

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

**DATE:** June 09, 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, June 09, 2017 at 8:30 A.M.

Chairman Riley requested a roll call of Commission members. Administrative Assistant Judy Marchetti 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  
Maj. Briscoe (Sheriff Norman Proxy)  
Mr. Zack Koonce  
Mr. Jamie Markham  
Mr. Marc Nichols

**MEMBERS ABSENT**

Sheriff B. J. Barnes  
Sheriff Steve Bizzell  
Ms. Tracy McPherson

**STAFF**

- Diane Konopka - Director, Sheriffs’ Standards Division
- Judy Marchetti - Administrative Assistant - Sheriffs’ Standards Division
- Hal Askins - 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 Hal Askins 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 Hal Askins 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. Negative response.

Sheriff Riley welcomed the visitors to the Sheriffs’ June Commission Meeting and recognized the Department of Justice Chief of Staff, Seth Dearmin.

**VISITORS**

- Trevor Allen - NC Justice Academy
- Gary Dudley - NC Justice Academy
- Steven Combs - Criminal Justice Standards Division
- Major Gene Harrell - Edgecombe County Sheriffs’ Office
- Michael Lane - Edgecombe County Sheriff’s Office
- Dawn Hartwick - Wake Forest Police Department
- Joseph Mayberry - Craven County Sheriff’s Office
- Andrew Mayberry - Craven County Sheriff’s Office
- Jason Fetzer & Family - Cabarrus County Sheriff’s Office
- William Blakely & Family - Cabarrus County Sheriff’s Office
- Eddie Caldwell - North Carolina Sheriffs’ Association
- Autumn Hanna - Sheriffs’ Standards Division
- Seth Dearmin - DOJ-Chief of Staff
- Robert Paschal - DOJ-Legislative Liaison
- Bradford Sneed - DOJ-Public Protection

**II. MINUTES OF MARCH MEETING**

**Sheriff Brad Riley**

A **MOTION** was made by Sheriff Alan Cloninger to accept the minutes of the March 2017 meeting; Seconded by Mr. Marc Nichols. **MOTION CARRIED.**

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

A **MOTION** was made by Sheriff John Ingram to approve the list of Professional Certificates and Service Awards; Seconded by Sheriff Alan Jones. **MOTION CARRIED.**

Sheriff Jerry Monette presented the Advanced Law Enforcement Professional Certificate and Advanced Service Award to:

*Joseph Arthur Mayberry – Advanced Law Enforcement Professional Certificate and Advanced Service Award, Craven County.*

Major Gene Harrell of Edgecombe County Sheriff’s Office presented the Advanced Detention Officer Certificate and Advanced Service Award to:

*Michael Lane – Advanced Detention Officer Certificate and Advanced Service Award, Edgecombe County.*

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

*Jason Paul Fetzer – Advanced Law Enforcement Professional Certificate, Cabarrus County.*

*William Robert Blakely – Advanced Law Enforcement Professional Certificate, Cabarrus 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. Mr. Allen thanked Sheriff Cloninger for hosting and helping with the 2017 Police Memorial Service Event held in Gastonia.

Mr. Allen informed the Sheriffs' Commission Members that the North Carolina Justice Academy was awarded their fourth CALEA Accreditation Award in March which will last another four years.

The Justice Academy had some personnel changes which includes new hires, resignations, and retirees. Mr. Edward T. Anderson was hired March 1<sup>st</sup> as an instructor in the new Narcotics position. Mr. Anderson was employed as a police Sergeant in Kill Devil Hills, NC. He has served in multiple capacities as a private consultant/advisor/trainer to military and police forces in Kosovo and Afghanistan. During his service in Kosovo, he also served as a trainer and adjunct professor through the University of Maryland for the US Educational Center attached to NATO in that country.

Mr. Floyd Yoder has been with the Justice Academy since 2013 and has been promoted to Training Manager over the Investigation Center at the West Campus. Mr. Yoder has a Master's Degree and 32 years of active law enforcement duty with honorable service.

Mr. Allen reported that he was hired as the new Director for the North Carolina Justice Academy. He has worked as Deputy Director of the North Carolina Department of Justice Criminal Justice Standards Division for three (3) years and previously served with the Salisbury Police Department for 15 years.

Mr. Edward Norris will retire from the NC Justice Academy on July 01, 2017. Mr. Norris has served as Grounds Keeper with the Maintenance Department since 1976, for 41 years.

Mr. Ross Robinson will resign from the NC Justice Academy on June 12, 2017. Mr. Robinson served as an Instructor Training Coordinator with the Investigation Center at the West Campus. He has served the Justice Academy since 2010, for seven (7) years.

Mr. Scott Hartley will retire from the NC Justice Academy on June 01, 2017. Mr. Hartley was an Instructor Training Coordinator with the Investigation Center at the West Campus. He has instructed 5,464 officers in his career with the Justice Academy since 1990, for 27 years.

Ms. Erin Barta resigned from the NC Justice Academy on May 03, 2017. Ms. Barta served as the Library Supervisor in the Learning Resource Center at the East Campus. Ms. Barta has been with the Academy since 2011 for six (6) years. She has accepted a position with the FBI as an intelligence analyst.

Mr. Allen provided the Commission Members with the new course updates. There are three (3) new courses currently scheduled for delivery between May 18<sup>th</sup> and August 18<sup>th</sup>.

**Communications Evidence Collection Methods:** This course will be held at the Woodman Community Center in Kinston on 06/20/17. It will be offered in Edneyville on 06/22/17.

**Community Policing Before the Crisis:** This course will be held in Salemburg on 07/25/17 with two sessions (8am – 12 pm & 1pm – 5pm).

**Full Spectrum Photography Workshop by FUJIFILM:** This course will be held in Salemburg July 31st – August 1st. It will be offered in Edneyville August 3<sup>rd</sup> – 4<sup>th</sup>.

The On-line Training Platform has received rave reviews across the state. The numbers have increased for the past three (3) years:

2015 – 35,000 completions  
2016 – 70,000 completions  
2017 – 52,000 with less than half of the year complete.

Mr. Allen informed the Commission Members that the In-Service Survey Response numbers are fairly low. There are over 30,000 sworn Law Enforcement Officers in the State of North Carolina. The survey responses for the In-Service topics for years 2016 - 2019 are as follows:

2016 – 185  
2017 – 386  
2018 – 41  
2019 – 554

Mr. Allen is working to encourage more participation with the In-Service Survey.

The North Carolina Justice Academy is currently hosting Operation Vigilant Catamount at the West Campus. There are 130 National Guard, Law Enforcement and other First Responders conducting search and rescue training throughout the western part of North Carolina.

Mr. Allen recently attended a Directors' Meeting in Asheville, NC to discuss future goals. It was a very effective meeting and Mr. Allen introduced the concept, "The Training Experience must be R.I.T.E": Relevant, Innovative, Timely, and Engaging.

Mr. Allen is working on the possibility of building an APP that would provide immediate access to course descriptions and schedules, a registration link, contact information, and cafeteria menus.

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

Mr. Markham addressed the Sheriffs' Commission Members and informed them that he attended the recent Jail Symposium coordinated by Major Briscoe of Cleveland County. Mr. Markham taught a session on Inmate Disciplinary Proceedings. Mr. Markham was asked to do this session in response to a case in the 4<sup>th</sup> Circuit Court of Appeals about a series of incidents in a North Carolina jail. A hearing needed to be held in the jail before a punishment was imposed. The session was very informative to all in attendance. This was a good opportunity for jails to review their policies on how Inmate Disciplinary Proceedings are done. Mr. Markham was very impressed with the level of experience in the room at the Symposium. Mr. Markham stated that he learned a lot from the discussions among the participants and hopes they learned a lot from each other.

Mr. Markham was in Smithfield to do a training session related to the 2011 Justice Reinvestment Act. The Clerk of Johnston County Superior Court invited the School of Government to hold this pilot session. The session was attended by people from Community Corrections, Probation and Parole, the Johnston County Jail Administrator, District Attorney's Office, and the Johnston County Clerk's Office; as well as a few Defense Attorneys. This session was a pilot for training that the School of Government will be offering in conjunction with the Division of Adult Correction and Department of Public Safety. This will be refresher training on the Justice Reinvestment Act. This has importance with the state-wide Misdemeanant Confinement Program and all the Legislative changes to the law. This training will be held in six (6) or seven (7) locations regionally around the State in the next year.

Mr. Markham receives a lot of questions from inmates and families about how their sentences are going to be served. A typical North Carolina sentence is a 10 – 21 month sentence. This range of time creates a lot of questions for people. Mr. Markham spoke with one of his colleagues about what could be done to have a more accessible resource available to help people understand the process.

Mr. Markham and his colleagues created a sentencing reference book in a comic book style format that displays the process of the serious matter of sentencing [**Attachment #1**]. This reference book has received a lot of positive feedback. Mr. Markham worked with an Illustrator at the University of North Carolina to walk through the service of a sentence in the North Carolina prison system. Through the Conference of District Attorneys, funding is available to create two (2) more books. One will be about Probation and Parole and the other about the Jail.

Mr. Markham plans to write about the book on his blog post and capture some of the images and content. The books will be distributed through the prison system and to prosecutors and defense attorneys.

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

Mr. Koonce asked Mr. Markham about what training would be included for the upcoming Superior Court Judges Conference being held in Cherokee, NC. Mr. Markham plans to have updates relating to Cases and Legislation, Sentencing, and Sex Offenders. Mr. Markham's colleague, Jessica Smith will handle the criminal law overview.

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 informed them of the Annual Training Conference to be held July 22<sup>nd</sup> – 26<sup>th</sup> in Brunswick County hosted by Sheriff Ingram. In addition to the Annual Training Conference, Firearms Training with regard to the laws has already been provided in Martin County and Duplin County and will be held at three (3) more locations in June:

- June 13<sup>th</sup> – Wake County
- June 27<sup>th</sup> – Haywood County
- June 28<sup>th</sup> – Catawba County

Mr. Caldwell informed the Commission Members that Sheriff Jack Smith of Northampton County will replace retired Sheriff James Knight's Commission District #2 position on the Sheriffs' Commission.

Attorney General Stein and Chief of Staff, Seth Dearmin have appointed Mr. Robert Paschal as the Legislative Liaison, and Mr. Bradford Sneed, Public Protection. Mr. Caldwell is very happy to have them doing Legislative Liaison work for the Department of Justice.

House Bill 665 – Sheriffs' Supplemental Pension Fund was passed unanimously by the House of Representatives and is currently in the Senate. The bill has not moved and Mr. Caldwell has not been able to obtain clarification as to why. Mr. Caldwell is working with Representatives to see if HB 665 passed before they adjourn. Once the Legislature has adjourned, the Sheriffs' Association will publish a Final Legislative Report. This Fall the Sheriffs' Association will have their Annual Legislative Update Training. Notices will be sent out with the dates and locations.

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 June 08, 2017, and during that session, the Committee reviewed a total of 45 cases. In twenty-five (25) cases, Probable Cause was found, with three (3) of those cases resulting in a Consent Agreement to be executed at your next meeting. No Probable Cause was found in fifteen (15) cases, zero (0) cases were postponed at the agency's request, and five (5) cases were closed pursuant to the Consolidated Probable Cause Policy.

### \*North Carolina Justice Academy

**Gary Dudley**

Mr. Dudley presented the BLET Update for Jennifer Fisher. Mr. Dudley stated that a point of interest for the Sheriffs' Commission is the Mental Illness block. Sixteen (16) hours of instruction has been added to the Mental Illness block to include Crisis Intervention and De-escalation.

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

Mr. Dudley presented the DOCC Update to the Sheriffs' Commission Members for Amanda Stephenson. The Detention Officer Certification Course Revision Committee met on May 31<sup>st</sup> at the Justice Academy. Minor revisions were made to the course Management Guide as well as to five (5) blocks of the curriculum. Minor revisions were also made to the following topics:

Processing Inmates, Stress, Aspects of Mental Illness, Legal Aspects of Management and Supervision, and Introduction to Rules and Regulations Governing Jails.

Mr. Dudley informed the Commission Members that there are two new members appointed to the DOCC Revision Committee. They are: Captain James Gerrell with the Johnston County Sheriff's Office; and Captain William Flint with the Moore County Sheriff's Office.

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

A **MOTION** was made at 9:15 am by Mr. Marc Nichols to enter into a session break; seconded by Sheriff Jerry Monette.  
**MOTION CARRIED.**



A **MOTION** was made at 9:25 am by Mr. Marc Nichols to enter into an open session; seconded by Sheriff Jerry Monette.  
**MOTION CARRIED.**

## **VI. DIVISION REPORT [See Attachment #1]**

**Diane Konopka**

Director Konopka addressed the Sheriffs' Commission and referred them to their copy of the Division Report (**Attachment #2**) and handouts. The 2016 – 2017 Annual Report for the Sheriffs' Supplemental Pension Fund was mailed to all current sheriffs and eligible retired sheriffs in May 2017. Ms. Konopka stated that if anyone has not received their copy of the Annual Report, please contact the Sheriffs' Standards Division.

At the last Sheriffs' Commission Meeting there was a question regarding the requirement for a full application packet for lateral transfer officers. Ms. Konopka referred the Commission Members to the current rules for these officers behind **Tab 1** of the Division Report. Ms. Konopka summarized the history of rules for lateral transfer officers, as well as information obtained from the database to present the numbers associated with lateral transfer officers.

Ms. Konopka stated that if the Sheriffs' Commission Members decided to consider the possibility of an abbreviated application process for lateral transfer applicants, you may wish to empanel a committee of representatives to further explore options for your consideration.

Sheriff Riley thanked Director Konopka for providing them with the information and asked the Commission Members for any discussion on the topic. Sheriff Monette is in favor of keeping the certification process as it is currently. Sheriff Riley stated that there doesn't seem to be much interest, based on the information provided, to pursue a change.

Director Konopka presented the In-Service Topics update for Bill Dubois due to his inability to attend the Sheriffs' Commission Meeting. The North Carolina Justice Academy has received calls from some Sheriffs' offices indicating they would like to have Detention Officers and Deputies in the same In-Service training classes where the content is the same.

The following courses developed for 2017 In-Service credit are the same in content for Law Enforcement, Detention and Telecommunicator. The only difference is a few title words. Having Criminal Justice professionals training together is beneficial to the team, individual, and department:

- Improving Decision-Making Skills
- Law Enforcement Intelligence Update
- Protecting our Officers: Suicide Prevention for Law Enforcement
- Health and Wellness (Detention and Telecommunicator only)

The following courses developed for 2018 In-Service credit will be same in content:

- Equality in Policing
- Communication Skills With Persons In Crisis - De-escalation Techniques
- Law Enforcement Intelligence Update
- Leadership Through Community Partnership (LE and Telecommunicator only)

For 2018 development, the Justice Academy plans to include information in the instructor notes section of the particular lesson plan indicating what the course credit can be used for. Additional information will also be included in the footers. For a person who completes a 2017 course that is not in their specific area by title, but has been identified as having the same cognitive value, the North Carolina Justice Academy will recommend the Criminal Justice professional receive credit.

A **MOTION** was made by Sheriff Ed McMahon to accept the recommendation regarding 2017 and 2018 In-Service Training Topics for Law Enforcement, Detention Officer, and Telecommunicator; seconded by Sheriff Alan Jones. **MOTION CARRIED.**

Director Konopka updated the Sheriffs' Commission Members that the Sheriffs' Standards Division's open position for Criminal Justice Specialist Investigator III has been filled. This will be the first time in two years that the Division has been fully staffed. Mr. Christopher Scott has accepted the position and will begin July 10, 2017. Mr. Scott is currently certified and working with Halifax County Sheriff's Office and is also an Instructor. The Sheriffs' Standards Division had an internal audit on May 24th. This process does happen on a regular basis. No significant risk factors were found during the audit.

Director Konopka gave the Sheriffs' Commission Members an update with regard to the Sheriffs' Commission discussion at the March Commission Meeting on the Occupational Licensing Boards and proposed legislation to add the Sheriffs' Commission and the Criminal Justice Commission to the list of Occupational Licensing Boards. Director Konopka stated that she did not have any additional information to report on that issue. The legislation still is not approved and efforts to prevent the Commissions from being listed as an Occupational Licensing Board are on-going. Adding both Commissions to Article 3A-150B-38 would accomplish this goal. Mr. Robert Paschal, DOJ-Legislative Liaison and Mr. Bradford Sneed, DOJ-Public Protection have been working on this issue and have stated that things are looking good. Director Konopka thanked both Mr. Paschal and Mr. Sneed for all their work on this issue.

Director Konopka referred the Commission Members to their handouts on the Sheriffs' Commission Rules and changes. Ms. Konopka informed the Commission Members that approval is needed to move on with the process.

The first rules addressed were for Telecommunicator changes. Three rules will be effective January 01, 2018 and Director Konopka informed the Commission as follows: (**Attachment #3**)

- Minimum Standards for Justice Officers (12 NCAC 10B.0301)
- Medical Examination (12 NCAC 10B.0304)
- Admission of Trainees (12 NCAC 10B.0713)

Director Konopka asked the Commission Members if there were any questions or concerns with regard to the Rules changes. Negative response.

A **MOTION** was made by Sheriff Jerry Monette to accept the Telecommunicator Rules changes; seconded by Sheriff David Mahoney. **MOTION CARRIED.**

Director Konopka referred the Commission Members to the green handout which addresses the proposed rule change for Minimum Training Requirements (**Attachment #3**).

A **MOTION** was made by Sheriff Dwayne Goodwin to accept the Minimum Training Requirements Rule change; seconded by Mr. Marc Nichols. **MOTION CARRIED.**

Director Konopka referred the Commission Members to their handout with regard to the Rules Review Commission - Review of existing Rules (**Attachment #3**).

A **MOTION** was made by Sheriff Alan Cloninger to move forward with the review and classification of Existing Rules except for the education rule; seconded by Mr. Zack Koonce. **MOTION CARRIED.**

A **MOTION** was made at 9:50 a.m. by Mr. Marc Nichols to enter into a closed session; seconded by Mr. Zack Koonce. **MOTION CARRIED.**

A **MOTION** was made at 10:20 a.m. by Sheriff John Ingram to enter into an open session; seconded by Mr. Zack Koonce. **MOTION CARRIED.**

**Requests for Waivers (See Attachment #2)**

Sierra Shields – Deputy Sheriff/Detention Officer – Cleveland County (Tab 2)

A **MOTION** was made by Sheriff Alan Cloniger to accept the Request for Waiver for Sierra Shields; seconded by Sheriff Jerry Monette. Maj. Briscoe recused himself. **MOTION CARRIED.**

William Creed Lovin – Deputy Sheriff Applicant/Deferred – Graham County (Tab 3)

A **MOTION** was made by Mr. Marc Nichols to deny the Request for Waiver for William Creed Lovin; seconded by Mr. Zack Koonce. **MOTION CARRIED.**

Jeffrey Stephen Deringer – Deputy Sheriff/Detention Officer – Dare County (Tab 4)

A **MOTION** was made by Sheriff Ricky Oliver to deny the Request for Waiver for Jeffrey Stephen Deringer; seconded by Sheriff Ed McMahon. **MOTION CARRIED.**

**Request for Extension (See Attachment #1, Tab 5)**

Douglas Allen Moran – Deputy/Detention Officer (Jail Administrator) Dare County

A **MOTION** was made by Sheriff Alan Cloninger to grant the Request for Extension for Douglas Allen Moran if he is enrolled in a DOCC class by September 15, 2017; seconded by Sheriff Jerry Monette. **MOTION CARRIED.**

**Request for Military Waiver (See Attachment #6)**

James Charles Hawks – Deputy Sheriff Applicant – Carteret County

A **MOTION** was made by Sheriff Ricky Oliver to allow a partial Military Waiver of 474 hours of BLET for James Charles Hawks; seconded by Sheriff Ed McMahan. **MOTION CARRIED.**

**Extension Granted by Chairman Riley (See Attachment #2)**

Charles Frank McClelland – Deputy Sheriff Applicant – Carteret County

A **MOTION** was made by Mr. Marc Nichols to accept the Extension authorized by Chairman Brad Riley; seconded by Sheriff John Ingram. **MOTION CARRIED.**

**VII. NEXT MEETING**

September 14<sup>th</sup> & 15<sup>th</sup> – Brunswick County

**VIII. ADJOURNMENT**

A **MOTION** was made at 10:25 a.m. by Sheriff Alan Jones to adjourn the June 2017 Sheriffs' Commission meeting; Seconded by Sheriff John Ingram. **MOTION CARRIED.**