

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

DATE: September 15, 2017

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, September 14, 2017 at 8:30 A.M.

Chairman Riley requested a roll call of Commission members. Deputy Director, Sirena Jones, recorded the following:

MEMBERS PRESENT

Sheriff Dwayne Goodwin
Sheriff Jerry Monette
Sheriff Ricky Oliver
Sheriff John Ingram
Sheriff Brad Riley
Sheriff Alan Jones
Sheriff David Mahoney
Sheriff Ed McMahan
Sheriff Alan Cloninger
Sheriff Steve Bizzell
Sheriff Jack Smith
Maj. Briscoe (Sheriff Norman Proxy)
Mr. Zack Koonce
Mr. Marc Nichols

MEMBERS ABSENT

Sheriff B. J. Barnes
Mr. Jamie Markham
Ms. Tracy McPherson

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 Lauren Earnhardt 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 Lauren Earnhardt asked whether any other member had a known conflict or appearance of conflict with respect to any matters coming before the Commission at this time.

Sheriff Riley welcomed the visitors to the Sheriffs’ September Commission Meeting.

VISITORS

- Trevor Allen - NC Justice Academy
- Richard Squires - Criminal Justice Standards
- William Jason Greene - Wake County Sheriff’s Office
- Jonathan Price - Wake County Sheriff’s Office
- Eddie Caldwell - North Carolina Sheriffs’ Association
- Beth Boling - Brunswick County Sheriff’s Office
- Felicia Woodard - Brunswick County Sheriff’s Office
- Tammy Branson - Brunswick County Sheriff’s Office
- Charles Miller - Brunswick County Sheriff’s Office
- Donna Sampson - Brunswick County Sheriff’s Office
- Israel West & Family - Brunswick County Sheriff’s Office

II. MINUTES OF MARCH MEETING

Sheriff Brad Riley

A **MOTION** was made by Sheriff Alan Cloninger to accept the minutes of the June 2017 meeting; Seconded by Sheriff Steve Bizzell. **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 Sheriff David Mahoney. **MOTION CARRIED.**

Sheriff John Ingram of Brunswick County Sheriff’s Office presented the Advanced Service Award to:

Donna S. Simpson, Advanced Service Award, Brunswick County.

Sheriff John Ingram of Brunswick County Sheriff’s Office presented the Advanced Law Enforcement Professional Certificate to:

Israel Christopher West, Advanced Law Enforcement Professional Certificate, Brunswick County.

IV. INFORMATIONAL REPORTS

***North Carolina Justice Academy**

Trevor Allen

Mr. Allen thanked the Commission Members for the opportunity to present the great things happening at the Justice Academy.

The Justice Academy had some personnel changes which includes new hires, resignations, and retirees.

Mr. Cassell DeVane was hired May 30th as Library Technician at the Salemburg Campus of the North Carolina Justice Academy. He retired from the U. S. Army with 21 years and brings audio-visual technical support experience.

Mr. Rodney Harris was hired June 15th as Instructor Training Coordinator 1 in the Tactical Traffic Center teaching SWAT courses. Mr. Harris brings 14 years of criminal justice experience from the Hickory Police Department.

The Instructor Training Coordinator 1 position – Interview & Interrogation & Other Investigations was transferred from the Edneyville campus to Salemburg. Mr. Ed Anderson is the instructor and has prior experience with interviewing and interrogation.

The Instructor Training Coordinator 1 position – Crime Scene Investigations was moved from the Salemburg campus to Edneyville. Mr. Casson Reynolds will be handling additional courses: Evidence, Child Maltreatment, Bloodstain Pattern Analysis, and Shooting Incident Reconstruction at the Edneyville campus.

Ms. Jennifer McDaniel resigned as the Processing Assistant with the Commission/In-Service Center on May 31st. She served the Justice Academy since 2014. Ms. McDaniel accepted an Office Assistant position with the Forestry Division of the NC Dept. of Agriculture.

Mr. Martin Williams was promoted on August 14th from General Maintenance to Grounds Worker at the Salemburg Campus.

Mr. Michael Cummings accepted the position of Library Supervisor at the Salemburg Campus on August 14th. Mr. Cummings has 20 years of experience and is currently the Library Director at Living Arts College in Raleigh. He has a B.A. in English from UNC Pembroke and a Master of Library & Information Science from UNC Chapel Hill.

Mr. Allen stated that he currently has one open position that he is asking for help in recruitment. Mr. Ben Baughman resigned as the Instructor Training Coordinator 1 teaching Sex Crimes & Hostage Negotiations with the Investigations Center on July 31st. Mr. Allen stated that this is a very specific field and he would like to try and recruit from within. He has also asked the Criminal Justice Commission to help with providing names for recruitment.

Mr. Allen is proud of the number of On-line Training classes. As of August 16, 2017, there have been 67,829 completions overall. Of those completions, 60,989 classes were for 2017 mandated in-service training.

Mr. Allen informed the Commission Members that the Justice Academy is embarking on their new strategic plan. A Content Committee and a Support Committee have been formed in support of the NCJA Mission Statement. Both committees have had a couple meetings and generated some good ideas to move forward towards the first verb in the mission statement which is “Research”. The Justice Academy is taking an in-depth look at all of their training curriculum and lesson plans to make sure they are as relevant as they can be.

The first meeting of the Joint In-Service Training Committee to identify topics for the 2019 cycle will be October 3rd. Mr. Allen stated that the Justice Academy welcomes any input for topics of interest.

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 Senate Bill 384 which fully funds the Sheriffs' Supplemental Pension Fund was enacted and will become effective January 01, 2018. Representative Allen McNeill, Senator Danny Britt and numerous others were instrumental in this effort. Mr. Caldwell acknowledged all the hard work that Director Konopka did on that bill. Diane had all the data, information, talent and ability to analyze it. Mr. Caldwell really appreciated being able to call on Diane as his information resource. Both Director Konopka and Lauren Earnhart were instrumental in this effort. Mr. Caldwell also acknowledged the assistance provided by Matthew Longobardi at DOJ to help with crunching numbers.

Mr. Caldwell informed the Commission Members that HB176 passed. This has the provision that allows retiring sheriffs to count their sick leave towards their Supplemental Pension Fund benefit if they choose to do so. This option is voluntary. Sick leave can be put towards the regular retirement or the supplemental retirement.

The Legislature mandated a couple things this year that will impact the Sheriffs' Commission directly. The first is HB21 which mandates that the Division of Motor Vehicle and the Department of Public Instruction develop information on how motorists should interact with law enforcement officers during traffic stops. The Division of Motor Vehicles is required to work on this and incorporate the information that comes out of this study into their Driver's License Handbook. The Department of Public Instruction is required to implement information from the study into Driver's Education. Whatever information comes out of that study will be of interest to the BLET Revision Committee and the In-Service Training Committee between the two Commissions. For anyone interested in that issue, the Sheriffs' Association is hosting a meeting September 22, 2017 with DMV. Please contact Mr. Caldwell for the details.

Other things the Legislature did that will have a direct impact on the Commission are as follows: They amended the Sheriffs' Commission statutory authority to include a requirement to set standards for dealing with people who are deaf or hard of hearing. This will impact BLET and perhaps In-Service training. They also included a requirement to set best practices for dealing with juvenile incidents.

We are seeing a trend that the Legislature wants to micro-manage what the Sheriffs' Commission does. The Legislature isn't telling the Commission what they have to do, but they will amend a statute to let you know an issue they want focus on.

A letter was sent out to inform the Sheriffs' Commission that Sheriff Steve Bizzell, Sheriff Dwayne Goodwin, and Sheriff John Ingram won their elections and were reappointed in their respective district for another term.

Another issue that will have an impact on Detention Officer Training are the jail rules that are being pushed by the Instruction Section of the Department of Health and Human Services. The Sheriffs' Association received proposed jail rules and brought them before a committee of the Association and received a lot of good input and gave that back to the DHHS. They are currently in the administrative rules process. The Sheriffs' Association will be participating in that process.

Mr. Caldwell informed the Sheriffs' Commission that the State-wide Misdemeanant Confinement Program training is going on now. The dates are as follows:

September 19th – Haywood County
September 20th – Catawba County
October 4th – Wake County

There are 63 counties that receive inmates under the State-wide Misdemeanant Confinement Program. All of these counties are required to attend this training.

For the 37 counties that do not receive inmates under the State-wide Misdemeanant Confinement Program, it is strongly requested and suggested that a person is sent to attend this training. You still have to deal with the procedures that are involved in order to send your inmates out of the county.

The annual Legislative Update Training is once again being funded by the Governor's Highway and Safety Program. The Governor Cooper has appointed Mark Ezzell as the Director of GHHS. Mr. Ezzell has a long career in state government highway safety issues. They have agreed to fund the Sheriffs' Association grant for that training. The training dates are as follows:

Martin County – Tuesday – October 17th
Duplin County – Wednesday – October 18th
Wake County – Tuesday – October 24th
Haywood County – Tuesday – November 28th
Catawba County – Wednesday – November 29th

The Sheriffs' Association Fall Meeting will be held in Chetola – Blowing Rock November 6th – 8th. The agenda is designed to deal with issues that may be encountered with the election in 2018. Speakers will include:

Mr. John Davis – What's on Citizens' Minds.

A Panel Discussion with Political Consultants about the political climate.

State Board of Elections personnel will be there to talk about the top ten (10) mistakes to avoid in handling your campaign.

The NC Spin Panel (TV show) will do a panel discussion on the key issues that are on the minds of North Carolina citizens.

Representative Allen McNeill is invited to be recognized for all his support for the Sheriffs' issues on a variety of bills but the Sheriffs' Supplemental Pension Fund in particular.

The North Carolina Sheriffs' Association Training Committee will meet on September 28th. Sheriff Alan Jones and Sheriff Terry Johnson are the co-chairs of this committee. Their task is to identify training topics that the Sheriffs want over the next one to one and one-half years. Mr. Caldwell asked that the Commission Members communicate their needs to be considered by the Committee with Sheriff Jones, Sheriff Johnson, or himself.

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

***NC Criminal Justice Commission**

Richard Squires

Mr. Richard Squires addressed the Sheriffs' Commission Members regarding Military BLET. A proposal was presented from the Criminal Justice Commission to the Legislature. The Legislature presented their own proposal and currently the CJ Commission is required to review each military applicant individually. The maximum amount of hours Criminal Justice can require for training is 300 and 120 of those hours are mandated.

In the last two (2) years the Criminal Justice Commission has received 119 applications. Of those 119 applications, 99 were approved. Of the 99 applicants that were approved only 19 completed BLET and became certified. These are very low numbers and based on these numbers, the Criminal Justice Commission decided to re-address this issue with the Legislature.

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

V. OTHER REPORTS

***Probable Cause Committee**

Sheriff Jerry Monette

Sheriff Jerry Monette reported that the Probable Cause Committee met September 14, 2017, and during that session, the Committee reviewed a total of 58 cases. In twenty-two (22) cases, Probable Cause was found, with five (5) of those cases resulting in a Consent Agreement to be executed at your next meeting. No Probable Cause was found in eighteen (18) cases, six (6) cases were postponed at the agency's request, and eleven (11) cases were closed pursuant to the Consolidated Probable Cause Policy. One (1) sanction was issued for a violation by a school offering the Detention Officer Certification Course (DOCC).

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

VI. DIVISION REPORT [See Attachment #2]

Diane Konopka

Director Konopka addressed the Sheriffs' Commission and referred them to their copy of the Division Report (**Attachment #2**). Ms. Konopka discussed 2018 Rules which were addressed at the June 2017 Sheriffs' Commission Meeting. Director Konopka asked the Sheriffs' Commission Members for their permission to move forward with the filing of these permanent Rules found behind Tab #1.

A **MOTION** was made by Sheriff John Ingram to accept the 2018 Rules as presented in the Division Report [**See Attachment 2, Tab #1**]; seconded by Mr. Marc Nichols. **MOTION CARRIED.**

Director Konopka provided an update to the work of the Higher Education for Law Enforcement Committee. Specifically, a "new" Associate Degree program entitled **Public Service Administration** is being proposed by Central Piedmont Community College (CPCC). That proposal would allow for certain Commission training to be credited towards this degree. Information provided by Dr. Frank Sculetta, Community College Program Coordinator for Engineering and Technology, is found behind Tab #2 of the Division Report.

Sheriff Cloninger made a recommendation to ask Dr. Sculetta to attend the December Sheriffs' Commission Meeting. Ms. Konopka will reach out to Dr. Sculetta and determine what meeting would be best for his attendance.

Director Konopka informed the Sheriffs' Commission Members of the proposed meeting dates for 2018:

- March 15th & 16th
- June 14th & 15th (or June 20 & 21)
- September 20th & 21st
- December 13th & 14th

Sheriff David Mahoney has offered to host the June 2018 meeting.

A **MOTION** was made by Sheriff Ricky Oliver to enter into a closed session; seconded by Mr. Zack Koonce. **MOTION CARRIED.**

A **MOTION** was made by Sheriff John Ingram to enter into an open session; seconded by Alan Jones. **MOTION CARRIED.**

DOCC Deficiencies (See Attachment #2)

Director Konopka referred the Sheriffs' Commission Members to page two of the Division Report. Three students that took the DOCC course at Cape Fear Community College were allowed to take the State Exam although they had deficiencies in the course. All three (3) students passed the State Exam prior to taking the make-up training which was individually administered to each student. All three (3) students successfully completed the related end-of block tests.

The issue is to determine whether or not we may accept the make-up training and credit them with their passing scores on the State Exam; or, require them to re-take and again pass the DOCC State Exam.

A **MOTION** was made by Sheriff Alan Cloninger to accept the make-up training and credit the DOCC State Exam for all three students; seconded by Sheriff John Ingram. **MOTION CARRIED.** Sheriff Ed McMahon recused himself from the vote.

Requests for Waivers (See Attachment #2)

Tristan Buchanan – Deputy Sheriff – Gaston County (Tab 3)
Samuel Dean Shore – Deputy Sheriff – Davie County (Tab 4)
Gina Simone Layton – Deputy Sheriff – Stokes County (Tab 5)
Stanley Curry Allison – Deputy Sheriff – Rockingham County (Tab 6)

A **MOTION** was made by Sheriff Ricky Oliver to accept all the Requests for Waivers; seconded by Sheriff Steve Bizzell. **MOTION CARRIED.**

Request for Basic Training Extensions (See Attachment #2)

Lawrence Carter, III – Detention Officer – Henderson County

Duval Lashawn Sims – Detention Officer – Henderson County

A **MOTION** was made by Sheriff Jerry Monette to accept all the Requests for Basic Training Extensions; seconded by Sheriff Ed McMahan. **MOTION CARRIED.**

Request for Additional Time to Complete Basic Education Requirement (Attachment #2)

Asia Renee Pagan – Detention Officer – New Hanover County

A **MOTION** was made by Sheriff Alan Cloninger to accept the request for Asia Renee Pagan; seconded by Sheriff Jerry Monette. **MOTION CARRIED.**

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

- Blakely Lee Bates – Detention Officer – Vance County
- Dennis Everett Smith – Detention Officer – Duplin County
- Joushus Leverne Evans – Detention Officer – Brunswick County
- Brooke Danielle Speight – Detention Officer – Madison County
- Laporsha Serri Davis – Detention Officer – Guilford County

A **MOTION** was made by Sheriff Alan Cloninger to grant all the Requests for Extensions; seconded by Mr. Zack Koonce. **MOTION CARRIED.** Sheriff John Ingram recused himself from the vote.

Additional Requests (See Attachment #3)

- Haley Elizabeth Carter – Detention Officer (DOCC) – Forsyth County
- Max Palmer Leonard – Detention Officer (DOCC) – Forsyth County

A **MOTION** was made by Sheriff Alan Cloninger to grant the additional extension for Haley Elizabeth Carter and Max Palmer Leonard; seconded by Sheriff Ricky Oliver. **MOTION CARRIED.**

Additional Requests (See Attachment #3)

John Ray Martin – Deputy (Challenger) – Alamance County

A **MOTION** was made by Sheriff Steve Bizzell to grant John Ray Martin until October 01, 2017 to complete the First Responder assessment in order to meet the requirements of the Challenge option and notify the Division. If Mr. John Ray Martin does not complete the requirements by that time, his certification will be suspended; seconded by Sheriff Ed McMahon. **MOTION CARRIED.**

Jonathan Blake Thrush – Deputy (High School Diploma) – Scotland County

A **MOTION** was made by Sheriff John Ingram to require Jonathan Blake Thrush to complete a high school equivalency program; seconded by Sheriff Alan Cloninger. **MOTION CARRIED.**

Director Konopka made a suggestion to revisit the issue of requiring a person to complete a high school equivalency program in a specified amount of time that will be consistent with each case. This issue will be addressed at the March 2018 Sheriffs' Commission Meeting.

Sheriff Alan Cloninger discussed the possibility of forming a group to work on training options for DOCC/Basic Training. Sheriff Monette, Sheriff Riley, Sheriff Mahoney, Sheriff Steve Bizzell, Major Briscoe, Mr. Marc Nichols, and Mr. Zack Koonce agreed to be a part of the Committee and to also include input from Jail Administrators.

Sheriff Alan Cloninger discussed the issue concerning a Sheriff leaving office and having certification held by an agency. Sheriff Cloninger would like to know how Criminal Justice Standards will handle a retired Sheriff's certification.

Diane Konopka will research the issue and put something together to be distributed by Mr. Caldwell and the Sheriffs' Association.

VII. NEXT MEETING

December 7th and 8th - Wake County

VIII. ADJOURNMENT

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