

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

**DATE:** December 11, 2015  
**TIME:** 8:30 A.M.  
**SUBMITTED BY:** Julia A. Lohman, Director

**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, December 11, 2015, at 8:30 A.M.

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

**MEMBERS PRESENT**

Sheriff Jerry Monette (8:50 am)  
Lt. Fennell (Sheriff Vaughan proxy)  
Sheriff James Knight  
Sheriff Steve Bizzell  
Sheriff Alan Jones  
Sheriff David Mahoney  
Sheriff Eric Tilley  
Sheriff Alan Cloninger  
Sheriff John Ingram  
Sheriff Ricky Oliver  
Mr. Robert Wisecarver  
Mr. Jamie Markham  
Ms. Tracy McPherson  
Mr. Marc Nichols

**MEMBERS ABSENT**

Sheriff B. J. Barnes  
Sheriff Brad Riley  
Sheriff Alan Norman

## **STAFF**

Julia A. Lohman - Director - Sheriffs' Standards Division  
Diane Konopka - Deputy 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  
Matthew Boyatt - Legal Counsel – NC Department of Justice

## **VISITORS**

Mark Strickland - NC Justice Academy  
Eddie Caldwell - NC Sheriffs' Association  
Steven Combs - CJ Staff  
Tim Fuss - NC Justice Academy  
Susan Gillis - NC Justice Academy  
Stacy Holloman - NC Justice Academy  
Tiesha Pope - Dept. of Justice  
Amy Long - New Hanover Sheriff's Office  
Chris Smith - New Hanover Sheriff's Office  
Kat Bryan - Beaufort County Sheriff's Office  
Mike Smith - Mecklenburg County Sheriff's Office  
Mike Plummer - Mecklenburg County Sheriff's Office  
Daryl Harmon - Northampton County Sheriff's Office  
Scott Zeman - Cabarrus County Sheriff's Office

Vice Chairman Sheriff Alan Cloninger welcomed guests to Wake County.

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 provided the Commission Members a handout from N.C. Ethics Commission outlining Holiday Gift Reminders and summarized content.

Legal Counsel Askins then 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 Commission.

**II. MINUTES OF SEPTEMBER MEETING**

**Sheriff Alan Cloninger**

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

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

Vice Chairman Alan Cloninger presented certificates/awards to:

*Felicia Danielle Butler* – Advanced Law Enforcement Professional Certificate and Service Award – Randolph County.

*Daryl Marece Harmon* – Advanced Law Enforcement Professional Certificate and Service Award – Northampton County.

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.**

**IV. INFORMATIONAL REPORTS**

**\*North Carolina Justice Academy**

**Mark Strickland**

Mr. Strickland informed the Commission that on November 01, 2015 Mr. Wayne Ayers retired from the North Carolina Justice Academy. Mr. Stacy Holloman was promoted as the new Deputy Director of Training for the North Carolina Justice Academy. Mr. Holloman has been with the North Carolina Justice Academy for 20 years.

On November 02, 2015 Mr. Michael Wagner started working at the West Campus as the new Registrar. Mr. Wagner has many years of public service as a Probation Officer, Police Officer, and most recently serving as a Magistrate in Henderson County since 2001.

Also on November 02, 2015, Jarrett McGowan began working with the Law Enforcement Liaison Section and will be assigned to the North Carolina Justice Academy in the Legal Group. Mr. McGowan graduated from UNC Wilmington in 2004 in Business Administration and went on to receive his law degree from Campbell University in 2009.

Ms. Vicki Helms began working at the North Carolina Justice Academy on November 30, 2015 as a Program Assistant. Most recently, Ms. Helms worked with the Cumberland County Sheriff's Office as an Administrative Support Specialist. The General Assembly approved three (3) new Instructor positions for the North Carolina Justice Academy for the topics: Sexual Assault Investigation, Community Relations, and Use of Force. Ms. Helms will be working closely with those Instructors. The Instructor positions have been posted and the applications have been received from Human Resources. Mr. Strickland feels confident that those positions will be filled by the March 2016 Sheriffs' Commission Meeting.

Mr. Strickland informed the Commission of several classes that will be offered in the near future. They are: General Criminal Investigations, CDR/EDR Analyst Training (Crash Data Recorders/Event Data Recorders), Tactical Leadership and Fundamentals of Law Enforcement Driving. Mark Strickland provided an "In-Service 2016" 4 disc set (**Attachment #2**); and January – June 2016 Training Catalog (**Attachment #3**) to the Sheriffs' Commission members.

The North Carolina Justice Academy's on-line training program has trained more than 8,700 people. Currently the Detention on-line training has not hit the mark as anticipated. Since the four (4) hour Legal Update was added to the Detention on-line course in September 2015, only 20 people have taken the course.

The 2016 In-service Instructor Updates have gone very well. The following dates for this training are:

- October 28 – 29, 2015 – Salemburg (86 completed)
- December 3 – 4, 2015 – Salemburg (71 completed)
- December 9 – 10, 2015 – Edneyville (35 completed)
- January 7 – 8, 2016 – Salemburg (19 enrolled)
- February 2 – 3, 2016 – Edneyville (20 enrolled)

One of the things the Justice Academy has battled with is the Legal Update course lesson plan. Throughout the year legal cases are decided after the annual Legal Update lesson plan has been completed. It is difficult to revise the lesson plan once it's in motion. The Justice Academy has created a webpage within the "in-service" links to show supplemental cases that are important. The Instructors have been asked to check this supplemental page for current and/or new cases before they begin their class.

The Firearms Instructors had their IALIFI Regional Training Conference was held in Salemburg on November 9 – 10, 2015. There were over 100 Firearms Instructors that registered to attend. This training conference hosted a myriad of events ranging from classroom instruction to live fire classes on modern firearms training and the latest in firearms technology.

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

**\*North Carolina Community Colleges**

**Tracy McPherson**

Ms. Tracy McPherson addressed the Sheriffs' Commission with two updates. The first update is that the Session Law was changed to allow the survivors of Law Enforcement Officers killed in the line of duty receive free tuition to a University or Community College in the State. It also allows that if the Law Enforcement Officer was a legal guardian of a child, the same benefit still applies. Ms. McPherson wants to ensure that the law enforcement community knows of this benefit. Tracy McPherson offered to provide information regarding this benefit to anyone who needs it.

Sheriff Cloninger asked Ms. McPherson if she would send a reminder notification to all the Sheriffs about that benefit. Sheriff Cloninger also suggested Ms. McPherson provide the notification to Mr. Caldwell of the Sheriffs' Association for distribution.

Ms. McPherson provided the Commission with a training data trend update of the past four (4) years for Detention Officers and Telecommunicators. The 2015 training data is not available until 2016. During the timeframe of 2011 thru 2014, 41 Community Colleges offered Detention Officer or Telecommunicator training. For Detention Officer training, 39 colleges and an average of 835 people were trained each year. For Telecommunicator training, 13 colleges and an average of 90 people were trained each year.

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

Mr. Markham informed the Sheriffs' Commission members that the School of Government currently has the newly appointed District Court Judges in attendance for training. Mr. Markham spoke with them about sentencing and probation issues. This is the first year Mr. Markham has taught the group about the state-wide Misdemeanant Confinement Program being extended to cover all Impaired Driving sentences. Some of the Judges have been on the bench for almost a year and the Misdemeanant Confinement Program change has captured their attention. The Judges had a lot more questions than usual and wanted to make sure they understood to get it right with regard to who is sent to their local jail, who is sent to prison, and who goes to the Misdemeanant Confinement Program. Mr. Markham wanted to report to the Sheriffs that are involved in the state-wide misdemeanor confinement program, that from the judiciary side, the interest level with that program is much more than it has ever been before. The judges had a lot of great questions and were interested in what happens to the defendant after court when they are given a jail sentence. The judges were very engaged with that issue.

Mr. Markham informed the Commission Members that the Jail Administrators Association has asked Mr. Markham to write something for their quarterly newsletter throughout the year. Mr. Markham wrote an article for their last quarter issue about mail regulations in jails. This covered how to handle legal mail and privileged mail. Mr. Markham offered to incorporate topics of interest that the Sheriffs may have into his quarterly articles. Mr. Markham has already been asked to write something about evaluating a person's sincerity of religious beliefs. Mr. Markham looks to what the case law tells us about what the Jail Administrators have to do.

Mr. Markham addressed the issue of sex offender registration and restrictions. Two cases from the appellate court recently are about the constitutionality of restrictions for sex offenders. Mr. Markham informed the Commission Members that he stays on top of the case law and current cases and offered that the Sheriffs should feel free to contact him anytime with questions.

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

**\*NC Sheriffs' Association**

**Eddie Caldwell**

Mr. Caldwell addressed the benefit for children of officers killed in the line of duty that Ms. Tracy McPherson discussed. The Law Enforcement Liason section has a publication called *Selected Benefits for Law Enforcement Officers*. This publication was originally prepared in the mid-80's and has been updated on several occasions. Mr. Caldwell does not know if it is current at this time but if it is or if they add this provision to it, he will post the benefit information on the Sheriff Association's website.

Mr. Caldwell also addressed the topic discussed regarding a pending injunction on sex offender registration. If there is an injunction, the Sheriffs' Association will provide a memo informing law enforcement with regard to what they can and cannot do under this injunction.

In terms of education and training issues, the Sheriffs' Association is hosting the fourth week of the Sheriffs' Leadership Institute. Week four will be held at the Rizzo Conference Center in Chapel Hill, March 6<sup>th</sup> – 11<sup>th</sup>. This is a partnership between the North Carolina Sheriffs' Association, North Carolina Justice Academy, Sheriffs' Standards, and the School of Government. Mr. Caldwell asked the Commission Members to mark their calendars for Friday, March 11<sup>th</sup>. This is the date of graduation for those Sheriffs in the Leadership Institute and their graduation will be held at the UNC Friday Center in Chapel Hill. It does mean a lot to the graduates when their fellow Sheriffs attend graduation.

The Spring meeting of the Sheriffs' Association will be hosted again this year by Sheriff Ed McMahan of the New Hanover County Sheriff's Office. One of the key people on Sheriff McMahan's staff is Lt. Amy Long and she has worked with the Sheriff's Association for many years to coordinate the Spring meeting for Sheriff McMahan. The dates for the Spring Sheriffs' Association Meeting are Monday, April 25<sup>th</sup> – Wednesday, April 27<sup>th</sup>.

House Bill 566 was enacted by the General Assembly this year. It requires the Criminal Justice Commission to develop a policy for law enforcement agencies to use in dealing with "show-ups". The effective date for this policy is August 01, 2016 and applies to all law enforcement agencies in North Carolina. There is one part of the Bill that has a direct impact on the Sheriffs' Commission is that it amends statute 15A-284.53. That statute requires the Criminal Justice Commission to create educational materials and conduct training related to show-ups. Mr. Caldwell stated that he did not know if there has been any discussion between the two Commissions and the Justice Academy yet.

House Bill 811 was introduced and passed the House but did not pass the Senate. This Bill required both Commissions to perform a study about the use of body worn cameras by law enforcement. Since this Bill was not enacted, the two Commissions do not have to do the study.

Another part of the budget relating to body worn cameras that was enacted is \$2.5 million this year and \$2.5 million next year. This money goes through the Governor's Crime Commission to give grants to law enforcement across the state that want to purchase body worn cameras. Before giving a grant, the Governor's Crime Commission must first verify that the agency has an adequate policy on the use of body worn cameras. The grant is a \$2 match to local money and a \$1 match to state money. The cap is \$100,000.00 maximum per agency.

House Bill 713 – Body and Dash Cam Recording/Public Access passed the House but did not pass the Senate.

Vice Chairman Cloninger 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 10, 2015, and during that session, the Committee reviewed a total of 51 cases. In 30 cases, Probable Cause was found, with five (5) of those cases resulting in a Consent Agreement to be executed at your next meeting. No Probable Cause was found in eight (8) cases, two (2) cases were separated prior to PC, two (2) cases were postponed until March 2016, and nine (9) cases were closed pursuant to the Consolidated Probable Cause Policy.

### **\*Basic Law Enforcement Training**

**Susan Gillis**

Ms. Gillis presented an update for Basic Law Enforcement Training. The BLET Revision Committee met on October 16, 2015 and approved revisions to each block of instruction listed in Julia Lohman's Division Report [**See Tab #1 of Attachment #4**].

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



**\*Detention Officer Certification Course**

**Tim Fuss**

Tim Fuss addressed the Commission Members regarding the DOCC SCAT video changes. The changes were to actors, not content. This is an optional video for DOCC and a new video will be mailed out to all schools for February 01, 2016.

On November 9<sup>th</sup> and 10<sup>th</sup> the Revision Committee came to Salemburg and worked for two days based on the legal review done on DOCC. During the two day session, 19 blocks had adjustments made. There are four (4) more blocks to go which will be done after the New Year. The revised blocks for DOCC will be brought to the March Sheriffs' Commission meeting. The anticipated implementation date is August 01, 2016. This will include the new block on PREA.

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

**\*Telecommunicator Certification Course**

**Susan Gillis**

Susan Gillis provided the Sheriffs' Commission Members an update on Telecommunicator training. The Justice Academy trained 126 people and all have passed the State Exam. The total Telecommunicators certified this year including Community Colleges is 216.

The Telecommunications Revision Committee met on November 06, 2015 and approved the recommended revisions which will be effective on February 01, 2016. The revisions are content changes but there are no revisions to the hours. **[See Attachment #5].**

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

**\*Proposed 2017 In-Service Training Topics**

**Susan Gillis/Tim Fuss**

Tim Fuss directed the Sheriffs' Commission Members to Julia Lohman's Division Report, 2017 In-Service Training **[See Tab #2 of Attachment #4].**

The proposed 2017 In-Service Training Topics have been approved by the Criminal Justice Committee and the Joint In-Service Committee. Mr. Fuss reviewed the In-Service Training Topics for Law Enforcement and Detention Officers. Susan Gillis reviewed the In-Service Training Topics for Telecommunicators.

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

A **MOTION** was made by Sheriff Steve Bizzell to accept the Proposed 2017 In-Service Training Topics; Seconded by Mr. Marc Nichols. **MOTION CARRIED.**

## VI. DIVISION REPORT

**Julia Lohman**

Sheriffs' Training and Standards Director Julia Lohman reviewed the rules change to set out the 2016 In-Service Training requirements outlined in the Division Report for the Sheriffs' Commission Members [See **Tab #3 of Attachment #4**].

A **MOTION** was made by Sheriff Jerry Monette to accept the proposed Rule Change; Seconded by Mr. Marc Nichols. **MOTION CARRIED.**

Sheriff Cloninger asked the Sheriffs Commission Members if there was a need to make it mandatory for a Deputy to have a psychological exam. Ms. Lohman will survey and do a study to see who is currently performing a psychological exam and what the cost is.

A **MOTION** was made by Sheriff Jerry Monette to have Julia Lohman perform a study to survey and gather costs with regard to having a deputy requirement for a psychological exam; Sheriff John Ingram. **MOTION CARRIED.**

A **MOTION** was made at 10:10 a.m. by Mr. Marc Nichols to enter into closed session to deliberate on the requests for Waivers and Extensions; Seconded by Sheriff Ricky Oliver. **MOTION CARRIED.**

A **MOTION** was made at 10:20 a.m. by Sheriff Ricky Oliver to enter into open session; Seconded by Mr. Marc Nichols.  
**MOTION CARRIED.**

Director Lohman provided a summary for the Orange County Communications Telecommunicator audit which covers 2007 - 2014 (**See Tab #4 of Attachment #4**). Ms. Lohman reviewed an in-service training compliance issue for Watauga County (**See Tab #5 & #6 of Attachment #4**). Sheriff Ricky Oliver and Sheriff Alan Jones will meet with Sheriff Len Hagaman of Watauga County to discuss the issue. Director Lohman noted that the Person County Sheriff's Office has withdrawn its request.

A **MOTION** was made by Sheriff Ricky Oliver to table the in-service compliance issue with Orange County 911 until the March 2016 Commission Meeting; seconded by Sheriff Alan Jones. **MOTION CARRIED.**

A **MOTION** was made by Sheriff Steve Bizzell to notify the County Sheriffs that have hired former Watauga employees of the in-service training compliance issue; seconded by Sheriff Eric Tilley. **MOTION CARRIED.**

Director Lohman informed the Sheriffs' Commission Members that as of July 01, 2013 the Granville County Telecommunicators were designated under the direct control and supervision of the Sheriff. Director Lohman has been working with the Sheriff's designated staff to transfer the (20) Telecommunicators. They are enrolled in a Telecommunicator Certification Course scheduled to end on January 15, 2016.

**\*Requests for Extensions and Waivers  
(See Attachment #4)**

**Extensions Authorized by Chairman Brad Riley**

Charles Edward Scott – Detention Officer – Wake County (Tab #8)

**Requests for Waivers**

Joseph Dawson – Deputy Sheriff Applicant – Cumberland County (Tab #9)

**Extensions by Staff**

Cindy Greco – Detention Officer Lincoln County – additional three months

**Request for Military Waiver**

Andrew Hlavacek – 474 hours (Tabs #10, #11 and #12)

**Additional Requests**

**(Sheriff John Ingram recused himself from vote for Jeffrey Johnson-Brunswick County)**

Jayson Collins – Deputy Sheriff – Pitt County

Jeffrey Johnson – Deputy Sheriff Applicant – Brunswick County

A **MOTION** was made by Sheriff Alan Jones to grant all of the above requests; seconded by Sheriff Ricky Oliver. **MOTION CARRIED.**

**VII. PROPOSED 2016 MEETING SCHEDULE**

March 23<sup>rd</sup> & 24<sup>th</sup> at Johnston County – Hosted by Sheriff Bizzell

June 9<sup>th</sup> & 10<sup>th</sup> at Yadkin County – Hosted by Sheriff Oliver

September 8<sup>th</sup> & 9<sup>th</sup> at Guilford County – Hosted by Sheriff Barnes

December 8<sup>th</sup> & 9<sup>th</sup> at Wake County – Hosted by Sheriffs’ Training and Standards

## VIII. ADJOURNMENT

A **MOTION** was made at 11:50 a.m. by Mr. Marc Nichols to adjourn the December 2015 Sheriffs' Commission meeting; Seconded by Sheriff Steve Bizzell. **MOTION CARRIED.**