stated that Mr. Gray has deep roots in the community and that he has worked with Mr. Gray's father who is now a retired law enforcement officer.

Sheriff Ingram stated that he believes the law enforcement culture in that County at that time played into the situation that transpired. Sheriff Ingram does take it very seriously when it comes to holding our people accountable and making sure that we have the very best out there. Sheriff Ingram stated that he would not stick his neck out for anyone that he did not believe deserves a chance. Sheriff Ingram believes that Mr. Gray does deserve that break.

Sheriff Ingram thanked the Sheriffs' Commission Members for the opportunity to speak on behalf of Mr. Gray.

Sheriff Cloninger asked Sheriff Ingram if Mr. Gray has had any issues or problems since he has been back in the law enforcement profession. Sheriff Ingram responded that Mr. Gray has not had any issues or problems since returning to the law enforcement profession and that he would hire him.

Mr. Daniel Brannon Gray addressed the Sheriffs' Commission Members and stated that he began his career in Emergency Services in 1999 and began his law enforcement career in 2005. The incident took place November 29, 2007, which was a turning point in his life and he hit bottom and had to start over.

After the November incident, he went back to Emergency Services. Mr. Gray joined the Department of Defense and deployed to Iraq for three (3) tours as a medic with security clearance and worked for the government alongside our U. S. Military.

Mr. Gray stated that once he returned, he became a firearms instructor with the NRA. Mr. Gray again joined Fire and Emergency Services and became a part of Tactical Element in 2012 which teaches U. S. Military personnel. During that time Mr. Gray stated that he has continued to try and make himself a better person than what he once was.

Mr. Gray stated that he then went back overseas working for the State Department Security Forces in Afghanistan. After returning from Afghanistan, Mr. Gray decided to try and get his certification back. Mr. Gray completed the Basic Law Enforcement Training (BLET) course. Mr. Gray was granted his certification with Criminal Justice and has also obtained his General Instructor certification. Mr. Gray stated that he is scheduled to attend an Active Shooter course in Biloxi, MS.

Mr. Gray stated that he is standing before the Sheriffs' Commission Members today asking for a second chance and leniency on the Sheriffs' Commission's earlier decision of permanent denial. Mr. Gray asked the Commission Members if they had any questions.

Sheriff Cloninger and Sheriff Monette recused themselves from discussion of Mr. Gray's leniency request.

Sheriff Mahoney asked Mr. Gray where he is now versus where he was then.

Mr. Gray responded that he was 22 – 23 years old at the time of the incident and he has matured quite a bit since then. Mr. Gray stands firm against a tarnished badge. He understands that comment sounds hypocritical since he is asking for leniency. Mr. Gray stated that he has pushed forward with everything he could to make himself a better man. Mr. Gray promised that if the Sheriffs' Commission gives him the opportunity to go forward and do good things, they will not regret it.

Sheriff Bizzell addressed Mr. Gray and stated that a lot of what he read in the report of this case was very disturbing. Sheriff Bizzell asked Mr. Gray if he knew of Mr. King's whereabouts. Mr. Gray responded that the last conversation he had with Mr. King was the day he was found "not guilty." Mr. Gray stated that Mr. King walked up to him and shook his hand and said that he knows it wasn't him.

Sheriff Bizzell asked Mr. Gray what the people of the county would think if Sheriff Ingram would hire him as a Sheriff's Deputy. Mr. Gray responded that he believes the people would think the Sheriff made the right decision. He has been working with the Southport Police Department and has not had a single reprimand and was awarded Officer of the Year.

Sheriff Bizzell asked Mr. Gray about the quote used at the end of his email correspondence. Mr. Gray responded that the quote has to do with him personally and has nothing to do with his request for leniency. Mr. Gray stated that he respects General James Mattis and believes in his quote.

A **MOTION** was made by Sheriff Steve Bizzell to enter into a closed session; seconded by Sheriff Dwayne Goodwin. **MOTION CARRIED.**

A **MOTION** was made by Sheriff Steve Bizzell to enter into an open session; seconded by Sheriff Dwayne Goodwin. **MOTION CARRIED.**

Sheriff David Mahoney referred the Request for Leniency proceedings to Legal Counsel, Marie Evitt. Ms. Evitt addressed Mr. Gray and informed him that the Sheriffs' Commission Members had decided that they do not have the ability to grant his Request for Leniency. Ms. Evitt addressed Mr. Gray and stated that if he believes there are other remedies available to him, then he can legally investigate those remedies to seek his certification.

Mr. Gray thanked the Sheriffs' Commission Members for their time.

VI. DIVISION REPORT [Attachment #5]

Diane Konopka

Sheriffs' Standards Division Director Diane Konopka addressed the Sheriffs' Commission Members and informed them that the Probable Cause Committee has had some discussion with regard to cases in which Lack of Good Moral Character was found. The Committee determined that for anyone for whom a Lack of Good Moral Character was found within the past five (5) years who reapplied with a Sheriffs' Office, that person would be automatically denied. Anyone with a Lack of Good Moral Character finding that was more than five (5) years old would have the opportunity to be appointed and go back through Probable Cause.

Sheriff Cloninger asked if a rule would be needed. Legal Counsel Marie Evitt responded that it would be considered an additional probable cause policy and that a rule is not needed.

***Summary of Division Activities/Staffing**

Director Konopka provided the Sheriffs' Commission a brief summary of the Sheriffs' Standards Division's activities. On May 10th, Emily Taylor began working with the Division as a Processing Assistant, filling the position vacated by Brie Harter in February.

We are fortunate to have an intern working with us this summer. Natasha Greenway is a student at Wake Tech in the Forensic Science Technology degree program and she is working with us two days per week.

***SAKI Grant Application**

Director Konopka referred the Sheriffs' Commission Members to Tab 1 of the Division Report [**Attachment #5**]. The correspondence dated April 13, 2018 was sent to Chief of Staff, Seth Dearmin expressing the Sheriffs' Commission support to the North Carolina Department of Justice and its partner applicants in seeking approval for the National Sexual Assault Kit Initiative (SAKI) FY 2018 Competitive Grant. This is a three (3) million dollar grant that will be awarded over a three (3) year period. If the Department of Justice would receive this grant, it is anticipated that half of the funds would be used by the crime lab for their backlog of sexual assault kits and the remaining funds would be used for training and other related needs.

***Giglio Issues**

Director Konopka addressed the Sheriffs' Commission Members with regard to the Giglio Issue. It was reported at your last meeting that interested parties met with the Executive Board of the Conference of District Attorneys to discuss Giglio concerns. This meeting was the result of a formal request by the Criminal Justice Commission that District Attorneys notify the Commission(s) by letter when there has been a decision to not prosecute an officer's case(s) due to a documented lack of truthfulness or credibility.

Further communications have resulted in a plan to process Giglio notifications as follows:

- (Voluntary) Notification of Giglio action to Divisions(s) from District Attorney's Office
- Division(s) will keep a list of such notifications
- Division(s) will periodically forward this list to the Conference of District Attorneys
- Division(s) will develop a form that a DA may use to request a copy of the Giglio letter
- Both Divisions will continue to investigate the basis for all Giglio notifications concerning certified officers and take action as warranted.

You may wish to consider a further option for ensuring notification of Giglio by requiring certified officers to report such actions to the Division. An additional option would be to also add this information to the Personal History Statement (F-3).

A **MOTION** was made by Mr. Marc Nichols to require applicants to notify Sheriffs' Standards Division of Giglio action and to add the Giglio Notification information on the Personal History Statement (F-3); seconded by Sheriff Steve Bizzell.
MOTION CARRIED.

Sheriff Bizzell asked Director Konopka how the notification timeframe would be handled in this new rule since the timing of the applicant's receipt of their notification from the District Attorney's office is unknown. Director Konopka stated that she will be researching the notification process.

Director Combs addressed the Sheriffs' Commission and stated that the District Attorney's Offices that work within the Conference of District Attorneys, have agreed to send Criminal Justice a copy of the Giglio Notice. The Criminal Justice Division is keeping a spreadsheet of the Giglio Notices so if and when a person applies to another department the Criminal Justice Division can send notification to the District Attorney's office that this person is now in their area.

Director Konopka will draft a rule for the Sheriffs' Commission Members review at the next meeting in September.

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

***Sheriffs' Supplemental Pension Fund (update)**

Director Konopka informed the Sheriffs' Commission that at the beginning of February 2018, the 100 county finance offices were billed a cumulative total of \$1,053,320.52. Director Konopka is happy to report that all 100 counties have now paid this invoice.

Effective this month (June 2018) there are 96 retired sheriffs and two (2) beneficiaries receiving benefits from the Fund.

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

***BLET – Sheriffs’ Specific Topics (Unit 6)**

Director Konopka addressed the Sheriffs’ Commission Members with regard to Basic Law Enforcement Training (BLET) administered by the Criminal Justice Commission. At the last Sheriffs’ Commission meeting there was discussion of a possible move by the Criminal Justice Commission to allow some delivery sites the option to eliminate Unit 6, which covers the Sheriffs’ Specific topics. At their last meeting, the Criminal Justice Commission voted to move forward with a rules change that would allow any accredited delivery agency to offer a Basic Law Enforcement Training Course that does not include the 34 hours Sheriffs’ Specific Unit of training. A copy of this proposed rule is attached for your reference. [**Attachment #5, Tab 2**].

You will also note that this proposed rules change reflects the addition of eight (8) hours to the BLET curriculum in the form of an additional four (4) hours to the Traffic Crash Investigation topic (for a total of 24 hours) and an additional four (4) hours to the Domestic Violence Response topic (for a total of 16 hours). Assuming it reaches final approval, these revisions could become effective January 01, 2019.

Based on this action, Director Konopka asked the Sheriffs’ Commission Members for approval to move forward with the following rule change:

12 NCAC 10B.0505 EVALUATION FOR TRAINING WAIVER (Remove the end date of July 01, 2000) [**Attachment #5, Page 3**]

A **MOTION** was made by Sheriff Ed McMahon to remove the end date of July 01, 2000 from rule **12 NCAC 10B.0505 EVALUATION FOR TRAINING WAIVER** and make the rule effective January 01, 2019; seconded by Sheriff Alan Norman. **MOTION CARRIED.**

***Education Rules**

Director Konopka addressed the Sheriffs’ Commission Members with regard to their discussion at the March Commission meeting on **Rule 12NCAC 10B .0302(d)** which currently reads: “High School diplomas earned through correspondence courses are not recognized toward the educational requirements.”

As noted at that meeting, the Criminal Justice Commission recently authorized their Division staff to move forward to amend those portions of their rules regarding Education Requirements and Admissions of Trainees into BLET [**Attachment #5, Page 3**].

North Carolina General Statute (**NCGS**) **150B-21.3A** requires a periodic review, every 10 years, by State agencies of their existing administrative rules. Your rules were reviewed and approved by the Rules Review Commission on February 15, 2018.

Director Konopka stated that Sheriffs' Standards research and experience regarding non-traditional high school diplomas indicates a variety of such diplomas, such that it is difficult/impossible to set a specific standard that universally applies to these diplomas. Director Konopka proposed to the Sheriffs' Standards Commission for their approval, authorization to amend rule:

**12 NCAC 10B .0302 DOCUMENTATION OF EDUCATIONAL REQUIREMENT
[Attachment # 5, page 4]**

Additionally, Director Konopka recommends that Rule 12NCAC 10B .0302(e) which currently reads: "Documentary evidence of having passed the General Educational Development Test (GED) shall be satisfied by a certified copy of GED test results or by a copy of the applicant's GED diploma" be amended. **[Attachment #5, page 4].**

A **MOTION** was made by Sheriff Dwayne Goodwin to adopt the proposed rule change for both Rule 12NCAC 10B .0302(d) and Rule 12NCAC 10B .0302(e) as outlined in the Division Report, Attachment #5, Page 4; seconded by Sheriff Ricky Oliver. **MOTION CARRIED.**

***In-Service Training – Fiscal Impact Analysis**

Sheriffs' Standards Director Konopka referred the Sheriffs' Commission Members to the Division Report, Attachment #5, Tab 3 to review the Fiscal Impact Analysis for the 2019 In-Service Training Rules. This process takes place when there is a Rule change with significant fiscal impact. Director Konopka stated that with the Sheriffs' Commission approval, she will then file the Fiscal Impact Analysis report along with the change to amend the rule to reflect the updated topics.

A **MOTION** was made by Sheriff Steve Bizzell to accept the 2019 In-Service Training Fiscal Impact Analysis as outlined in the Division Report, Attachment #5, Tab 3; seconded by Mr. Marc Nichols. **MOTION CARRIED.**

***BLET Job Task Analysis (JTA) Committee**

Director Konopka addressed the Sheriffs' Commission Members and informed them of a new committee that was formed, but has not met yet. This is the BLET Job Task Analysis Committee. The Criminal Justice and Sheriffs' Standards Divisions, in conjunction with the North Carolina Justice Academy, have recently formed a Job Task Analysis (JTA) Committee to review Basic Law Enforcement Training topics and curriculum. The formation of this Committee is timely in that the last JTA was conducted in 2008, with the last major BLET revision occurring in 2000.

This process is expected to last approximately 18 to 24 months and will require active participation and several Committee meetings over that time period. Please reference the anticipated timeline for this process [**Attachment #5, Tab 4**].

A **MOTION** was made by Sheriff Steve Bizzell to enter into a closed session; seconded by Sheriff Dwayne Goodwin. **MOTION CARRIED.**

A **MOTION** was made by Sheriff David Mahoney to enter into an open session; seconded by Sheriff Ed McMahan. **MOTION CARRIED.**

Requests for Waivers (Attachment #5)

Military Waiver Review – Christian Michael Houston – Deputy Sheriff/Detention Officer – Macon and Clay Counties (Page 7)

A **MOTION** was made by Sheriff Ed McMahan to require Christian Michael Houston to complete 264 hours of the Military Police Law Enforcement Training but will not be required to re-take the state exam; seconded by Sheriff Dwayne Goodwin. **MOTION CARRIED.**

Requests for Waivers (Attachment #5) cont.

Justin Jamel White – Deputy Sheriff – Vance County (Tab 6)

A **MOTION** was made by Sheriff Ed McMahon to accept the Request for Waiver for Justin Jamel White; seconded by Sheriff Alan Norman. **MOTION CARRIED.**

Teddy Absher – Detention Officer Applicant – Ashe County (Tab 7)

A **MOTION** was made by Sheriff Ed McMahon to accept the Request for Waiver for Teddy Absher; seconded by Sheriff Alan Norman. **MOTION CARRIED.**

Joey Dean Redmon – Deputy Applicant – Davie County (Tab 8)

A **MOTION** was made by Sheriff Alan Jones to accept the Request for Waiver for Joey Dean Redmon; seconded by Mr. Marc Nichols. **MOTION CARRIED.**

Request for Basic Training Extensions (Attachment #5)

John Evan Bolduc – Detention Officer – Brunswick County (Tab 9)

A **MOTION** was made by Sheriff Steve Bizzell to accept the Request for Basic Training Extension for John Evan Bolduc; seconded by Mr. Marc Nichols. **MOTION CARRIED.**

Request for Basic Training Extensions (Attachment #5) cont.

Stanley Colt Robbins – Deputy Sheriff – Franklin County (Tab 10)

A **MOTION** was made by Sheriff Steve Bizzell to accept the Request for Basic Training Extension through December 2018 and that this is the final extension for Stanley Colt Robbins; seconded by Sheriff Alan Norman. **MOTION CARRIED.**

Ellen Jeanette McAuley – Detention Officer – Stanly County (Tab 11)

A **MOTION** was made by Sheriff Alan Jones to accept the Request for Basic Training Extension for Ellen Jeanette McAuley; seconded by Sheriff Dwayne Goodwin. **MOTION CARRIED.**

Extensions Granted by Chairman Brad Riley on behalf of the Commission (Attachment #5)

James Andrew Scott Stafford – Detention Officer – Onslow County
Cody Aaron Grimes – Detention Officer – Duplin County
Pamela Hight – Detention Officer – Warren County

Waiver Granted by Chairman Brad Riley on behalf of the Commission (Attachment #5)

Anthony Williams – Detention Officer – Guilford County

A **MOTION** was made by Sheriff David Mahoney to approve all the Requests for Extensions and one (1) Waiver previously approved by Chairman Brad Riley; seconded by Sheriff Ed McMahan. **MOTION CARRIED**

VII. NEXT MEETING

September 20th & 21st 2018 – hosted by Craven County Sheriff Jerry Monette

VIII. ADJOURNMENT

A **MOTION** was made at 11:30 a.m. by Sheriff Ed McMahon to adjourn the June 2018 Sheriffs' Commission meeting; Seconded by Sheriff Steve Bizzell. **MOTION CARRIED.**