

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

DATE: March 16, 2018

TIME: 8:30 A.M.

SUBMITTED BY: Diane Konopka, Director Sheriffs' Standards Division

I. CALL TO ORDER

Sheriff Brad Riley

The North Carolina Sheriffs' Education and Training Standards Commission meeting was called to order by Chairman Brad Riley on Friday, March 16th at 8:30 A.M.

Chairman Riley 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
Mr. Zack Koonce
Sheriff John Ingram
Sheriff B. J. Barnes (late)
Sheriff Brad Riley
Sheriff Alan Jones
Sheriff David Mahoney
Sheriff Ed McMahan
Sheriff Ricky Oliver
Sheriff Alan Norman

MEMBERS ABSENT

Sheriff Steve Bizzell
Mr. Jamie Markham
Mr. Marc Nichols

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

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. Negative response.

Legal Counsel Marie Evitt introduced a new DOJ Legal staff member, Tamara Hill to the Sheriffs’ Commission Members. Ms. Hill is the new Section Head and has been with DOJ Legal for eight (8) years.

Commission Chairman Sheriff Brad Riley gave thanks to Sheriff B. J. Barnes and his staff for doing such a fine job hosting the March Sheriffs’ Commission Meeting.

Sheriff Riley welcomed visitors to the Sheriffs’ March Commission Meeting:

VISITORS

- Trevor Allen - NC Justice Academy
- Susan Gillis - NC Justice Academy
- Travis Jackson - Pasquotank County Sheriff’s Office
- Tommy S. Wooten, II - Pasquotank County Sheriff’s Office

- Sabrina Owens - Pasquotank County Sheriff's Office
- Brent McKecuen - Pasquotank County Sheriff's Office
- Aaron Wallio - Pasquotank County Sheriff's Office
- Eddie Caldwell - NC Sheriffs' Association
- Darrin Lackey - Catawba County Sheriff's Office
- L. Kent Brown, Jr. - Catawba County Sheriff's Office
- Brian Kelly - Catawba County Sheriff's Office
- Jonathan Price - Wake County Sheriff's Office
- Scott Zeman - Cabarrus County Sheriff's Office
- Donna Estes - UNCG P.D. Communications
- Lillie Williams - UNCG P.D. Communications
- Denaetto Lilly - UNCG P.D. Communications
- Steven Combs - CJ Standards Director
- Richard Squires - CJ Standards Deputy Director
- Donna Byrd - NC DOJ
- Michelle Schilling - NC DOJ
- Bradford Sneed - NC DOJ Legislative Liaison
- Chief Hollingsed - CJ Commission Chairman
- Stephanie Freeman - Director OSDT
- Jeff Welty - School of Government
- John Faircloth - NC State Representative

II. MINUTES OF DECEMBER MEETING

Sheriff Brad Riley

A **MOTION** was made by Sheriff Alan Cloninger to accept the minutes of the December 2017 meeting; Seconded by Sheriff Dwayne Goodwin. **MOTION CARRIED.**

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

A **MOTION** was made by Sheriff Jerry Monette to approve the list of Professional Certificates and Service Awards; Seconded by Mr. Zack Koonce. **MOTION CARRIED.**

Sheriff Riley, Sheriffs' Commission Chairman, presented the Advanced Law Enforcement Professional Certificate and Advance Service Award to:

Hallett “Travis” Jackson, Advanced Law Enforcement Professional Certificate and Advanced Service Award, Pasquotank County.

Travis Jackson, of the Pasquotank County Sheriff’s Office, presented the Advanced Law Enforcement Professional Certificate and Advanced Service Award to:

Brent Jamison McKecuen, Advanced Law Enforcement Professional Certificate and Advanced Service Award, Pasquotank County.

Travis Jackson, of Pasquotank County, presented the Advanced Law Enforcement Professional Certificate to:

Sabrina Ann Owens, Advanced Law Enforcement Professional Certificate, Pasquotank County.

Travis Jackson, of Pasquotank County, presented the Advanced Law Enforcement Professional Certificate and Advanced Service Award to:

Aaron Lee Wallio, Advanced Law Enforcement Professional Certificate and Advanced Service Award, Pasquotank County.

Travis Jackson, of Pasquotank County, presented the Advanced Law Enforcement Professional Certificate to:

Tommy Steve Wooten, II, Advanced Law Enforcement Professional Certificate, Pasquotank County.

Cpt. Brian Kelly of the Catawba County Sheriff’s Office presented the Advanced Law Enforcement Professional Certificate and Advanced Service Award to:

Leon Kent Brown, Jr., Advanced Law Enforcement Professional Certificate and Advanced Service Award, Catawba County.

Cpt. Brian Kelly of the Catawba County Sheriff’s Office presented the Advanced Law Enforcement Professional Certificate to:

Darrin Craig Lackey, Advanced Law Enforcement Professional Certificate, Catawba County.

Donna Estes and Denaetto Lilly, of the UNC Greensboro Police Dept., presented the Advanced Service Award to:

Lillie M. Williams, Advanced Service Award, UNC Greensboro Police Dept.

Sheriff Riley, Sheriffs' Commission Chairman, presented the Advanced Law Enforcement Professional Certificate to:

Scott Alan Zeman, Advanced Law Enforcement Professional Certificate, Cabarrus 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. Brandon Merritt was hired on December 04, 2017, as the General Maintenance Worker at the Salemburg Campus.

Ms. Jane Ellsworth retired on February 01, 2018, as the West Campus Departmental Purchasing Agent. Ms. Ellsworth has served the Academy for 19 years.

Ms. Gail Jerson retired on February 01, 2018, as Security Supervisor at the Salemburg Campus. The Justice Academy is currently interviewing candidates for this position.

Mr. Gary Dudley retired on February 01, 2018, as Training Manager over the Commission training programs. The Justice Academy is currently interviewing candidates for this position.

The Instructional Support Services Manager position is also in the interview phase.

The Instructor/Developer I - Sex Crimes/Cyber Investigator position has been reposted due to bad weather conditions which resulted in only one candidate being interviewed.

The Instructor/Developer – Narcotics and Criminal Intelligence/Gangs position has been submitted to Human Resources.

The 2018 Instructor Refresher Training (1 hour mandatory course): Instructional Leadership. Currently, 3,490 Instructors have completed the training. That is more than half of the instructional staff across the state.

On March 5th the NC Justice Academy unveiled their Strategic Plan for 2018 – 2020 [Attachment #2]. The emphasis being placed on the incorporation of current and more frequent research/development and more frequent lesson plan revision and publishing. The focus is changing from quantity to quality. The Justice Academy is also moving to a one (1) year training cycle so that agencies will have more advanced notice of the courses being offered. The ultimate goal is to become #1 of 50 as opposed to just 1 of 50.

The Justice Academy has received some positive recognition. There were 84,000 on-line training completions for 2017. There have been 22,119 on-line courses completed so far in 2018. The Mandatory In-Service Training completions are 18,629 for 2018.

Mr. Dan Worley was invited to sit on the Enforcement Technology Advisory Technical Subcommittee in October 2017 as an advisor and voting member. The committee is seeking to establish national minimum standards for SMI operation - the model for this is North Carolina.

Chairman Riley asked the Commission Members if there were any questions.

Sheriff Cloninger asked Mr. Allen if there were any concerns of potential problems regarding a one (1) year curriculum. An example Sheriff Cloninger referenced was if a refresher class is needed for the Active Shooter Course. Mr. Allen responded that the R & D task force will handle the needs as they arise for a course needed on the fly.

Sheriff Cloninger asked Mr. Allen if he felt the Active Shooter course was operating at best practices. Mr. Allen responded that their Active Shooter course is a good training course. The class is held approximately eight (8) times per year and has consistently been full. Mr. Allen stated that he is sending trainers to Virginia for a class to see if there are other tactics and methods to incorporate into the curriculum.

Sheriff Cloninger stated that he feels it would be beneficial to review the Detention Officer training and look at suicide prevention, mental health and drug recognition to ensure the appropriate training is being given in those areas.

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

***NC Sheriffs' Association**

Eddie Caldwell

Mr. Caldwell addressed the Sheriffs' Commission Members and thanked them for their time. The Sheriffs' Association Spring Meeting will be held in Carteret County from April 26th – April 28th. Mr. Caldwell encouraged everyone to register for the meeting and participate in the good programs that are planned.

The other issue of dual significance to both the Sheriffs' Association and the Sheriffs' Commission is the issue of Volunteer School Resource Officers. Mr. Caldwell stated that since he is aware of a meeting to discuss this issue thoroughly at a later time this morning he will defer any discussion on the topic until that time.

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

V. OTHER REPORTS

*Probable Cause Committee

Sheriff Monette

Sheriff Jerry Monette reported that the Probable Cause Committee met March 15, 2018, and during that session, the Committee reviewed a total of 63 cases. In thirty-two (32) cases, Probable Cause was found, with four (4) of those cases resulting in a Consent Agreement to be executed at your next meeting. No Probable Cause was found in twenty-two (22) cases, one (1) case was postponed at the agency's request, and eight (8) cases were closed pursuant to the Consolidated Probable Cause Policy.

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

*2019 In-Service Training Objectives

Susan Gillis

Ms. Gillis addressed the Sheriffs' Standards Commission Members and directed them to Tab #2 of the Division Report for the 2019 In-Service Training Topics. The joint In-Service Committee and the Sheriffs' In-Service Sub-Committee met on January 31st and approved the 2019 Training Objectives for Detention, Law Enforcement and Telecommunicators. These same Objectives were approved by the Criminal Justice Committee on February 14, 2018.

A **MOTION** was made by Sheriff Alan Cloninger to accept all the proposed In-Service Training Objectives for Law Enforcement, Detention, and Telecommunicator; Seconded by Sheriff Alan Norman. **MOTION CARRIED.**

Ms. Gillis informed the Sheriffs' Commission that the NC Justice Academy was able to purchase a \$25,000 simulator for Telecommunicator training through a grant that was received. This is a full 12 monitor station which will help Telecommunicators with multi-tasking skills. This is the only simulator of its kind in the state of North Carolina.

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

VI. DIVISION REPORT [Attachment #3]

Diane Konopka

***Ethics Reminder – Statement of Economic Interest**

Director Konopka addressed the Sheriffs' Standards Commission Members and referred them to their copy of the Division Report [**Attachment #3**]. Ms. Konopka discussed the ethics standards and reminded the Commission Members to file an updated Statement of Economic Interest (SEI) by 04/15/2018. This can be accessed online under Statement of Economic Interest.

***Summary of 2017 Division Activities/Staffing**

Director Konopka provided the Sheriffs' Commission a brief summary of the Sheriffs' Standards Division's activities and accomplishments that was also provided for the Attorney General's annual report. Ms. Konopka directed the Sheriffs' Commission Members to (**Tab #1**) of the Division Report.

The Sheriffs' Standards Division was fully staffed for a period of seven months. However, effective February 09, 2018, Processing Assistant Brie Harter resigned to take a position with the SBI as a School Safety Analyst. That position has been posted and we are scheduling interviews. The Division has also received approval for a temporary (3 month) position to assist with scanning and archiving projects, as well as general office duties.

Legal Counsel Lauren Earnhardt resigned from DOJ effective February 6, 2018 to take a position with the Sheriffs' Association. We will miss Lauren, but we are fortunate to have Marie Evitt now working with the Commission.

***BLET and the Sheriffs' Specific Topics**

The Basic Law Enforcement Training (BLET) curriculum has included the Sheriffs' Specific topics comprised of 24 hours of Civil Process, four (4) hours of Sheriffs' Responsibilities: Detention Duties and six (6) hours of Sheriffs' Responsibilities: Court Duties in all courses since 2000.

Prior to that time, these courses were included in some BLET offerings and not others, such that the Division evaluates the basic training of those deputy applicants who completed BLET between 10/01/1984, and 07/01/2000, to determine who needs the 34 hours of additional training. Those applicants who began a BLET course offering on or after July 01, 2000, require no such evaluation.

The Criminal Justice Commission is considering allowing BLET training run by State agencies (NC Highway Patrol, SBI) and police departments who run their own BLET classes to remove the 34 hours of Sheriffs' Specific topics from the curriculum. BLET training provided by community colleges would still be required to include the Sheriffs' Specific topics.

This matter will be considered by the Criminal Justice Commission's Education and Training Committee at their upcoming May meeting. The earliest such a rule change could become effective would be January 01, 2019, assuming it reaches final approval.

Director Konopka asked CJ Standards Director Combs if he agreed with her presentation of the BLET topic. Director Combs agreed with her presentation.

Sheriff Cloninger expressed concern that removing the Sheriffs' Specific topics will place a burden on the Sheriff's Office. An applicant coming from one of the agencies not providing the training will then have to receive training through the Sheriff's Office. Sheriff Cloninger believes that anyone completing BLET should have all that is needed to be a law enforcement officer anywhere in the state.

Sheriff Riley stated that the Commission will need to have further discussion before a decision or motion is made on the proposed change once they have had time to think about it.

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

***Giglio Issues**

On February 02, 2018, Commission legal counsels Marie Evitt and Whitney Belich, as well as Eddie Caldwell, Steven Combs, Jeff Welty (NC School of Government) and others met with the Executive Board of the Conference of District Attorneys to discuss Giglio concerns. Specifically, there was 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 cases due to a documented lack of truthfulness or credibility.

Though the meeting did not result in a final decision of a course of action, there was productive discussion as to how this information could be forwarded to the Standards Divisions. It is understood that the Conference Executive Board wanted to further discuss the issue and report back to the Commissions in the next couple of months (**Tab #3**).

***Police Telecommunicators**

Director Konopka informed the Sheriffs' Commission that the Joint Legislative Oversight Committee on Emergency Management met in January 2018 and approved a draft bill (**Tab #4**) to require police telecommunicators to be certified with the Sheriffs' Commission. That draft bill will be referred to the short session of the General Assembly for consideration and has the support of your Sheriffs' Association and the NC Association of Chiefs of Police.

Director Konopka asked Mr. Eddie Caldwell if he would like to comment on the topic.

Mr. Caldwell did make comment on a separate issue relating to years past when the 911 board attempted to establish certification standards for telecommunicators which would affect Sheriff's Offices and Police Departments. At the time, there was a lot of discussion about that issue. The

911 board did finally come to realize that under their statute and the Sheriffs' statute, the 911 board did not have the authority to establish certification standards. The discussion was then stopped and Mr. Caldwell believed it to be over forever. Currently, the issue is being discussed once again. Mr. Caldwell plans to be present as the Sheriffs' Association Representative at a 911 board hearing being held in Greensboro. Mr. Caldwell wants to alert the Sheriffs' Commission to this issue and stated that it was of great concern to the Sheriffs' Commission years ago.

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

***2018 School Directors Conference**

Plans for the 2018 School Directors' Conference are underway. BLET, Detention Officer and Telecommunicator School Directors are required to attend this annual training event. It will be held August 20 – 22 in Asheville. In addition to Active Shooter, General Instructor, BLET and In-Service topics, there is a session devoted to Sheriffs' Standards Updates. Items currently set to be covered in that training include the 2019 "no more training waivers" policy.

Director Konopka asked the Commission Members to advise of any thoughts or suggestions they would like to see addressed at that meeting.

***Review of Existing Rules**

The 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, 2015.

With the exception of your "education" rule, all of your rules were classified as "Necessary without Substantive Public Interest" and no further action is necessary at this time in regards to those rules. However, 12NCAC 10B .0302 was classified as "Necessary with Substantive Public Interest" and must therefore go through the rules review process to be re-adopted.

Director Konopka referred the Sheriffs' Commission Members to **(Tab #5)** of the Division Report. Rule 12NCAC 10B .0302 was last updated in 2008 to address home school diplomas and diplomas earned outside of the United States. Such non-traditional diplomas must be evaluated by Division staff to determine whether or not they meet the requirement set out in your rules. Diplomas earned through correspondence or on-line courses are not acceptable for certification.

Director Konopka stated that the Commission Members may choose to re-adopt this rule as it is currently written or may wish to explore options to change it. The Criminal Justice Commission has recently authorized their Division staff to move forward to amend those portions of their rules regarding Education Requirements and Admission of Trainees into BLET as follows:

High School diplomas earned through correspondence enrollment, from an entity that charges a fee and requires the individual to complete little or no education or coursework to obtain a high school diploma, are not recognized toward these minimum educational requirements.

Chairman Riley asked why we can't set standards for correspondence schools since we currently do that for home schools. Director Konopka replied that the home schools do have a process to register with the Department of Home School Instruction. The correspondence schools do not have such a process.

Richard Squires addressed the Sheriffs' Commission Members and informed them of his approach when researching the correspondence diploma issue. One of the questions he would ask was how they earned the degree. Did they do classwork or was it based on life experience. He also asked for a transcript and the duration of the course.

The Sheriffs' Commission asked Director Konopka to research a recommendation for the rule regarding correspondence course language.

***Sheriffs' Supplemental Pension Fund**

Director Konopka provided the Sheriffs' Commission Members an update on the Sheriffs' Supplemental Pension Fund and referred them to a draft of the 2017 – 2018 Annual Report for the Sheriffs' Supplemental Pension Fund (**Attachment #4**).

All sheriffs were sent a copy of the invoices that went to County Finance Offices in late January. As of 3/7/2018, 64 counties had paid a total of \$538,079.79, with 36 counties and \$515,240.73 still outstanding.

The Sheriffs' Commission Members requested Director Konopka to email all the Sheriffs' and inform them of the outstanding amount due from their County Finance Office.

A **MOTION** was made by Sheriff Alan Cloninger to enter into a closed session; seconded by Sheriff Ed McMahon. **MOTION CARRIED.**

A **MOTION** was made by Sheriff Jerry Monette to enter into an open session; seconded by Sheriff Alan Norman. **MOTION CARRIED.**

Requests for Waivers (Attachment #3)

Brian Thomas Sullivan – Deputy Sheriff – Richmond County (Tab 7)

A **MOTION** was made by Sheriff Jerry Monette to accept the Request for Waiver for Brian Thomas Sullivan; seconded by Sheriff David Mahoney. **MOTION CARRIED.**

Phillip Michael Davis – Detention Officer Applicant – Mecklenburg County (Tab 8)

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

Cordaryl Ruel Crawford-Means – Deputy Applicant – Nash County (Tab 9)

A **MOTION** was made by Sheriff Jerry Monette to accept the Request for Waiver for Cordaryl Ruel Crawford-Means; seconded by Mr. Zack Koonce. **MOTION CARRIED.**

Request for Basic Training Extensions (Attachment #3)

Kaleb Abraham Jarrell – Detention Officer – Montgomery County (Tab 10)

A **MOTION** was made by Sheriff Alan Norman to accept the Request for Basic Training Extension for Kaleb Abraham Jarrell; seconded by Sheriff Alan Jones. **MOTION CARRIED.**

Camron Joseph Wathen – Detention Officer – Madison County (Tab 11)

A **MOTION** was made by Sheriff Dwayne Goodwin to deny the Request for Basic Training Extension for Camron Joseph Wathen; seconded by Sheriff Ed McMahon. **MOTION CARRIED.**

Seanquinton Fulton – Detention Officer – Hoke County (Tab 12)

A **MOTION** was made by Sheriff Alan Cloninger to grant an additional three (3) months Extension Request for Basic Training Extension for Seanquinton Fulton; seconded by Sheriff Jerry Monette. **MOTION CARRIED.**

Jonathan Blake Thrush – Deputy Sheriff – Scotland County (Tab 14)

A **MOTION** was made by Sheriff Alan Cloninger to accept the additional three (3) months Extension Request to complete the high school equivalency (GED) for Jonathan Blake Thrush; seconded by Sheriff Ed McMahan. **MOTION CARRIED.**

Stanley Colt Robbins – Deputy Sheriff – Franklin County (Tab 13)

The Sheriffs’ Commission Members postponed a decision for the requested additional extension until the June 2018 Commission Meeting.

Extensions Granted by Chairman Brad Riley on behalf of the Commission (Attachment #3)

- Wenndy Tawanda Bellamy – Detention Officer – Columbus County
- Seanquinton Fulton – Detention Officer – Hoke County
- Pamela Hight – Detention Officer – Warren County
- Meredith Lynn Stanley – Telecommunicator – Brunswick County
- Camron Joseph Wathen – Detention Officer – Madison County

A **MOTION** was made by Sheriff Alan Cloninger to approve all the Requests for Extensions; seconded by Sheriff Ed McMahan. **MOTION CARRIED**

***Volunteer School Safety Resource Officer Program [Attachment #3, Tab#6]**

Chairman Riley introduced Criminal Justice Director Mr. Steven Combs and welcomed him to the Sheriffs’ Commission Meeting. Mr. Combs introduced members of the Criminal Justice Commission that were present for the Volunteer School Safety Resource Officer Program discussion. Those members present include:

Criminal Justice Commission Chairman, Chief Bill Hollingsed, Vice Chairman, Sheriffs' Association Executive VP and General Counsel, Mr. Eddie Caldwell, Executive Committee Member, School of Government, Mr. Jeff Welty, and Director OSDT, Stephanie Freeman.

Chairman Riley introduced Sheriff B. J. Barnes and gave him the floor to introduce the guest speaker, NC State Representative Mr. John Faircloth.

Sheriff Riley began the discussion between the Sheriffs' Commission and Criminal Justice Commission regarding Volunteer School Safety Resource Officer Program. Chairman Riley referenced the legislative statutes currently in place: North Carolina General Statute 162-26 and 160A-288.4. These statutes address the requirements to be a volunteer in the program. A person must have prior experience as either a sworn law enforcement officer or a military police officer.

Sheriff B. J. Barnes of Guilford County began the discussion and stated that he does have issues with the Volunteer School Safety Resource Officer Program since the Sheriff's Office will be responsible for them. Sheriff Barnes has talked with his legal advisor and other sheriffs about this issue.

One of the issues is that when you have a volunteer and they don't perform as they should, what do you do, fire them? The question is, how accountable are they going to be?

Sheriff Barnes stated that if you are going to use volunteers they need to be trained; and training will be up to the Sheriffs' Commission to decide what that training is going to be. Sheriff Barnes believes that, at the very least, they should have basic law enforcement training that each of our deputies go through.

The statute has included language stating that a program volunteer must receive training on research into the social and cognitive development of elementary, middle, and high school children and must also meet the selection standards and any additional criteria established by the sheriff. Currently, this specific training is not available and will have to be developed.

Sheriff Barnes stated that if a person is going to be a volunteer, whether they are ex-military or ex-law enforcement, they must be certified by the Sheriffs' Commission. Sheriff Cloninger asked if certified meant currently certified or certified in the past. Sheriff Barnes responded "whatever it takes to bring them current." Sheriff Cloninger stated that would then mean "active certification." Sheriff Barnes agreed.

Sheriff Barnes stated that he wants anyone carrying the mantle of being a deputy sheriff in any county to have the training that is required of our own deputies. This may be a nightmare for the Sheriffs from a legal standpoint if we don't do this right.

Sheriff Cloninger of Gaston County stated that he agrees with Sheriff Barnes and has talked with his Superintendent of Schools who is not in favor of the program. Sheriff Cloninger stated that the issue troubling him is that a volunteer does not have a defined job and responsibilities. The volunteers are civilians acting in the capacity of a law enforcement officer. There is also an issue of reliability when a volunteer decides to just take time off; what is the Sheriff supposed to do?

Sheriff Cloninger has a suggestion for the Legislature which includes using retired certified deputies. Currently, retired certified deputies come up against the wall with the risk of losing their retirement once they reach 999 hours worked because of the cap of allowable hours permitted in a year.

Sheriff Cloninger suggested that if the legislation was changed to allow those retired certified law enforcement officers that work just with a school enough hours to work the complete school year, a lot of Sheriffs would be jumping up and down. Sheriff Cloninger realizes that there is a budget factor to this scenario but believes this to be a helpful and viable solution.

Sheriff Barnes stated that he totally agrees with Sheriff Cloninger regarding the use of retired certified law enforcement officers. Sheriff Barnes asked if the cap on hours worked for retired law enforcement was a state issue or a federal issue.

Sheriff Jerry Monette of Craven County responded that he believes any funding needed for this program should come through the school system. The county provides funds to the school system. Sheriff Monette stated that he is in favor of using off-duty officers in the school system. This would cover their use of vehicles, liability, and equipment. Sheriff Monette believes the school system could pay them an hourly labor rate.

Sheriff Monette feels that the volunteer program may start out strong but will lose steam because people are not going to work for nothing very long. Sheriff Monette also agrees that the program needs certified law enforcement officers to do the job. Sheriff Monette agrees that a volunteer program will create a liability nightmare.

Sheriff Riley of Cabarrus County stated an issue that comes to his mind is that most days may be a normal day at the school but there will still be those day to day issues. When those day to day issues arise and a volunteer is there with a firearm, the volunteer is going to have to deal with that issue. Sheriff Riley believes this program is asking a volunteer to act in the capacity of a law enforcement officer every day even those he is supposed to be there for the specific purpose of an active shooter. Sheriff Riley asked the Criminal Justice Commission members for their input on this subject.

Chief Hollingsed addressed the Sheriffs' Commission Members and stated that their discussions surrounding the Volunteer School Safety Resource Officer Program have been in line with what he has heard today from the Sheriffs' Commission. Chief Hollingsed stated that he has experienced less interest from the police chiefs and has only received contact from one (1) police chief in the state on this subject. The City Council ordered the police chief to investigate the possibility of the volunteer program.

One of the issues Chief Hollingsed has with the statute is the language: "A person selected by the chief of police to serve as a volunteer under this section shall have the power of arrest while performing official duties as a volunteer school safety resource officer. Chief Hollingsed also agrees with the issue regarding liability.

Chief Hollingsed stated that there needs to be more definition as to what the training needs consist of and what the certification process will be. Chief Hollingsed reiterated that they have had very little interest from the police chiefs so far, but the City Councils have expressed an interest to the police chiefs.

Chief Hollingsed said they would like to see more definition with regard to liability, training, and certification.

Sheriff Riley addressed Chief Hollingsed and stated that it appears the Criminal Justice Commission is postured towards the same recommendations made by the Sheriffs' Commission Members with regard to Volunteer School Safety Resource Officers holding active certification.

Chief Hollingsed responded "yes sir", especially when they get into having the power of arrest. When looking at the liability issue, we would like to see that when they have the power of arrest, they need to have that basic law enforcement training.

Chairman Riley asked Mr. Jeff Welty, Chairperson of Planning & Standards School of Government if he had any comments that he would like to add.

Mr. Welty responded that he has spent some time looking at what other states have done in this area and there really hasn't been much since it is a new area. Mr. Welty did want to echo Chief Hollingsed's issue with regard to the power of arrest which is a part of the puzzle. The volunteer is there because of the active shooter situation but if they have the power of arrest and there is a fight at the school or they see a person with marijuana, are they going to be arresting that person. If so, that implicates a lot of liability and training concerns.

A bill is pending in Alabama that would allow volunteers to be in schools, armed and supplied with equipment provided by a law enforcement agency and subject to their supervision. These volunteers would not have the power of arrest. They would be there solely as an armed presence just in case something disastrous does happen. This is a different direction than what has been discussed by the Commissions. This is just another idea that is out there.

Chairman Riley asked if there is anyone else that would like to address the topic. Sheriff Barnes asked if Mr. Eddie Caldwell would share information of what he has heard so far.

Mr. Caldwell addressed the Sheriffs' Commission Members and stated that when the Legislature met in 2013 and gave law enforcement an option that law enforcement didn't ask for and it appears now that law enforcement doesn't want; that option is to put somebody in a school with a gun that is less than a BLET certified officer.

The legislation that was enacted doesn't all fit together. The discussion these past few weeks has been that if this option is going to stay in the law, the legislation needs to be tweaked and tightened up so that it will work. Mr. Caldwell believes that the disconnect between the legislation, sheriffs, and police chiefs is whether or not this option will be used even if the statute is cleaned up so that it would work. Mr. Caldwell has heard from two (2) Sheriffs that have expressed interest in using this option but he has not heard from any Police Chiefs.

Mr. Caldwell stated that they recently held the Sheriffs' Association Regional Meeting and every Sheriff there said they felt the best answer is to have a BLET certified law enforcement officer in every school. They believe to do anything less than that would not be giving our students and teachers the level of protection they deserve.

There is a whole host of questions, a lot of which were mentioned this morning, about the problems of putting someone in that role that is less than a fully certified law enforcement officer. Mr. Caldwell stated that what is in the law now cannot be implemented by anybody. Mr. Caldwell believes that when the legislature comes back in May, if they want to have that option out there for use he believes that ultimately it will come down to the two Commissions calling on the legislature to have everyone work together and clean up the statute with better definition so that it will work. The current statute has ambiguities in it with regard to law enforcement training and not having to be BLET certified, as well as the requirement of training on research into the social and cognitive development of elementary, middle, and high school children which is something that no officer has received as part of their current training.

Mr. Caldwell stated that these are the issues he is hearing from people across the state. Ultimately it is up to the Legislature to decide what options are available. The Legislature could mandate that people with less of a qualification than a law enforcement officer be placed in the schools. Law Enforcement has communicated that they are hearing from their School Superintendents that they don't want anybody with less training than a BLET certified law enforcement officer. Unless the Legislature mandates that people with less of a qualification than a law enforcement officer be placed in the schools, almost nobody is going to put someone in their schools other than a BLET certified law enforcement officer.

If the Legislature wants to mandate that it is an option that must be done, then we need to work with them to clean the law up so that the law will actually function in a way they would like it to function.

Chairman Riley stated that he believes it is very important that the legislation be cleaned up sooner rather than later. Sheriff Riley stated that it appears the two commissions are positioned to agree that we stand together on the same issues and try and get the legislation cleaned up rather than wait and chase it.

Sheriff Barnes addressed the Commission and stated that because of the issues with this legislation, he invited NC State Representative John Faircloth to attend this meeting. Representative Faircloth is a leader in the Legislature and has been tasked by the leadership to co-chair a committee that is going to be dealing with school safety and what should be done in the schools. Sheriff Barnes suspects that the committee will be calling on many of us for our opinions and thoughts on this matter.

Sheriff Riley welcomed Representative Faircloth and thanked him for attending the Sheriffs' Commission Meeting and to weigh in on the subject from his perspective.

Representative Faircloth addressed the Sheriffs' Commission Members and stated that this legislation, as far as he's concerned, does not meet what is needed. There are some models around that reflect the current legislation, for instance, police departments that have reserve officers. These officers may not have been an actual police officer but wanted to volunteer in their community. These officers do have to take the BLET training and when they are certified, they are a fully empowered law enforcement officer. There are some out there who are in that particular status and serving as armed officers at charter schools. They are being paid by the charter school.

The committee's first meeting is next week. This is a large committee and very important to the legislators. The first meeting is next week. This committee will invite members of the commissions and everybody they can to go through this and try to find a solution.

Representative Faircloth stated that with his law enforcement background he tends toward a good solid law enforcement solution. Mr. Faircloth stated that the Commissions have to be heard and if you receive a phone call to attend a meeting, please do so. The committee will need your help.

Representative Faircloth noted that it is great to see the two Commissions standing together because we need you to stand firm on whatever direction you are going. There are a lot of folks on the other end of the thought spectrum who are all for just having a next door neighbor walking into a school with a gun which will not work. We are at the beginning stages.

Mr. Faircloth stated that he is one of the Chairs on the Emergency Management Oversight Committee and they have touched on this issue a little bit when one of their representatives drew them into the conversation. Yesterday they had a person come in and describe what the BLET training is for a law enforcement officer. They also had an officer that runs a side business training people in firearms speak about his thoughts about a legally recognized volunteer and what type of firearms training they should have. This was just an information session for the attendees at that meeting.

Chairman Riley thanked Representative Faircloth for his time and input.

Sheriff Barnes suggested, if appropriate, *that the Sheriffs Commission take a vote and say that until further study occurs that we will not support any officer or volunteer in a school that did not have BLET certification.*

Sheriff Cloninger stated that he would not say "certified" since he had his BLET in the 1970's.

Chairman Riley stated that there was a motion on the floor by Sheriff Barnes and 2nd by Sheriff Cloninger and asked for any discussion.

Chairman Riley began the discussion with regard to the motion presented. Sheriff Riley has a concern about stepping out there and taking a position that restricts the legislation and appears that the Sheriffs' Commission doesn't support what the legislature is trying to do. Sheriff Riley would like to move forward with the process of cleaning the law up.

Discussion took place to amend the motion's language.

Sheriff Cloninger suggested an amended motion:

It is the position of the Sheriffs' Standards Commission that only certified deputy sheriffs or law enforcement officers are to be at a school carrying weapons.

Sheriff Barnes stated that unless the legislature makes changes to the law, currently only certified law enforcement officers can legally have a weapon on school grounds.

Mr. Jeff Welty, School of Government informed the Commission Members that he does not currently have NCGS 14.269.2 in front of him but he believes that Sheriff Barnes is correct in saying that law would have to be changed by the legislature for anyone other than law enforcement to carry a weapon on school grounds.

Mr. Welty believes that in 2013 that statute was amended to allow a volunteer to carry a weapon on school grounds.

Representative Faircloth informed the Commission Members that they are taking a look at the Private Protective Services personnel as an option. It was suggested that they receive the same firearms training as law enforcement.

Mr. Caldwell addressed the Sheriffs' Commission Members and stated that with regard to firearms training; it is one thing to be able to shoot a gun and hit a target, it is another to subdue an armed suspect. There is a whole lot more going on during an active shooter situation. The BLET training certified officers receive covers how to handle situations and communication. This is not covered in training for Security Personnel.

Sheriff Riley asked the Sheriffs' Commission Members if they agreed that their interpretation of the current law NCGS 14.269.2 states that it is unlawful for anyone other than an active BLET certified law enforcement officer to carry a weapon on school grounds.

The Commission Members agreed.

Sheriff Barnes read the amended motion:

The Sheriffs' Standards Commission states that only certified deputy sheriffs or law enforcement officers under the qualifications that this commission requires are to be at a school carrying weapons.

Sheriff Cloninger 2nd the motion

Sheriff Cloninger asked Criminal Justice Chairman, Chief Hollingsed if he agreed with what the Sheriffs have stated in their motion.

Chief Hollingsed stated that speaking for the Executive Committee, they are looking at adopting a similar statement of resolution from the Executive Committee and taking it to the full commission in May.

Sheriff Riley asked for a vote. Unanimous

A **MOTION** was made by Sheriff B. J. Barnes that *The Sheriffs' Standards Commission states that only certified deputy sheriffs or law enforcement officers under the qualifications that this commission requires are to be at a school carrying weapons;* Seconded by Sheriff Alan Cloninger. **MOTION CARRIED.**

VII. NEXT MEETING

June 14th & 15th – hosted by Transylvania County Sheriff David Mahoney

VIII. ADJOURNMENT

A **MOTION** was made at 11:30 a.m. by Sheriff Jerry Monette to adjourn the March 2018 Sheriffs' Commission meeting; Seconded by Mr. Zack Koonce. **MOTION CARRIED.**