

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

**DATE:** June 10, 2016

**TIME:** 8:30 A.M.

**SUBMITTED BY:** Diane Konopka, Deputy Director Sheriffs' Standards Division

**I. CALL TO ORDER**

**Sheriff Alan Cloninger**

The North Carolina Sheriffs' Education and Training Standards Commission meeting was called to order by Vice Chairman Alan Cloninger on Friday, June 10th, at 8:30 A.M.

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

**MEMBERS PRESENT**

Sheriff Alan Cloninger  
Cpt. Jessie Fennell  
Sheriff Steve Bizzell  
Sheriff Ricky Oliver  
Sheriff John Ingram  
Sheriff Alan Jones  
Sheriff Alan Norman  
Sheriff David Mahoney  
Sheriff Eric Tilley  
Mr. Jamie Markham  
Ms. Tracy McPherson

**MEMBERS ABSENT**

Sheriff B. J. Barnes  
Sheriff James Knight  
Sheriff Brad Riley  
Mr. Marc Nichols  
Sheriff Jerry Monette

**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

Yadkin County Sheriff Ricky Oliver welcomed all to the June Sheriffs' Commission Meeting and offered his staff's services during their stay.

In the first order of business, Legal Counsel Matthew Boyatt 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 Matthew Boyatt asked whether any member had a known conflict or appearance of conflict with respect to any matters coming before the Commission at this time? Negative response from the Sheriffs' Commission Members.

## **VISITORS**

Mark Strickland	-	NC Justice Academy
Richard Squires	-	Criminal Justice Standards Division
Tim Fuss	-	Henderson County Sheriff's Office
Amanda Stephenson	-	NC Justice Academy
Gary Dudley	-	NC Justice Academy
Eddie Caldwell	-	NC Sheriffs' Association
Jonathan Price	-	Wake County Sheriff's Office
Mariah Averette	-	Wake County Sheriff's Office
Brent Trivette	-	Yadkin County Sheriff's Office
Christi Colbert	-	Yadkin County Sheriff's Office
Rodney Wiles	-	Yadkin County Sheriff's Office
Cpt. Jim Player	-	Henderson County Sheriff's Office
Robert Wisecarver	-	Former Sheriffs' Commission Member
Chris Watkins	-	Montgomery County Sheriff's
James Kerney	-	Montgomery County Sheriff's Office
Tony White	-	Orange County Sheriff's Office
Barry Walker	-	Orange County Sheriff's Office

**II. MINUTES OF MARCH MEETING**

**Sheriff Alan Cloninger**

A **MOTION** was made by Sheriff Steve Bizzell to accept the minutes of the March 2016 meeting; Seconded by Sheriff David Mahoney. **MOTION CARRIED.**

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

Vice Chairman Alan Cloninger presented Mr. Robert Wisecarver a Certificate of Appreciation for his term of service as a Sheriffs' Commission Member.

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

Sheriff Alan Jones presented certificates/awards to:

*Erle Konstantin Davis – Advanced Law Enforcement Professional Certificate, Caldwell County.*

Captain Barry Walker presented certificates/awards to:

*Tony Lamont White – Advanced Law Enforcement Professional Certificate, Orange County.*

Sheriff Chris Watkins presented certificates/awards to:

*James R. Kerney, Jr. – Advanced Law Enforcement Professional Certificate, Montgomery County.*

#### **IV. INFORMATIONAL REPORTS**

##### **\*North Carolina Justice Academy**

**Mark Strickland**

Mr. Strickland informed the Commission of some personnel changes. The Justice Academy has hired Mr. Carlton Joyner as an Instructor at the East Campus. Mr. Carlton has 24 years of law enforcement experience with the Greenville Police Department. Mr. Carlton will be their Community Relations Instructor.

On March 1<sup>st</sup> Mr. Richard White was hired as an Instructor at the East Campus. Mr. White has 23 years of criminal justice experience. He is their Use of Force Instructor and will be working very closely with the new Use of Force simulators. Mr. Strickland stated that they want to work the Use of Force simulators into as many programs as possible.

Mr. Perry Harris was hired on March 28<sup>th</sup> as an Instructor at the West Campus to run the General Instructor training program. He will be the new school Director for Instructor Training. Mr. Perry has over 6.5 years of law enforcement experience as Chief of Police at the Pine Bluff Police Department.

Mr. Richard Baric was hired April 15<sup>th</sup> as an Instructor at the East Campus. Mr. Baric has more than 25 years of law enforcement experience. Mr. Baric will run the Field Training Officer Program. Ms. Amanda Stephenson was hired as an Instructor at the East Campus. Ms. Stephenson has more than 10 years of experience as a Detention Officer. She most recently served as a Field Training Officer with the Cumberland County Sheriff's Office. Ms. Stephenson will be the new School Director for the Detention Officer Certification Course. On May 23<sup>rd</sup>, Mr. Thomas Hairr was hired as a Security Guard. Mr. Hairr has been working at the North Carolina Justice Academy since 2004.

Mr. John Combs retired from the North Carolina Justice Academy on June 1<sup>st</sup>. He has been an employee at the Academy since 1999. John was the School Director for the Specialized Physical Fitness Instructor Training course as well as the School Director for the Specialized Subject Control/Arrest Techniques Instructor Training course. Mr. Strickland stated that the hiring process for John's replacement has just begun.

Mr. Charles Rambeau resigned his position from the Justice Academy as a Criminal Justice Specialist/Investigator. Mr. Rambeau coordinated grant requests, helped with budgetary items, taught some Crime Analysis classes, and worked on the new Acadis Registration system.

The 2017 In-service Training development cycle is going very well. The Developers are submitting their drafts and the Academy anticipates another exciting year of training. The In-service training classes that the Justice Academy is developing for 2017 are:

2017 Firearms Training and Qualification	Required (minimum 6 credits)
2017 Legal Update	Required (minimum 4 credits)
2017 Positively Impacting Today's Youth	Required (minimum 2 credits)
2017 DV: Protecting Victims of Domestic Violence	Required (minimum 4 credits)
2017 Improving Decision-Making Skills	Required (minimum 4 credits)

Law Enforcement Intelligence Update - Topic of choice (minimum 2 credits)  
Protecting our Officers: Suicide Prevention for Law Enforcement -Topic of choice (minimum 2 credits)  
Narcotics Identification for Patrol Officers - Topic of choice (minimum 2 credits)

Mr. Strickland stated that the Joint In-Service Committee has done a really great job addressing the topics, needs, and concerns of law enforcement for the future.

During the General Assembly process, House Bill Section 18.2(a) was added to allow the State Highway Patrol to run their specialized schools. This was of concern to the North Carolina Justice Academy. The Senate did remove that section from the House Bill. A meeting did take place recently to discuss the State Highway Patrol needs and how the Justice Academy can help them meet their needs. Mr. Strickland is very happy with the outcome.

At the March Sheriffs' Commission Meeting, Mr. Strickland was asked to facilitate a meeting with Police Chiefs and Sheriffs regarding Telecommunicators. The participants of this meeting included seven Sheriffs and seven Police Chiefs. Mr. Strickland referred the Sheriffs' Commission Members to recommendations made; Section .0300-Minimum Standards for Employment and Certification as a Justice Officer [See Tab #2 of Division Report].

A **MOTION** was made by Sheriff Ricky Oliver to table the proposed Telecommunicator rule change until the September 09, 2016 Sheriffs' Commission Meeting; Seconded by Sheriff Alan Jones.  
**MOTION CARRIED.**

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

Mr. Caldwell addressed the Sheriffs' Commission Members and addressed training as his first item. The Annual Training Conference will be held July 23<sup>rd</sup> – 27<sup>th</sup> at Sea Trail located in Brunswick County and hosted by Sheriff John Ingram. Mr. Caldwell stated the notices had been sent out and to make hotel reservations as soon as possible.

A preliminary notice was sent out to the Sheriffs about training this fall for the State-wide Misdemeanant Confinement Program. The counties receiving inmates must send a contact person to the training program. Training is strongly encouraged for the counties sending inmates but it is not required. Mr. Caldwell asked that the person selected to attend the training be someone that is doing the function on a daily basis and not just the person that can be spared at the time of training. The Executive Committee voted to have the Statewide Misdemeanant Confinement Program training held in the following counties: Haywood, Catawba, Wake, and Pitt.

Legislative Update Training will be conducted again this fall as it has been done for a number of years due to the support of the Governor's Highway and Safety Program grant. The Sheriffs' Association has been authorized to conduct training again this year. The training will be held at five (5) county locations around the state (Haywood, Catawba, Wake, Duplin, Martin) during the months of October and November. The notices will be going out soon.

Mr. Caldwell addressed two (2) provisions in the budget bill. The first is section 18.2 (a) – this provision was drafted to allow State Highway Patrol to do their own specialized training. A lot of concerns were raised about this issue and work was done to help get that issue resolved.

The second provision in the budget bill is section 18.2 (b) – this provision is a technical correction and will be kept in the bill. This provision was requested by the Criminal Justice Standards Division to have the authority to certify general instructors teaching non-commission courses. It is important to keep this provision in the bill to continue doing business the way they have been.

Another bill that has some impact on the Sheriffs' Commission is HB972. That bill started out as the body/dash camera bill. The provision of particular interest to the Sheriffs' Commission is a provision that would require the Sheriffs' Standards Commission and the Criminal Justice Standards Commission in conjunction with the School of Government, the conference of District Attorneys and others they choose to consult with to do a study and develop "best practices" for the use of body and dash cameras. The Sheriffs' Association was able to convince the Legislature that the study was not necessary and would entail a lot of extra work for all parties involved. The Legislature agreed to take that provision out and replace it with a sentence that states the agencies using body/dash cameras are required to have a policy governing the use of the cameras.

The Sheriffs' Association has worked very hard with the Legislature to ensure there is no mandate to use cameras; and to ensure that if an agency does choose to use cameras, how they are to use them is not mandated. This statute does go beyond body/dash cameras. It also includes all audio/video recordings of any kind.

The Sheriffs' Association is monitoring various bills in the General Assembly that affect Occupational Licensing Boards. The Sheriffs' Commission and the Criminal Justice Commission have been recognized as not being a true Occupational Licensing Board which is a good thing. One bill in particular that they are monitoring is HB 1007 to make sure it does not have any adverse impact of the Sheriffs' or Criminal Justice Commission.

Mr. Caldwell addressed the Sheriffs' Commission with an update on HB 385 which is the Sheriffs' Supplemental Pension Fund changes. HB 385 passed through the House last year and went to the Senate Rules Committee at the end of session last year. The Bill has now moved to the Senate Pensions and Retirement Committee. The Sheriffs' Association is working with the Bill Sponsor to get the Bill in final form so it can be voted on and approved before the General Assembly adjourns this year. House Bill 385 would increase funding and include a sick leave provision. This Bill is a very high priority for the Sheriffs' Association.

Mr. Caldwell addressed an issue that is not legislative. A memo was distributed by the State Crime Lab recently to the heads of law enforcement agencies that stated effective July 01, 2016 all evidence must be delivered personally to the Crime Lab located in Raleigh, Greensboro, or Asheville. Also, once evidence was ready to be picked up, the agency would have to pick said evidence up personally.

A conversation took place with the State Crime Lab Director, John Byrd and other interested parties to discuss the issues. At the end of the conversation, Director Byrd understood the burden that the policy would put on law enforcement agencies across the state. Director Byrd accepted the Sheriffs' Association recommendation to suspend that policy and allow a focus/work group of Sheriffs' and Police Chiefs to get together and discuss concerns, problems, and options that the State Crime Lab has as well as the law enforcement agencies. Director Byrd was very cordial and open to the Sheriffs' Association's suggestions.

Vice Chairman Cloninger asked the Commission Members if there were any questions.

Sheriff Steve Bizzell had a question about the Supplemental Pension Fund and what would be most beneficial for the Fund in trying to increase the dollars. Mr. Caldwell stated that it clearly would be in the best interests of the retired Sheriffs' to get the Supplemental Pension Fund benefit converted from the defined contribution into a defined benefit. The question is where the money is going to come from, and that is the political issue that has to be dealt with.

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

## **V. OTHER REPORTS**

### **\*Probable Cause Committee**

**Sheriff David Mahoney**

Sheriff David Mahoney reported that the Probable Cause Committee met June 09, 2016, and during that session, the Committee reviewed a total of 44 cases. In 23 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 nine (9) cases, one (1) case was postponed until September 2016, and eleven (11) cases were closed pursuant to the Consolidated Probable Cause Policy.

### **\*BLET Update**

**Gary Dudley**

Mr. Gary Dudley presented the BLET update for Jennifer Fisher in her absence. Mr. Dudley addressed the Sheriffs' Commission Members and referred them to the BLET Revision Committee Update [See Tab 1 of Attachment #3]. The Revision Committee met on April 15, 2016. Updates were approved and will take effect July 01, 2016.

Mr. Dudley stated that they are moving away from putting statistics in the lesson plans. The statistics become "dated" very quickly. Instead of using specific percentages, a more general description will be given. This will reduce the task of having to update lesson plans so often.

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

Sheriff Cloninger stated that he agrees with what is being done to not include the statistical data in order to reduce lesson plan updates; but believes it is important for the instructor to have access to that data. Mr. Dudley will communicate Sheriff Cloninger's concern.

## **VI. DIVISION REPORT [See Attachment #3]**

**Diane Konopka**

### **\*Class B Misdemeanor Manual**

Sheriffs' Training and Standards Deputy Director Diane Konopka addressed the Sheriffs' Commission Members and referred them to their copy of the Division Report. Ms. Konopka began with an update for the Class B Misdemeanor Manual. Since the last Sheriffs' Commission Meeting, the Criminal Justice Commission met and also approved the updates to adopt the revised manual. Currently, the revised manual is being tweaked and formatted to be available on the web site and accessible to all hiring agencies.

**\*Telecommunicator Certification**

Deputy Director Diane Konopka addressed the Commission Members regarding the Telecommunicator Certification issue. At the March 2016 Sheriffs' Commission Meeting North Carolina Justice Academy Director, Mark Strickland was asked to facilitate a Committee meeting between Sheriffs and Police Chiefs to discuss issues related to the possible standardization of telecommunicator certification in North Carolina.

This meeting took place May 23, 2016 comprised of Sheriffs and Police Chiefs, as well as staff from both Sheriffs' Standards and Criminal Justice Divisions. Sheriffs' Commission rules regarding minimum standards for certification and mandated telecommunicator training were discussed. The consensus of the group was to ask the Sheriffs' Commission to consider amending the age requirement from 21 to 18. Ms. Konopka referred the Sheriffs' Commission Members to the Division Report [**Tab #2 of Attachment #3**].

The consensus of the Sheriffs' Commission Members is to include the document in the Division Report for the September Sheriffs' Commission Meeting to continue the discussion.

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

Deputy Director Konopka referred the Commission Members to the Division report to review the different scenarios and options encountered over the years with telecommunicators who "go in and out" of certification between non-participating agencies and Sheriff's offices or other participating agencies [**Tab #3 of Attachment #3**].

Ms. Konopka referenced the March Sheriffs' Commission Meeting discussion with regard to further review of the Sheriffs' Commission's policy concerning In-Service training requirements for officers whose certification has lapsed.

A **MOTION** was made at 9:40 a.m. by Sheriff David Mahoney that an individual previously certified as a law enforcement officer that is required to go through the Basic program would not be required to make up any in-service training effective as of July 01, 2016; Seconded by Sheriff John Ingram. **MOTION CARRIED.**

A **MOTION** was made at 9:48 a.m. by Sheriff Eric Tilley to enter into closed session to deliberate on the requests for Waivers and Extensions; Seconded by Sheriff John Ingram. **MOTION CARRIED.**

A **MOTION** was made at 10:43 a.m. by Sheriff Eric Tilley to enter into open session; Seconded by Sheriff John Ingram. **MOTION CARRIED.**

**\*Requests for Extensions and Waivers (See Attachment #3)**

**Requests for Extensions (See Attachment #3)**

Angela Beth Chay – Detention Officer – Randolph County (Tab #10)  
Michael Allen Callahan – Detention Officer – Rutherford County (Tab #11)  
James Cornaire – Detention Officer – Wake County (Tab #12)  
Charles Thomas Chace – Detention Officer Applicant – Dare County (Tab #13)  
Amalia Marie Romero – Detention Officer Applicant – Richmond County (Tab #14)

**Request for Military Waiver (See Attachment #3)**

John Arthur Johnston – Deputy Sheriff – Anson County (Tab #5)

**Requests for Waivers (See Attachment #3)**

Kyle Myron James – Deputy Sheriff Applicant – Alleghany County (Tab #6)  
Phillip Joel Trivette – Deputy Sheriff Applicant – Halifax County (Tab #7)  
Thomas Claude Banks – Detention Officer Applicant – Madison County (Tab #8)  
Alexis Nicole Devane – Detention Officer Applicant – Sampson County (Tab #9)

A **MOTION** was made by Sheriff David Mahoney to accept the Extensions authorized by Vice Chairman Alan Cloninger and Requests for Waivers; seconded by Sheriff Ricky Oliver. **MOTION CARRIED.**

## **VII. NEXT MEETING**

September 8<sup>th</sup> and 9<sup>th</sup> in Guilford County hosted by Sheriff B. J. Barnes.

## **VIII. ADJOURNMENT**

A **MOTION** was made at 10:50 a.m. by Sheriff Eric Tilley to adjourn the June 2016 Sheriffs' Commission meeting; Seconded by Sheriff Steve Bizzell. **MOTION CARRIED.**