MINUTES

OF

THE NORTH CAROLINA SHERIFFS' EDUCATION AND TRAINING STANDARDS COMMISSION

DATE: December 08, 2017

TIME: 8:35 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, December 08, 2017 at 8:35 A.M.

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

MEMBERS PRESENT

MEMBERS ABSENT

Sheriff Dwayne Goodwin
Sheriff Jack Smith
Sheriff Jerry Monette
Sheriff Steve Bizzell
Sheriff Ricky Oliver
Sheriff John Ingram
Sheriff Brad Riley
Sheriff Alan Jones
Sheriff David Mahoney
Sheriff Ed McMahon
Sheriff Alan Cloninger
Mr. Zack Koonce

Ms. Tracy McPherson

Sheriff B. J. Barnes Mr. Jamie Markham Sheriff Alan Norman Mr. Marc Nichols

STAFF

Diane Konopka - Director, Sheriffs' Standards Division
Lauren Earnhardt - 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

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.

Sheriffs' Standards Division Director Diane Konopka addressed the Sheriffs' Commission to present staff members from the division. Each member introduced themselves to the Commission Members.

Sheriff Riley welcomed Robin Pendergraft and acknowledged her retirement from the Department of Justice. Sheriff Riley stated that she will be missed and the Sheriffs' Standards Commission Members wanted to congratulate and wish her well on her future endeavors.

Ms. Pendergraft addressed the Sheriffs' Commission Members and audience and provided some historic insight of her career with the Department of Justice. Ms. Pendergraft believes that she has been blessed to have had the opportunity to work with such talented people.

Ms. Pendergraft announced that she will be working with the U. S. Attorney's Office to work as the Criminal Chief for the new U. S. Attorney. Part of her responsibility will be working as a liaison with the Eastern North Carolina Law Enforcement community.

Sheriff Standards Chairman Riley welcomed Mr. Bradford Sneeden to the December Sheriffs' Commission Meeting.

Sheriff Riley welcomed the visitors to the Sheriffs' December Commission Meeting.

VISITORS

Amanda Stephenson - NC Justice Academy

Angela Scott Wilkes County Sheriff's Office David G. Scott Wilkes County Sheriff's Office Frank Rose Caswell County Sheriff's Office Caswell County Sheriff's Office Melanie Rose Harnett County Sheriff's Office Josh Christensen Harnett County Sheriff's Office Jose L. Peralta Holly Springs Police Dept. Bethanie Peralta Sheriffs' Standards Division Autumn Hanna Eddie Caldwell NC Sheriffs' Association

Kevin Johnson - State Capitol Police

Sheriffs' Standards Division Jevanna Thomas-Gibson Michelle Andrews Sheriffs' Standards Division Sheriffs' Standards Division Brie Harter Jessie Taub Sheriffs' Standards Division Kim Bumgardner Sheriffs' Standards Division Myra Frederick Sheriffs' Standards Division Jo Whitman Sheriffs' Standards Division Shena Evans Sheriffs' Standards Division Christopher Scott Sheriffs' Standards Division

Steven Combs - Criminal Justice Standards Division
Robert Thomas - Anson County Sheriff's Office
Holly Thomas - Anson County Sheriff's Office
Scott Howell - Anson County Sheriff's Office
Dr. Frank Scuiletti - NC Community College System

Bradford Sneeden - NC DOJ Robin Pendergraft - NC DOJ Kristen Bierline - NC DOJ

Hal Askins - NC DOJ (retired)

Sheriff Brad Riley

II. MINUTES OF SEPTEMBER MEETING

A **MOTION** was made by Sheriff Steve Bizzell to accept the minutes of the September 2017 meeting; Seconded by Sheriff Ed McMahon. **MOTION CARRIED.**

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

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

Chief Deputy Scott Howell of Anson County Sheriff's Office presented the Advanced Telecommunicator Professional Certificate to:

Holly L. Thomas, Telecommunicator Professional Certificate, Anson County.

Lt. Josh Christensen of Harnett County Sheriff's Office presented the Advanced Law Enforcement Professional Certificate to:

Jose Luis Peralta, Advanced Law Enforcement Professional Certificate, Harnett County.

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

David Glenn Scott, Advanced Law Enforcement Professional Certificate, Vance County.

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

Frank Edward Rose, Jr., Advanced Service Award, Caswell County.

IV. INFORMATIONAL REPORTS

*North Carolina Justice Academy

Dana Phillips

Mr. Phillips thanked the Sheriffs' Commission Members for the opportunity to present the North Carolina Justice Academy updates for Director Allen. The Justice Academy had some personnel changes due to both resignations and retirement.

Mr. Anthony Aycock resigned as Instructional Support Services Manager on October 31, 2017. He accepted a position as Legislative Librarian for the General Assembly of North Carolina.

Ms. Lica Strasner resigned as Program Assistant in the Investigation Center in Edneyville on September 15, 2017. She has served the Academy since February 14, 2017.

Ms. Connie Lee will retire as Program Assistant in the Law Enforcement Leadership Center in Salemburg on January 01, 2018. She has served the Academy since February 01, 1987.

Mr. Gary Dudley will retire as CJ Training Coordinator II for the Commission In-Service Center in Salemburg. He has served the Academy since September 28, 2004.

Mr. Phillips informed the Sheriffs' Commission Members of the new courses for 2019:

Advanced SRO Survival will be held at the Edneyville campus May $8^{th} - 10^{th}$ and the Salemburg campus June $5^{th} - 7^{th}$.

ASP Instructor Certification will be held at the Salemburg campus Jan 30th – Feb 1st.

Budgeting & Finance for Law Enforcement Administration will be held at the Edneyville campus Feb $6^{th} - 8^{th}$, April $16^{th} - 18^{th}$, and June $26^{th} - 28^{th}$.

Criminal Investigation: Interviews and Interrogations will be held at the Edneyville campus on March $12^{th} - 16^{th}$ and May $14^{th} - 18^{th}$. The Salemburg campus dates are April $23^{rd} - 27^{th}$ and June $11^{th} - 15^{th}$.

Domestic Violence Institute will be held in Salemburg on May $7^{th} - 11^{th}$.

Executive Leadership for New Chiefs will be held at both the Edneyville and Salemburg campuses on Feb 13th – May 11th.

Forensic Analysis for Patrol Officers will be held at the Edneyville campus Jan $24^{th} - 26^{th}$, March $26th - 28^{th}$ and June $25^{th} - 27^{th}$. The Salemburg campus dates are June $4^{th} - 6^{th}$.

Forensic Analysis for Shooting Incidents will be held in Edneyville on Feb $12^{th} - 16^{th}$ and April $9^{th} - 13^{th}$. The Salemburg campus dates are March $12^{th} - 16^{th}$ and May $21^{st} - 25^{th}$.

Pharmaceutical Crime – Advanced Investigative Techniquest will be held at the Edneyville campus on April 11th.

Pharmaceutical Crime – Tools for the Street will be held at the Edneyville campus on April 10th.

Spanish for Law Enforcement will be held in Edneyville Dec $4^{th} - 8^{th}$.

Mr. Phillips stated that the Justice Academy is very proud of the success of the Online In-Service Training. As of this date there were 63,333 in-service completions and 5,702 one (1) hour Instructor Update Training completions.

The SWAT Competition took place November $5^{th} - 10^{th}$ at the Salemburg Campus with 14 teams participating. This was a very successful event. Mr. Phillips believes that Durham Police Department won the competition.

Mr. Phillips reported that Director Allen presented the NC Justice Academy's Overview and Mission, Capabilities, and Course Accreditation to the JPS Committee November 16th.

The Training Catalogs and In-Service DVDs are available today. Please let them know if any materials are needed.

The North Carolina Justice Academy was honored to assist with the ribbon cutting ceremony for the new Western Regional Crime Laboratory on December 4th.

The North Carolina Justice Academy received full funding to renovate Residence Hall C on the Salemburg Campus. It is currently under design and they anticipate construction to begin late fall of 2018. The plan is to reopen Residence Hall C January 01, 2020.

Mr. Phillips thanked the Sheriffs' Commission Members for the opportunity to present the NC Justice Academy updates.

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

*NC Sheriffs' Association

Eddie Caldwell

Mr. Caldwell addressed the Sheriffs' Commission Members and thanked them for their time. Mr. Caldwell informed the Sheriffs' Commission Members that the spring meeting has been scheduled for March $26^{th} - 28^{th}$ in Atlantic Beach, NC. This is about a month earlier than usual due to the primary in May. Sheriff Asa Buck is hosting the spring meeting.

The NC Sheriffs' Association recently completed the Legislative Update Training around the state. Mr. Caldwell is delighted with all the work accomplished by Director Diane Konopka and staff to implement the changes for the Sheriff's Supplemental Pension Fund. Mr. Caldwell stated that Director Konopka will present information regarding the Supplemental Pension Fund during her Division Report presentation.

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

*NC Criminal Justice Commission

Stephen Combs

Director Stephen Combs addressed the Sheriffs' Commission Members regarding the NC Criminal Justice Fellows Program. Director Combs referred the Commission Members to Tab #2 of the December 2017 Division Report [Attachment #2]. Mr. Combs provided the Sheriffs' Commission a summary of this program. The mission of the Fellows Program is to recruit talented high school seniors into the criminal justice profession. The NC Criminal Justice Fellow Program will provide forgivable educational loans for high school seniors who agree to enter a criminal justice profession in North Carolina.

The NC Criminal Justice Fellows Program has received the full support of the CJ Standards Commission. Director Combs stated that he is presenting this program to the Sheriffs' Standards Commission in hopes of receiving their support. Mr. Combs stated that once the Sheriffs' Commission Members have a chance to read over the program information to please contact him with any questions.

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

*Higher Education for Law Enforcement

Dr. Frank Scuiletti

Dr. Frank Scuiletti addressed the Sheriffs' Commission Members and thanked Director Konopka for the invitation to present information for the Public Service Administration Associate Degree Program being proposed. Dr. Scuiletti is the Program Director at the State Community College office and serves 58 community colleges.

Senior Deputy AG Robin Pendergraft invited Dr. Scuiletti to be a part of the higher education committee. Law enforcement training was discussed in that committee. Some of the issues they addressed were the skills gap for job competencies, the cost of time and money for departments to provide on-going training, and the cost for law enforcement officers looking for professional development opportunities. It was determined that there was not a practical pathway to BLET from high school to the law enforcement field due to age requirements.

The committee determined that the best way to move forward was to develop a new program that met the multiple public safety pathways or career clusters. The committee believes that it would be easier to implement a newly designed program rather than trying to modify existing programs. Dr. Scuiletti referred the Sheriffs' Commission Members to Tab #1 of the Division Report [Attachment #2] to review the Curriculum Standard for Public Service Administration draft.

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

Sheriff Cloninger asked what the difference was between a certificate, diploma, and degree.

Dr. Scuiletti stated that a certificate program is an 18 hour program; a diploma is 36-48 hours; the Associates Degree in Applied Science is 64-76 hours. It is the cumulative effect of the course work. Dr. Scuiletti stated that the BLET track could be offered at the end of the pathway rather than at the beginning.

The Committee is working on an articulation agreement between Community Colleges and Universities. Dr. Barber is working with high schools. There are a lot of details the committee for Higher Education for Law Enforcement has to work out.

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

*Higher Education for Law Enforcement

Diane Konopka

Director Konopka addressed the Sheriffs' Commission Members to discuss a new Law Enforcement Program at Appalachian State University modeled after a program currently in practice in the Indiana University System. Ms. Konopka stated that she attended the Criminal Justice Standards Commission Meeting in November at which time Dr. Kenneth Mullen, Associate Professor of Criminal Justice for Appalachian State University presented this new program.

Appalachian State University hopes to implement this new program by the fall of 2018. The new Law Enforcement Program is outlined as follows:

- Any student may apply for the Appalachian State University Police Security position in their junior year. There will be a selection process that includes a review of student's GPA, an oral board, and background check.
- If selected, the student would be trained by ASU Police for a security position on that campus.
- If the student performs at expected standards during their Junior year, the student would be sponsored by the ASU Police to attend a summer BLET course.
- With BLET completed, the student, now a senior, would work as a part-time police officer for the Appalachian State University System.

• Because of position limitations, ASU Police will not be able to hire most of these students upon graduation, thus, these students will enter the law enforcement job market with a four (4) year degree, two (2) years experience working with a police agency, BLET, one (1) year experience as a part-time police officer.

Dr. Mullen was invited to attend the Sheriffs' Commission meeting but due to this being exam week at the college, he was unable to attend.

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

Chairman Riley recognized DOJ Human Resource Director, Kristen Bierline's attendance at the Sheriffs' Commission Meeting.

Chairman Riley recognized another special guest in attendance, Mr. Hal Askins. Mr. Askins recently retired from DOJ as Legal Counsel. Sheriff Riley presented Mr. Askins with an Appreciation Award for all his hard work and dedication to the Sheriffs' Standards Commission.

Mr. Askins addressed the Sheriffs' Commission Members to say that working with the Sheriffs' Commission was one of the most rewarding things he has done in his life. He noted the many friends he has made over the years and wished everyone well.

V. OTHER REPORTS

*DOCC Revision Committee Recommendations

Amanda Stephenson

Ms. Stephenson addressed the Sheriffs' Standards Commission Members and directed them to Tab #3 of the Division Report for the Detention Officer Certification Course revisions.

A **MOTION** was made by Sheriff Alan Cloninger to accept the DOCC Revision Committee recommendations for the Detention Officer Certification Course; Seconded by Sheriff Ricky Oliver. **MOTION CARRIED.**

Ms. Stephenson addressed the Sheriffs' Commission Members and informed them that on October 03, 2017, the Joint In-Service Training Committee met and approved the 2019 Proposed In-Service Training Topics for Law Enforcement, Detention, and Telecommunicator. On October 16, 2017, the Criminal Justice Standards Commission met and approved the 2019 Law Enforcement In-Service Training Topics.

Ms. Stephenson stated that at this time she is submitting the 2019 Proposed In-Service Training Topics for Detention and Telecommunicator found behind Tab #4 of the Division Report for the Sheriffs' Standards Commission approval.

A **MOTION** was made by Sheriff Steve Bizzell to accept the 2019 Proposed In-Service Training Topics; Seconded by Sheriff Jack Smith. **MOTION CARRIED.**

*Probable Cause Committee

Sheriff Jerry Monette

Sheriff Jerry Monette reported that the Probable Cause Committee met December 07, 2017, and during that session, the Committee reviewed a total of 62 cases. In thirty (30) cases, Probable Cause was found, with fifteen (15) of those cases resulting in a Consent Agreement to be executed at your next meeting. No Probable Cause was found in twenty-four (24) cases, zero (0) cases were 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.

VI. DIVISION REPORT [Attachment #2]

Diane Konopka

*Certification Process for Retired Sheriffs

Director Konopka addressed the Sheriffs' Standards Commission Members and referred them to their copy of the Division Report [Attachment #2]. Ms. Konopka discussed the Certification Process for Retired Sheriffs found behind **Tab** #5. This topic was addressed at the September 2017 Sheriffs' Standards Commission Meeting and the summary provided will help to answer questions raised in September with regard to the process.

*Review of Existing Rules

Director Konopka addressed the Sheriffs' Standards Commission Members and referred them to [Attachment #2, Tab #6]. There is a periodic review of the existing Rules every 10 years. The Sheriffs' Standards Commission Rules are scheduled for final review in February 2018. There are a lot of steps to this process. The existing Rules were posted publically and did not receive any comments or objections.

A **MOTION** was made by Sheriff Ed McMahon to approve the updated list of existing Rules in 2018; Seconded by Sheriff Alan Jones. **MOTION CARRIED.**

*Sheriffs' Supplemental Pension Fund

Director Konopka provided the Sheriffs' Commission Members an update on the Sheriffs' Supplemental Pension Fund. The General Assembly approved legislation in the 2017 session to "fully fund" the Sheriffs' Supplemental Pension Fund (SSPF). As a result, a majority of retired pensioners will see an increase in their monthly SSPF benefit.

The next step is to implement and make sure the monies are available to pay out on the SSPF benefit next year. Ms. Konopka has been working with Lauren Earnhardt and Financial Services to move into this next phase. Currently, letters are being put together with the bill for the County Finance Offices to get that money in place.

Director Konopka thanked Mr. Eddie Caldwell and his staff for the help provided throughout this process. A breakdown of the SSPF benefit calculations is found in the Division Report [Attachment #2].

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

Sheriff Alan Cloninger asked Director Konopka if she could send out a copy of the bill with her letter to the Sheriffs' Offices notifying them of the approved legislation for the Sheriffs' Supplemental Pension Fund. Director Konopka stated that she will be sure to include it.

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

*2018 Meeting Dates

- March 15th & 16th Guilford County, hosted by Sheriff Barnes
- June 14th & 15th Transylvania County, hosted by Sheriff Mahoney
- September 20th & 21st Craven County, hosted by Sheriff Monette
- December 13th & 14th Wake County

Director Konopka referred the Sheriffs' Commission Members to the 2018 In-Service Training "Frequently Asked Questions" [Attachment #3]. This information is also on-line.

Ms. Konopka informed the Sheriffs' Commission Members of a new item to discuss that is not included on the Meeting Agenda. Director Konopka stated that at the September meeting the Commission Members had a discussion with regard to concerns of personnel working without basic training.

A committee was put together to discuss the problems and challenges of this issue. The committee is comprised of Sheriff Riley, Sheriff Monette, Sheriff Bizzell, Sheriff Mahoney, Sheriff Jones and Sheriff Oliver. The committee determined that the basic training requirement needed to be strengthened. It was also determined that the Sheriffs would need adequate time to plan for that training requirement.

The committee proposed that as of January 01, 2019, the Sheriffs' Standards Commission will no longer allow extensions for justice officer basic training. There was further discussion regarding future guidelines and requirements.

Sheriff Cloninger asked Mr. Caldwell if a field training program was discussed. Mr. Caldwell stated that the Sheriffs have discussed field training and on the job training programs. Sheriff Bizzell stated that he felt the decision to offer those types of programs should be up to each individual Sheriff since it is their responsibility.

Sheriff Bizzell stated that he does believe that the proposed guidelines to mandate basic training is needed and that it is the responsibility of the Sheriffs Standards Commission to implement. Mr. Caldwell informed the Sheriffs Standards Commission Members that a change to the rules would not be needed in order to implement the proposed January 01, 2019, cutoff date to no longer allow extensions. This action would be considered a "policy change". Legal Counsel Lauren Earnhardt agreed with Mr. Caldwell.

A MOTION was made by Sheriff Alan Jones to notify the Sheriffs and Jail Administrators that effective January 01, 2019, the Sheriffs' Standards Commission will no longer grant extensions for Deputies, Detention Officers, or Telecommunicators. And, to authorize the Sheriffs' Standards Commission Staff permission to initiate the rule making process to establish guidelines for the proposed mandated basic training pre-certification process; seconded by Sheriff Steve Bizzell. MOTION CARRIED.

Sheriff Riley addressed the Sheriffs' Commission Members to discuss the proposed Fellowship Program presented earlier by Director Steven Combs. Sheriffs' Commission Members responded that they do not have a problem supporting the program.

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

A **MOTION** was made by Sheriff Alan Cloninger to support the Criminal Justice Standards Commission with the Fellowship Program presented; seconded by Sheriff Jack Smith. **MOTION CARRIED**.

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

A **MOTION** was made by Sheriff Cloninger to enter into an open session; seconded by Mr. Zack Koonce. **MOTION CARRIED**.

Requests for Waivers (Attachment #2)

Ricky Colton Brown – Detention Officer Applicant – Polk County (Tab 7)

A **MOTION** was made by Sheriff Alan Cloninger to accept the Request for Waiver for Ricky Colton Brown; seconded by Sheriff Jack Smith. **MOTION CARRIED**.

Request for Basic Training Extensions (Attachment #2)

Jerry Wayne Snyder – Detention Officer – Rockingham County (Tab 8)

A **MOTION** was made by Sheriff Alan Cloninger to accept the Request for Basic Training Extension for Jerry Wayne Snyder; seconded by Mr. Marc Nichols. **MOTION CARRIED**.

Extensions Granted by Chairman Brad Riley on behalf of the Commission (Attachment #2)

Michael Dean Shepherd – Detention Officer – McDowell County Taylor C. Stevens – Detention Officer – Rockingham County

A **MOTION** was made by Sheriff Alan Cloninger to grant all the Requests for Extensions; seconded by Mr. Zack Koonce. **MOTION CARRIED**

Additional Requests for Extensions and Waivers (Attachment #4)

Wendy Stamper – Detention Officer – Montgomery County
John Robert Nyberg – Deputy Sheriff – Carteret County
Dean Howard Horne – Detention Officer – Hoke County
Kenneth Todd Gibbs – Detention Officer – Stokes County
Amy Annette Williams – Detention Officer – Randolph County
Khadijah McAuley – Detention Officer Applicant – Montgomery County
John Staton Fox, Jr. – Deputy Sheriff Applicant – Iredell County

A **MOTION** was made by Sheriff Alan Cloninger to grant all the additional Requests for Extensions and Waivers as a Final Extension and/or Waiver [Attachment #4]; seconded by Mr. Zack Koonce. **MOTION CARRIED**

14

Military Waiver Request (Attachment #4)

Jesse Morrill Shapiro – Deputy Sheriff Applicant – Macon and Clay Counties

A **MOTION** was made by Sheriff Ed McMahon to grant a military waiver for Jesse Morrill Shapiro. Mr. Shapiro must take 332 hours of BLET but he does not have to take the state exam [Attachment #4]; seconded by Sheriff Steve Bizzell. **MOTION CARRIED**.

VII. NEXT MEETING

March 15th & 16th – Guilford County

VIII. ADJOURNMENT

A **MOTION** was made at 11:30 a.m. by Sheriff Alan Cloninger to adjourn the December 2017 Sheriffs' Commission meeting; Seconded by Sheriff Ed McMahon. **MOTION CARRIED**.