

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

DATE: December 09, 2016

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, December 09, 2016 at 8:30 A.M.

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

MEMBERS PRESENT

Sheriff Alan Cloninger
Sheriff Brad Riley
Cpt. Briscoe (Proxy)
Sheriff Dwayne Goodwin
Sheriff Ricky Oliver
Sheriff John Ingram
Sheriff Alan Jones
Sheriff Eric Tilley
Sheriff David Mahoney
Sheriff Jerry Monette
Sheriff James Knight
Mr. Zack Koonce
Mr. Jamie Markham
Ms. Tracy McPherson
Mr. Marc Nichols

MEMBERS ABSENT

Sheriff B. J. Barnes
Sheriff Steve Bizzell

STAFF

- Diane Konopka - Director - Sheriffs’ Standards Division
- Judy Marchetti - Administrative Assistant - Sheriffs’ Standards Division
- Chris Batten - Field Representative - Sheriffs’ Standards Division
- Mike McLaughlin - Field Representative - Sheriffs’ Standards Division
- Clement Stone - Field Representative - Sheriffs’ Standards Division
- Lauren Earnhardt - Legal Counsel – NC Department of Justice

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? Negative response.

Sheriff Riley thanked Sheriff Donnie Harrison and his staff for hosting such a nice dinner for the group Thursday evening.

VISITORS

- Mark Strickland - NC Justice Academy
- Amanda Stephenson - NC Justice Academy
- Tony Losada - NC Justice Academy
- Gary Dudley - NC Justice Academy
- Jennifer Fisher - NC Justice Academy
- Stacy Holloman - NC Justice Academy
- Eddie Caldwell - NC Sheriffs’ Association
- Steven Combs - Criminal Justice Standards Division
- Richard Squires - Criminal Justice Standards Division
- Trevor Allen - Criminal Justice Standards Division
- Julia Lohman - Retired Director Sheriffs’ Standards Division
- Sirena Jones - Sheriffs’ Standards Division

- Autumn Hanna - Sheriffs' Standards Division
- Tim Fuss - Henderson County Sheriff's Office
- Jason Faircloth - Harnett County Sheriff's Office
- Carrie Faircloth - Spouse
- Juanita Faircloth - Mother
- Calvin Woodard, Jr. - Sheriff Wilson County Sheriff's Office
- Wanda Samuel - Wilson County Sheriff's Office
- Todd Wagner - Pasquotank County Sheriff's Office
- Kelly Ray Nolan - Pasquotank County Sheriff's Office
- Kenneth Sarvis - New Hanover Chief Deputy
- R. S. Haynes - Knightdale Police Dept.
- Brandon Hawks - Gates County Sheriff's Office

II. MINUTES OF SEPTEMBER MEETING

Sheriff Brad Riley

A **MOTION** was made by Sheriff John Ingram to accept the minutes of the September 2016 meeting; Seconded by Mr. Marc Nichols. **MOTION CARRIED.**

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

A **MOTION** was made by Sheriff David Mahoney to approve the list of Professional Certificates and Service Awards; Seconded by Sheriff Ricky Oliver. **MOTION CARRIED.**

Wilson County Sheriff Calvin Woodard, Jr. presented the Advanced Law Enforcement Certificate to:

Wanda Denise Samuel – *Advanced Law Enforcement Professional Certificate*, Wilson County.

Sgt. Todd Wagner of Pasquotank County Sheriff's Office presented the Advanced Law Enforcement Certificate to:

Kelly Ray Nolan – *Advanced Law Enforcement Professional Certificate*, Pasquotank County.

Richard Haynes, Knightdale Police Dept. presented the Advanced Law Enforcement Certificate to:

Brandon Scott Hawks – *Advanced Law Enforcement Professional Certificate*, Gates County.

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

Jason M. Faircloth – *Advanced Law Enforcement Professional Certificate*, Harnett County.

Commission Chairman, Sheriff Brad Riley, presented Julia Lohman with a gift from the Sheriffs' Commission for all her years of service, hard work, and dedication as the Director of the Sheriffs' Standards Division. Julia Lohman stated that it has been an honor, a privilege, and a pleasure to serve the Sheriffs' Commission.

IV. INFORMATIONAL REPORTS

***North Carolina Justice Academy**

Mark Strickland

Mr. Strickland informed the Sheriffs' Commission Members that he had lunch with retired Sheriff Steve Bunn and he wanted Mark to let the Sheriffs' Commission know that he does miss them and wants the Commission to continue doing the work to make North Carolina safer. He also wishes everyone a Merry Christmas.

There have been a number of personnel changes at the Academy. On September 01, 2016, Mr. Jesse Kittrell was hired as an Instructor at the East Campus. He was a Clinton Police Department Sergeant and was hired to be the School Director for the Specialized Physical Fitness Instructor Training Program and the Specialized Subject Control and Arrest Techniques Instructor Training Program.

September 12, 2016, Ms. Vicki Helms was promoted to the position of Administrative Assistant at the East Campus. Ms. Helms will provide clerical support to the Director's Office. On September 19, 2016, Ms. Tawnya Smith was promoted to Bookstore Manager. This is a crucial part of the Academy. The bookstore funds five positions. On October 03, 2016 Mr. Greg Raynor was hired as a Maintenance Mechanic IV and Mr. Danny McPhail was promoted to the position of Maintenance Mechanic III.

On November 07, 2016, Mr. Jeffrey Zimmerman was hired as the Social Research Associate. Mr. Zimmerman has served with the State Highway Patrol, as well as the Director of Processing Services for the NC Department of Motor Vehicles. Mr. Zimmerman has joined the Justice Academy to help with research into some of our social issues taking place in North Carolina and the nation. December 01, 2016, Ms. Becky Peterson was hired as a Program Assistant V at the East Campus in Salemburg.

The two new training positions provided from the General Assembly have been reposted and the Academy is currently looking over applications.

Several classes are being offered by the Justice Academy in the near future. They are:

Police Media Relations
Taking Race Relations and Understanding to Heart
Sexual Deviance and Related Investigations
Use of Force Decision Making
Racial Intelligence Training for Executive Leadership
Basic Incident Response to Digital Evidence
Excel for Collision Investigation

Mr. Strickland provided the Sheriffs' Commission with the 2017 In-Service (4 Discs) packet (**Attachment #2**). The Justice Academy is finishing up with 2016 and gearing up for 2017 In-Service. The Academy is currently in the process of developing the 2018 courses for law enforcement. Ms. Amanda Stephenson will talk about the 2018 topics.

There have been two (2) instructor updates held. The first was on October 26th and 27th in Salemburg with 123 attendees. The second was held December 7th and 8th in Edneyville with 33 attendees. The Justice Academy received many positive comments. The other instructor updates course dates are:

January 10th & 11th in Salemburg (63 are scheduled)
February 8th & 9th in Edneyville (16 are scheduled)

The Management Development Program graduation was held on November 18, 2016. We are very proud of the accomplishments of these 20 executive law enforcement supervisors. The Management Development Program class will begin again in January 2017 with 28 individuals to embark on their new journey.

On November 7th – 10th 2016, CALEA assessors came to the Academy to conduct our third reaccreditation. It was a great experience and Mr. Strickland was pleased to announce they passed with flying colors. The Justice Academy received the "Gold Standard" this year. The assessors are very pleased with how the Academy is run.

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

Mr. Marc Nichols addressed the issue of violence targeting law enforcement and asked what the Academy was doing to prepare officers.

Mr. Strickland stated that the Officer Safety course does address this issue as well as the Use of Force course; but currently there is not a specific course to address ambush scenarios and such.

Sheriff Riley asked Mr. Strickland if the Academy currently had a course to address training for riots. Mr. Strickland stated that currently there is not but that is a topic to look into.

Currently, the Justice Academy is working on the front end with courses to help with community relations and engagement.

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

***North Carolina Community Colleges**

Tracy McPherson

Ms. McPherson addressed the Commission Members to clarify a legislative issue with regard to Community Colleges providing training registration free for law enforcement officers. A few years ago there was some question about whether or not Community Colleges were allowed to waive fees for first responders. The legislature specified in the law that it was for municipal, county, state, and law enforcement. It also applied to fire fighters and EMS.

Since the clarification from the legislature that Community Colleges were not supposed to waive the registration fee for first responders, the EMS and fire fighter community have gone to the legislature and lobbied to have the law changed. Last year the legislature changed the language to allow Community Colleges to also waive registration fees for first responders whose duty station is with a military base. Ms. McPherson noted the new language for the Commission Members. The new language did not specify law enforcement and Ms. McPherson stated that if this was an issue for anyone to please let her know.

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

***School of Government**

Jamie Markham

Mr. Markham addressed the Sheriffs' Commission Members and expressed his regret for not being in attendance for Final Agency Decisions. His absence was due to the annual December instruction for the new group of District Court Judges about sentencing and probation law. Mr. Markham was recently at a meeting with the North Carolina Sentencing Commission. Captain Briscoe and Mr. Caldwell of the Sheriffs' Association were also in attendance to discuss the Misdemeanant Confinement Program. There was a great report from Captain Briscoe about how the program is going well. The only problem was that somebody needed to train the Judges on sending the correct people to the program. Mr. Markham made an extra effort during his training with the new District Court Judges yesterday to address that issue. The judges were very receptive to the information and the success of the Misdemeanant Confinement Program.

Mr. Markham informed the Commission Members that he has been getting a lot of questions with regard to registered sex offenders. There has been a lot of litigation about the constitutionality of the restrictions that apply to registered sex offenders. There are two (2) lines of litigation going on right now. One is about where registered sex offenders can go (i.e. the 300' rule). Another case is Federal and the Supreme Court is addressing registered sex offenders and social media. Until these litigation issues run their course, Sheriffs' Offices will have to do their best in managing registered sex offenders and the law.

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 stated that they have just about completed their annual Legislative Update Classes. Because of Hurricane Matthew, there were a number of Sheriff's Offices that could not attend. The two (2) Eastern classes that were offered in Martin County and Duplin County have been rescheduled for Tuesday, December 13th at the North Carolina Justice Academy. If any law enforcement officer would like to attend, that class is open and available. Mr. Caldwell asked that interested parties send him an email and he will provide the information.

The North Carolina Sheriffs' Association Spring Meeting will be held in Carteret County, May 1st – 3rd at the Double Tree by Hilton in Atlantic Beach.

The North Carolina Sheriffs' Association Training Committee Meeting is scheduled for January 19, 2017. Sheriff Alan Jones of Caldwell County acts as a Committee Co-Chair. Sheriff Terry Johnson of Alamance County is also a Committee Co-Chair. If there are any training topics that you would like to have considered and placed on the agenda, please contact Mr. Caldwell, Sheriff Jones, or Sheriff Johnson.

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

***NC Criminal Justice Commission**

Steven Combs

Director Steven Combs addressed the Sheriffs' Commission Members to update them on two rules recommendations. Mr. Combs referred the Commission Members to the rules updates provided.

The first is the Sheriffs' Transfer Rule (**Attachment #3**). This rule recommends that inactive Sheriff Deputies complete their In-Service Training each year in order to be eligible to transfer over to a Criminal Justice appointment. A request that the Sheriffs' Commission made for this recommendation was that firearms training and qualification not be part of the In-Service requirement. The Criminal Justice Commission agreed that firearms training and qualification not be required. The In-Service Training can all be done on-line through the North Carolina Justice Academy.

The second rule recommendation that Mr. Combs addressed is with regard to General Instructor renewal Certification (**Attachment #4**). Starting January 01, 2017, every instructor will be required to complete a one (1) hour on-line training block through the North Carolina Justice Academy. This training must also be completed by the Specialized Training Instructors.

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

V. OTHER REPORTS

*Probable Cause Committee

Sheriff David Mahoney

Sheriff David Mahoney reported that the Probable Cause Committee met December 08, 2016, and during that session, the Committee reviewed a total of 43 cases. In eighteen (18) 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 seventeen (17) cases, one (1) case was postponed until March 2017, one (1) case was postponed until June 2017, and six (6) cases were closed pursuant to the Consolidated Probable Cause Policy.

*North Carolina Justice Academy

Amanda Stephenson

Ms. Stephenson addressed the Sheriffs' Commission and referred them to their handout of the Proposed 2018 In-Service Training Topics (**Attachment #5**). The Joint In-Service Sub-Committee met on October 4th. The Criminal Justice Training and Standards Commission met on November 16th and approved the 2018 training topics. Ms. Stephenson is submitting the 2018 In-Service Training Topics for Law Enforcement, Detention Officer, and Telecommunicator for the Sheriffs' Commission approval.

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

A **MOTION** was made by Mr. Marc Nichols to accept the 2018 In-Service Training Topics for Law Enforcement, Detention Officer, and Telecommunicator; seconded by Mr. Zack Koonce.
MOTION CARRIED.

*National Decertification Index

Whitney Belich

Ms. Whitney Belich, the Attorney General's Office legal liaison addressed the Sheriffs' Commission Members about the research done regarding the National Decertification Index. The National Decertification Index is an on-line service that lists officers in participating states who have lost their certification due to misconduct. North Carolina is not currently participating in the National Decertification Index and we were asked to look into the possibility of joining as a participant.

One of the issues discussed was how North Carolina Public Records Law will allow us, or not, to enter this information into the National Decertification Index. Legal Counsel spoke with several experts on Public Records Law and the statutes as they apply to us. Legal Counsel also spoke with the Public Records expert at North Carolina's School of Government.

While looking at the National Decertification Index itself, we discovered that you have the ability to enter as much, or as little, information desired. It is not required to enter a reason for suspension. The system has various options. After speaking with the Public Records Law experts and reviewing the statutes, Legal Counsel believes that under the law as it stands now, we can put information into the Index to include the dates of suspension and the fact that they are suspended. Going further than that would potentially need a change to the statute. The issue is that Final Agency Decisions are a public record but the cases that go to Probable Cause are not.

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

A **MOTION** was made by Sheriff Alan Cloninger to participate in the National Decertification Index; Seconded by Sheriff Alan Jones. **MOTION CARRIED.**

***Higher Education for Law Enforcement**

Robin Pendergraft

Ms. Robin Pendergraft, Senior Deputy with the Attorney General's Office and Chairperson for the Higher Education for Law Enforcement Committee addressed the Sheriffs' Commission to provide them with an overview of the Committee's goals. The climate is timely for us all to look at ways in which to improve the law enforcement profession. A goal is to seek an easier pathway for law enforcement officers to acquire higher educational degrees. This would not be a mandate. One way is to provide educational opportunities for our officers which would be a "perk" for officers. Sheriff's Offices would be able to justify with their funding agencies an increase in pay for officers with higher education. This program would also enhance the profession by acquiring officers with a better understanding of cultural differences, backgrounds, philosophies, and ideas that will help them to better interact. We currently have good officers but there are difficulties to recruit; having a "carrot" of higher education to offer potential officers will help with the recruitment process.

The Committee started with monthly meetings in July 2016 and broke things down into parts. The Committee first heard from Dr. Barber, Department of Public Instruction (DPI) about the development programs for High Schools around the State to allow participants to take classes that will transfer to Community Colleges for credit. The question is how to start recruiting at an earlier age before they get in trouble which could preclude them from being in law enforcement.

The Committee then began to work on how credits may be transferred between institutions. This is complicated and often like trying to put a square peg in a round hole. The Committee has representatives from the Community College System, DPI, and the University System to better understand the differences and how to create a pathway for Law Enforcement Officers.

The next meeting is scheduled for January 2017 and will work on breaking the task down into parts and possibly stages. Ms. Pendergraft stated that the Committee wants to know what the Sheriffs' Commissions needs are and asked that they communicate their ideas and priorities to Director Konopka who will bring them to the Committee meetings. There is a lot of work ahead and any input or comments are welcome as we move forward.

Tracy McPherson addressed the Sheriffs' Commission to speak of the history of the Legislature, Community Colleges, and the system move from quarters to semesters. In 1997 the Legislature required that Community Colleges and Universities work together to streamline the process of transferring credits.

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

Mr. Marc Nichols asked Ms. Pendergraft if this project was working towards something like the military's GI Bill. Ms. Pendergraft agreed and spoke about the funding factor that needs to be addressed.

In addition to Sheriff Alan Cloninger who is already a member, Sheriff David Mahoney agreed to sit on this Committee.

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

***Enhancement of Law Enforcement Training**

Sheriff Ingram & Sheriff Mahoney

Sheriff Ingram addressed the Sheriffs' Commission Members about the need to look for options to improve the training requirements for justice officers to be certified in the state of North Carolina. Would the perception of the profession be different if certification was replaced with having to obtain and maintain licensure?

Sheriff Riley asked if the Criminal Justice Commission has looked into licensure. Director Combs responded that the subject has come up in the past but has not gained any traction.

Sheriff Cloninger asked Legal Counsel Lauren Earnhardt if there is difference between what the Sheriffs' Commission does and an occupational licensing board.

Legal Counsel Lauren Earnhardt discussed how the Sheriffs' Commission is something of a hybrid licensing board. Also, under the statute the Commission does not have to follow certain occupational board statutes. The Sheriffs' Commission is considered a state agency because it is a part of DOJ.

Sheriff Mahoney addressed the Commission Members and stated that North Carolina has been a leader nationally in law enforcement. Due to the national conversation with regard to law enforcement, it is important to step things up and work towards what needs to be done to turn out a market full of employable people so the North Carolina law enforcement profession continues with the perception as a leader.

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

***De-escalation with Verbal Communication**

Kenneth Sarvis

Chief Deputy Kenneth Sarvis of New Hanover County Sheriff's Office addressed the Sheriffs' Commission with a summary on the topic of de-escalation with verbal communication. Chief Deputy Sarvis spoke at the Sheriffs' Association during day three (3) of training. The New Hanover Sheriff's Office met with their Community to discuss law enforcement affairs and any questions the Community had. The Sheriff's Office also had some sessions for the Community called "The Law and You." These sessions had over 300 participants.

One of the things the New Hanover County Sheriff's Office did for their officer's training was to give them a tool to de-escalate verbally. It is also important for law enforcement officers to understand that their demeanor is paramount when they come in contact with the public. Because of the occurrences happening in law enforcement nationally and the weight their officers were feeling, the New Hanover County Sheriff's Office wanted to do something to help their officers be better able to deal with what they are hearing and seeing every day.

Chief Deputy Sarvis introduced Cpt. Wilson who gave a snapshot of the lesson plan he put together for "De-escalation with Verbal Communication" class. Cpt. Wilson became interested in this topic while he was working with Internal Affairs. What he saw while clearing cases was that officers were using the vocational tools they were taught during training, but they were still receiving complaints. Cpt. Wilson began to ask the question of what were the officers doing wrong. Cpt. Wilson found that in a lot of instances the officers were doing what they were taught vocationally, but they were also presenting hypervigilance in their demeanor. The officers need to learn communication techniques. An officer's demeanor and how they verbally communicate can affect a situation. Providing officer's training for the art of communication and de-escalation is a valuable tool.

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

Mark Strickland addressed the Sheriffs' Commission to let them know the 2017 In-service training does include De-escalation (part 1). For 2018 there is De-escalation (part 2) which will include a lot of information that Chief Deputy Sarvis and Cpt. Wilson spoke of today. Mr. Strickland has asked Jennifer Fisher to take a look at the Mental Illness block of instruction and organize a group of mental health experts and law enforcement practitioners to see what they need to expand on to help officers in the street with regard to de-escalation.

Sheriff Mahoney asked how long the De-escalation class was. Cpt. Wilson responded approximately six (6) hours.

Tracy McPherson addressed the issue of “Train the Trainer” programs and stated that funding may be available to have a “Train the Trainer” program for De-escalation. Tracy will follow-up with Mr. Strickland to discuss.

Cpt. Wilson stated that the most economical way to start something up would be to send people to Chief Dolan’s “Train the Trainer” program, receive his materials, then filter throughout the state.

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

A **MOTION** was made at 10:30 a.m. by Sheriff Ricky Oliver to enter into a closed session; seconded by Sheriff Eric Tilley.
MOTION CARRIED.

A **MOTION** was made at 11:00 a.m. by Sheriff John Ingram to enter into an open session; seconded by Sheriff Eric Tilley.
MOTION CARRIED.

VI. DIVISION REPORT [See Attachment #6]

Diane Konopka

Ms. Konopka addressed the Sheriffs’ Commission and referred them to their copy of the Division Report (**Attachment #6**).

A **MOTION** was made by Sheriff Alan Cloninger to accept the consideration of Advanced Certificate for Lisa Denise Richmond, Retired Detention Officer – Durham County; seconded by Mr. Zack Koonce. **MOTION CARRIED.**

Requests for Extensions (See Attachment #2)

Christopher S. Shepherd – Deputy Sheriff Applicant – Rutherford County

A **MOTION** was made by Sheriff Alan Jones to reject the Extension request for Christopher S. Shepherd, Deputy Sheriff Applicant - Rutherford County; seconded by Sheriff Eric Tilley. **MOTION CARRIED.**

Requests for Waivers (See Attachment #2)

Christine Nelson Brewington – Deputy Sheriff Applicant – Stokes County
Adam Todd Ward – Deputy Sheriff Applicant – Davie County
Matthew Ryan Ballentine – Deputy Sheriff Applicant – Randolph County
Luis Salvador Fermin, Jr. – Deputy Sheriff Applicant – Cumberland County

Extension Granted by Chairman Riley (See Attachment #2)

Dexter Cornell Linder – Detention Officer –Montgomery County
Adrienne Bailey Wallace – Deputy Sheriff – Rutherford County
Christopher S. Shepherd – Deputy Sheriff Applicant – Rutherford County

A **MOTION** was made by Sheriff Alan Jones to accept the Requests for Waivers and Extensions authorized by Chairman Brad Riley; seconded by Sheriff Alan Cloninger. **MOTION CARRIED.**

VII. PROPOSED MEETING DATES

March 23rd & 24th – Cleveland County

June 8th & 9th – Wake County

September 14th & 15th – Brunswick County

December 7th and 8th – Wake County

VIII. ADJOURNMENT

A **MOTION** was made at 11:05 a.m. by Sheriff Alan Jones to adjourn the December 2016 Sheriffs' Commission meeting; Seconded by Sheriff Eric Tilley. **MOTION CARRIED.**