

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

DATE: September 09, 2016

TIME: 8:35 A.M.

SUBMITTED BY: Diane Konopka, Deputy 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 09th, at 8:35 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. Acuff
Sheriff Steve Bizzell
Sheriff Ricky Oliver
Sheriff John Ingram
Sheriff Alan Jones
Sheriff Eric Tilley
Sheriff David Mahoney
Sheriff Jerry Monette
Sheriff James Knight

MEMBERS ABSENT

Mr. Marc Nichols
Sheriff Juan Vaughan
Mr. Jamie Markham
Ms. Tracy McPherson

STAFF

Diane Konopka - Deputy 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
Matthew Boyatt - Legal Counsel – NC Department of Justice

Guilford County Sheriff B. J. Barnes welcomed all to the September Sheriffs' Commission Meeting and offered his staff's services during their stay.

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 member had a known conflict or appearance of conflict with respect to any matters coming before the Commission at this time?

Brunswick County Sheriff John Ingram stated that he had a conflict of interest with two Brunswick County Detention Officers' Requests for Extensions: Randy Charles Earp and Darrius K. Randolph.

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.

VISITORS

| | | |
|-------------------|---|-------------------------------------|
| Mark Strickland | - | NC Justice Academy |
| Amanda Stephenson | - | NC Justice Academy |
| Tony Losada | - | NC Justice Academy |
| Gary Dudley | - | NC Justice Academy |
| Stacy Holloman | - | NC Justice Academy |
| Eddie Caldwell | - | NC Sheriffs' Association |
| Steven Combs | - | Criminal Justice Standards Division |
| Jonathan Price | - | Wake County Sheriff's Office |
| Mariah Averette | - | Wake County Sheriff's Office |
| Scott Zeman | - | Cabarrus County Sheriff's Office |
| Tim Fuss | - | Henderson County Sheriff's Office |
| Jamie L. Shue | - | Stanly County Sheriff's Office |
| Patrick Jacobs | - | Northampton County Sheriff's Office |
| Guy Lovell | - | Wilson County Sheriff's Office |

- Renee Lovell - family
- Stephanie Lovell - family
- Harold Lovell - family
- Bryan Maines - Alleghany County Sheriff
- Bobby Burns - Guilford County Sheriff's Office

II. MINUTES OF JUNE MEETING

Sheriff Brad Riley

A **MOTION** was made by Sheriff John Ingram to accept the minutes of the June 2016 meeting; Seconded by Sheriff James Knight. **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 Steve Bizzell. **MOTION CARRIED.**

Northampton County Sheriff Jack Smith presented the Advanced Law Enforcement Certificate to:

Patrick A. Jacobs – Advanced Law Enforcement Professional Certificate, Northampton County.

Sheriff Brad Riley presented Awards/Certificates to:

Sheriff Bryan Maines – Advanced Service Award, Alleghany County.

Jamie L. Shue – Advanced Law Enforcement Professional Certificate, Stanly County.

Benjamin Wyatt Lovell – Advanced Law Enforcement Professional Certificate, Wilson County.

IV. INFORMATIONAL REPORTS

***North Carolina Justice Academy**

Mark Strickland

Mr. Strickland informed the Sheriffs' Commission Members of vacant positions that have been filled. Mr. Scott Tyson was hired on June 27th as an Instructor at the East Campus. Mr. Tyson will be teaching in the area of Tactical Leadership. Mr. Jesse Kittrell was hired September 1st as an Instructor at the Salemburg Campus. Mr. Kittrell has more than 11 years of criminal justice experience and is the new School Director for Specialized Physical Fitness and Subject Control and Arrest Techniques Instructor Schools.

Ms. Darlene Jackson will retire October 01, 2016 from the NC Justice Academy. Currently Ms. Jackson serves as the Administrative Assistant to the Director as well as provides administrative support to the Education and Training Committee. Ms. Jackson will be missed. Ms. Vickie Helms was promoted from a Program Assistant V to Administrative Assistant.

Mr. Jamey Jones resigned from the NC Justice Academy on August 26th. Mr. Jones has been employed at the NC Justice Academy since 2004. Mr. Jones went to BLET at night and graduated with honors. To follow his dreams, Mr. Jones was hired as a deputy with the Harnett County Sheriff's Office.

Mr. Donnie Parks retired from the NC Justice Academy on September 1st. Mr. Parks has served as an Instructor/Coordinator with the North Carolina Justice Academy since August 2007. Mr. Parks has instructed in various law enforcement management and leadership topics, as well as the Community Oriented Policing program. Donnie is going to be missed very much.

Ms. Ruby Bryant will retire from the NC Justice Academy on October 1st. Ms. Bryant served as the Bookstore Supervisor since 1995. Under Ms. Bryant's leadership, she has built the NC Justice Academy bookstore from a small operation to an operation that exceeds sales of one (1) million dollars each year. Her guidance and leadership will be missed.

The NC Justice Academy has received two Instructor Positions from the General Assembly. These positions are: Crime Scene Investigations (Salemburg) and Narcotics Investigations (Edneyville).

Mr. Strickland is happy to inform the Sheriffs' Commission of new classes being offered in the near future. They are: Narcoterrorism, Below 100 Train the Trainer, and Eyewitness Identification Reform Act which is an on-line course.

Officers are really taking advantage of the NC Justice Academy's on-line training classes. During the 2015 – 2016 fiscal year, more than 30,000 on-line classes were delivered. The seamless process of being able to register on-line and take classes on line has been very beneficial.

The 2017 In-service project is right on schedule. The project team members are performing the “Walk Through” process right now with the developer and lesson plan materials to ensure everything looks as good as possible.

The first instructor update course is October 26th – 27th in Salemburg and there are still seats available. The course dates are as follows:

- October 26 – 27 (Salemburg)
- December 7 – 8 (Edneyville)
- January 10 – 11 (Salemburg)
- February 8 – 9 (Edneyville)

The Joint In-service Committee will meet on October 4th to determine the topics for the year 2018. The Juvenile Minority Sensitivity Training Advisory Committee will meet on September 14, 2016 to determine the JMST topic for 2018.

There was discussion at a previous Sheriffs’ Commission meeting surrounding the International Association of Directors of Training and Standards National Certification Program. As part of this program, Envisage, through their First Forward platform/website has created a market place for individuals or groups to offer on-line training throughout the United States. The NC Justice Academy has submitted four (4) courses to the First Forward platform/website in order to generate revenue. Since the Justice Academy had already developed these courses, there is no additional cost to the citizens of North Carolina. At this time, the price is \$4.95 per class. The Justice Academy will probably have to adjust the price to meet market demand. The current courses are:

- Missing and Abducted children
- Public Safety: Storm Spotting
- Officer Safety: Responding to crimes Of-Duty
- Domestic Violence: Teen Dating Violence

This is the NC Justice Academy’s attempt to help offset the costs of developing the in-service training for the NC Criminal Justice Education and Training Standards Commission and the NC Sheriffs’ Education and Training Standards Commission.

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

***North Carolina Justice Academy**

Amanda Stephenson

The new Detention Officer curriculum went on-line August 01, 2016. The first class had 14 students from four (4) different counties. Ms. Stephenson thanked Sheriff Bizzell and Sheriff Ingram for sending students to that course. The course had 14 students start and 14 students finished. The grade average for the class was a 91.9 which was great considering that it was a new curriculum and a new test. Ms. Stephenson is currently gathering feedback on the new curriculum and will have more for the September 20th Revision Committee meeting. This will be the first meeting to discuss the new curriculum.

***NC Sheriffs' Association**

Eddie Caldwell

Mr. Caldwell addressed the Sheriffs' Commission Members to update them on the Sheriffs' Association as it relates to training. The Statewide Misdemeanant Confinement Program training is getting ready to kick-off. This training is required for counties that are receiving inmates. It is preferred that a contact person and a back-up person be sent to this training. For counties that are not receiving inmates but sending inmates; the training is not required but it is strongly recommended to send one of your personnel that processes inmates to the training so that they will know how to process them out of the jail more efficiently. The dates of the training are:

- 09/13/16 (Tue) – Pitt County
- 09/20/16 (Tue) – Catawba County
- 09/21/16 (Wed) – Haywood
- 10/04/16 (Tue) – Wake

The annual Legislative Update Training is again funded by the Governor's Highway Safety Program. They have done this for a number of years now. The classes will be held around the state and is a Train the Trainer program. The person that attends the class will receive materials for your office. The dates for Legislative Update Training are:

- 10/10/16 - North Carolina Association of Police Attorneys
- 10/18/16 - Martin County
- 10/19/16 - Duplin County
- 10/20/16 - Wake County
- 11/29/16 - Catawba County
- 11/30/16 - Haywood County

The Sheriffs' Association's Fall meeting is coming up in Blowing Rock in Chetola, Watauga County on November 14th, 15th, and 16th. The registration and hotel information will be sent out next week. Sheriffs will receive their materials first and have an approximate 10 day window to make reservations. There aren't enough rooms at Chetola for everybody to stay there, so Mr. Caldwell encouraged all to make their reservations promptly once they receive the information.

One of the training themes for several of the classes scheduled is entitled "Of Course, All Lives Matter". It is designed to deal with the issues occurring around the country. There are three (3) different presentations scheduled:

The Facts - there will be an instructor that has compiled data on officer involved shootings, assaults on officers, and officer involved deaths. The statistics are nowhere near what you see on the evening news.

The Community Perception - this will involve a panel discussion with a group of Sheriffs to talk about the community perception.

A Solution – The Chief Deputy of the New Hanover County Sheriff's Office will talk about a program they put in place to reach out and work with the community so they can understand what law enforcement expects of their citizens when they have an encounter with a law enforcement officer. This has been a very successful program that you may want to pattern in your home counties.

There will be a presentation on the new State Crime Lab Evidence Submission Policy. They will also talk about what the SBI airplane can do to help Sheriffs' Offices when needed. The capabilities of the plane will be discussed as well as how to gain access to it.

A discussion will take place regarding the proposal of raising the juvenile age. This discussion will continue to evaluate the recommendation of the Chief Justices Commission on Law and Justice.

Sheriffs' Commission District 1 representative, Sheriff Juan Vaughan has announced his retirement effective October 01, 2016. Upon Sheriff Vaughan's retirement the District 1 seat will be vacant. The Sheriffs' Association will send out ballots to all counties in District 1 to elect a representative. The counties included in District 1 are: Bertie, Camden, Chowan, Currituck, Gates, Hertford, Pasquotank, Perquimans, Tyrrell, and Washington.

The Sheriffs' Association Training Committee will be meeting this fall. Sheriff Alan Jones of Caldwell County and Sheriff Terry Johnson of Alamance County are co-chairs. They will be meeting on Thursday, October 13th at 10:00 a.m. Mr. Caldwell encouraged the Sheriffs' Commission Members to provide input for the 2017 training topics. Please contact Sheriff Alan Jones, Sheriff Terry Johnson, or Mr. Caldwell with any input you would like to provide.

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 discuss the National Decertification Index Registry. The Criminal Justice Commission has asked Mr. Combs to look into the Decertification Index Registry. This is a registry of officers across the country that have lost their certification due to misconduct. The registry is run through the International Association Directors of Law Enforcement Standards and Training. Currently, there are approximately 40 states that participate in this registry. Of the remaining 10 states, approximately six (6) posts do not have the authority to take certifications so they do not participate in the registry.

Mr. Combs stated that they are in the beginning stages of looking into the ability to participate in this registry. There are issues that will have to be worked through with regard to public records laws in North Carolina. The first meeting is tentatively planned for the end of June. Mr. Combs extended an invitation to the Sheriffs' Training and Standards Commission to participate with the Criminal Justice Commission in this project.

A **MOTION** was made by Sheriff Alan Cloninger to participate with the Criminal Justice Commission project of working through any issues with regard to the National Decertification Index Registry; Seconded by Sheriff Jerry Monette. **MOTION CARRIED.**

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 08, 2016, and during that session, the Committee reviewed a total of 47 cases. In seventeen (17) 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, five (5) cases were postponed until December 2016, and eight (8) cases were closed pursuant to the Consolidated Probable Cause Policy.

VI. DIVISION REPORT [See Attachment #2]

Diane Konopka

*Telecommunicator Certification

Sheriffs' Training and Standards Deputy Director Diane Konopka addressed the Sheriffs' Commission Members and referred them to their copy of the Division Report [**Attachment #2**]. Ms. Konopka began with an update of the Telecommunicator Certification topic tabled from the June Commission meeting. Mr. Mark Strickland facilitated a Committee meeting on May 23, 2016, comprised of representative Sheriffs and Police Chiefs, as well as staff from both Divisions.

The consensus of the group was to ask the Sheriffs' Commission whether they would consider amending the age requirement for telecommunicator certification from age 21 to age 18. Also discussed was consideration of a possible "grandfather" waiver of additional or updated medical forms for those telecommunicators who have had some period of continuous service with a newly reporting agency. Ms. Konopka referred the Sheriffs' Commission Members to [**Attachment #2, Tab 1**] to review a draft of the proposed new rules.

A **MOTION** was made by Sheriff Alan Cloninger to move forward with the rule making process for the telecommunicator amendments to Rule 12 NCAC 10B .0301, .0304 and .0713 as recommended by Committee and made effective January 01, 2018. The three (3) updates are: telecommunicators must be at least 18 years of age; grandfather waiver of additional or updated medical forms for telecommunicators with some period of continuous service with a newly reporting agency; telecommunicator trainees must be at least 18 years of age for admittance into the Telecommunicator Certification Course; Seconded by Sheriff Steve Bizzell. **MOTION CARRIED.**

***Summary of In-Service Training Exceptions for Voluntary Telecommunicators**

Deputy Director Diane Konopka addressed the Commission Members regarding the exceptions created over the years to deal with telecommunicators who “go in and out” of certification between non-participating agencies and Sheriff’s offices or other participating agencies. Division staff was asked to summarize the different scenarios and options encountered. Ms. Konopka referred the Sheriffs’ Commission Members to [**Attachment #2, Tab 2**]. Ms. Konopka offered to go through the different scenarios if anyone has questions.

Sheriff Bizzell asked which scenario was favored. Ms. Konopka referred to Scenario #2.

Ms. Konopka addressed the issue discussed at the June Sheriffs’ Commission meeting with regard to Justice Officers performing duties that have not finished the certification process. Deputy Director Konopka and Legal Counsel Matthew Boyatt have reviewed the rules and statutes with regard to the certification process. Ms. Konopka referred the Sheriffs’ Commission Members to General Statute Chapter 17E [**Attachment #3, 17E-8**]. This is the statute that gives Sheriffs the authority to hire a person and allow them to work while they are going through the certification process.

The Sheriffs’ Commission Members discussed issues that arise throughout the certification process. The length of time to complete the vetting process and issues with regard to the officers’ training are topics for future review.

A **MOTION** was made at 9:30 a.m. by Sheriff Ricky Oliver to enter into a closed session; seconded by Sheriff Eric Tilley. **MOTION CARRIED.**

***Requests to Rescind Separation (See Attachment #2, Tab #3)**

Beatrice Alexander Fogg – Detention Officer Separated – Franklin County

A **MOTION** was made by Sheriff Alan Jones to accept the request to Rescind Separation for Beatrice Alexander Fogg; seconded by Sheriff David Mahoney. **MOTION CARRIED.**

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

Requests for Waivers (See Attachment #2)

Kelly Wayne Harden – Detention Officer Applicant – Stanly County (Tab #4)

Phillip Gregory Parsons – Detention Officer – Montgomery County (Tab #5)

Requests for Extensions (See Attachment #2)

Max Palmer Leonard – Detention Officer – Forsyth County (Tab #6)

Sylvester Williams – Detention Officer Applicant – Edgecombe County (Tab #7)

Michael Austin Stephenson – Detention Officer Applicant – Swain County (Tab #8)

Randy Charles Earp – Detention Officer – Brunswick County (Tab #9)

Sheriff John Ingram recused himself from the vote

Darrius K. Randolph – Detention Officer – Richmond County (Tab #10)

Sheriff John Ingram recused himself from the vote

Yolanda Kaye Brown – Detention Officer – Randolph County (Tab #11)

Erik Jamaal Sheftal – Deputy Sheriff – Vance County (Tab #12)

Extension Granted by Chairman Riley

Mark Patterson – Detention Officer – Cherokee County

A **MOTION** was made by Sheriff Jerry Monette to accept the Extensions authorized by Chairman Brad Riley and Requests for Extensions and Waivers; this is the final Extension granted for Erik Jamaal Sheftal of Vance County; seconded by Sheriff David Mahoney. **MOTION CARRIED.**

VII. NEXT MEETING

December 8th and 9th in Wake County hosted by Sheriffs' Training & Standards.

VIII. ADJOURNMENT

A **MOTION** was made at 09:55 a.m. by Sheriff Steve Bizzell to adjourn the September 2016 Sheriffs' Commission meeting; Seconded by Sheriff Eric Tilley. **MOTION CARRIED.**