

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

DATE: September 04, 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, September 04, 2015, 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 Jerry Monette
Lt. Fennell (proxy for Sheriff Vaughan)
Sheriff Ricky Oliver
Sheriff Steve Bizzell
Sheriff Alan Jones
Sheriff Eric Tilley
Sheriff Alan Cloninger
Mr. Robert Wisecarver
Ms. Tracy McPherson
Sheriff B. J. Barnes
Sheriff David Mahoney
Major Sanders (proxy for Sheriff Ingram)

MEMBERS ABSENT

Sheriff James Knight
Sheriff Brad Riley
Sheriff Maynard Reid
Mr. Jamie Markham
Mr. Marc Nichols

STAFF

- Julia A. Lohman - Director - Sheriffs' Standards Division
- Judy Marchetti - Administrative Assistant - Sheriffs' Standards Division
- Hal Askins - Legal Counsel - NC Department of Justice
- Chris Batten - Field Representative - Sheriffs' Standards Division
- 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
- Richard Squires - CJ Staff
- Sheriff Chris Davis - Pamlico County Sheriff's Office
- Chris Schwartz - Pamlico County Sheriff's Office
- Scott Houston - Pamlico County Sheriff's Office
- Eric Griffin - Pamlico County Sheriff's Office
- Scott Zeman, Sgt. - Cabarrus County Sheriff's Office

Vice Chairman Sheriff Alan Cloninger called on host Sheriff Jerry Monette. Sheriff Monette welcomed guests to Craven County.

In the first order of business, Vice Chairman Cloninger 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.

Vice Chairman Cloninger 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.

II. MINUTES OF JUNE MEETING

Sheriff Alan Cloninger

A **MOTION** was made by Sheriff Jerry Monette to accept the minutes of the June meeting; Seconded by Sheriff Eric Tilley. **MOTION CARRIED.**

III. PLAQUES/AWARDS/RESOLUTIONS

Sheriff Eric Tilley presented an *Advanced Service Award* to **Sheriff Alan Glenn Cloninger**, Gaston County.

Sheriff Chris Davis presented an *Advanced Service Award* to **Larry Chris Schwartz**, Pamlico County.

IV. ELECTION OF OFFICERS

Hal Askins

A **MOTION** was made by Sheriff David Mahoney to nominate Sheriff Brad Riley as Commission Chairman; Seconded by Sheriff Eric Tilley. **MOTION CARRIED.**

A **MOTION** was made by Sheriff Jerry Monette to nominate Sheriff Alan Cloninger as Commission Vice Chairman; Seconded by Sheriff Alan Jones. **MOTION CARRIED.**

V. INFORMATIONAL REPORTS

***North Carolina Justice Academy**

Mark Strickland

Mr. Strickland addressed the Commission and informed them of two current vacancies for Program Assistant V positions. One position will be a Training Secretary in Salemburg, NC. The other Program Assistant will serve as a registrar in Edneyville, NC.

Wayne Ayers, Deputy Director of Training, will retire as of November 01, 2015. Mr. Strickland hopes to have his position posted and filled three (3) weeks prior to Mr. Ayers last day of employment. This will allow Mr. Ayers to work with the new person and help that person understand the important things that he does for the State of North Carolina every day.

The House of Representatives gave the Justice Academy five (5) new instructors: Narcotics, Crime Scene Investigator, Sexual Assault Investigator, Use of Force Investigator, and Community Relations. The Senate gave the Justice Academy three (3) new instructors: Use of Force Investigator, Community Relations, and Sexual Assault Investigator. The final decision has not been made yet but the Justice Academy is gearing up for the additional positions. Monies have been included for two "Use of Force" simulators". One simulator will be housed in Salemburg and one simulator will be housed in Edneyville.

There are several courses coming up in the future: Child Forensics and Interviewing, FBI Hostage Negotiations, Hostage Negotiation for the First Responder, the IALEFI Regional Training Conference which will be held November in Salemburg, Once Upon a Fraud, and the Singleton MP5 and M4 Instructor Course.

The 2016 In-service project is on schedule. Mr. Strickland's team is currently conducting "walk throughs" of the materials and PowerPoint slides to ensure everything looks as good as possible. On September 17, 2015 the Joint In-Service Committee will meet to determine the topics for the year 2017.

On August 5, 2015 Governor McCrory signed House Bill 562, Amend Firearm Laws, into law. This bill makes a number of changes to North Carolina's firearms laws. These changes will be reflected in Laws Governing Concealed Handgun courses beginning September 01, 2015.

The new ACADIS registration system is working very well. Agencies really like the ability to register their people on-line. Beginning September 2015, the Justice Academy will stop accepting paper course applications. If an agency does send in a paper course application, the Justice Academy will make contact with that agency representative and work with them. No officer will be turned away.

The Office of Internal Audit completed its audit of the North Carolina Justice Academy Bookstores pursuant to the DOJ OIA Audit Plan. Mr. Strickland provided the internal audit findings [**Attachment #1**].

***North Carolina Community College**

Tracy McPherson

Ms. Tracy McPherson provided the Commission Members with a handout of a screen shot from the NC Community Colleges web page. There are 58 Community Colleges with their own registration system. People have expressed frustration with the difficulty to find courses. Tracy reported that they have found a way to consolidate course schedules [**Attachment #2**].

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

***Criminal Justice Standards**

Richard Squires

Mr. Squires addressed the Commission with regard to the rules updates for officer transfers from Sheriffs' Standards to Criminal Justice. The Criminal Justice Commission approved the rules changes at their September 2015 Commission meeting [**Attachment #3**].

Mr. Squires informed the Commission Members that Criminal Justice has a School Directors' conference planned next week, September 9th and 10th at the Clarion Hotel in Greensboro, NC.

In reference to the Military BLET, Mr. Squires reported that they have reviewed approximately 29 applications. Criminal Justice Standards has formed a committee to review these applications. Out of the 29 applications, only three (3) individuals qualify to be treated as an out-of-state transfer. The majority of individuals would have to do about 170 hours of BLET training.

Mr. Squires asked the Commission Members if there were any questions. Vice Chairman Cloninger asked what the Criminal Justice requirement was for Sheriffs' Standards "in-active" officers applying for a Criminal Justice position. Mr. Squires stated that beginning January 01, 2017 applicants must be certified and do the in-service training minus the firearms training.

Mr. Squires asked the Commission Members if there were any other questions. Negative response.

***NC Sheriffs' Association**

Eddie Caldwell

Mr. Caldwell asked the Commission if there was a need to discuss the issue of Correction Enterprises printing the BLET manual. Vice Chairman Cloninger expressed concerns of "trade secrets" being available for public consumption and believes that could compromise officer safety. Mr. Caldwell stated that if the Sheriffs' Commission would like to review the BLET materials or any other materials for sensitive information not already available to the public via internet or elsewhere; the Sheriffs' Association, the Legislative Committee, and the Executive Committee would be glad to look at it.

Mr. Caldwell provided a Legislative update regarding the Sheriffs' Supplemental Pension Fund. The Bill passed in the House of Representatives, 108 to 0, and is currently in the Senate. The Sheriffs' Association has been working very hard behind the scenes to get that Bill moving. The Senate said early on that they were not going to raise court costs. The Sheriffs' Association has provided the Senate a list of several methods to raise the money elsewhere. The Sheriffs' Association has asked to see a Bill drafted and has provided language to make sure it does what it needs to do. As soon as this is received by the Sheriffs' Association, Mr. Caldwell will make sure that Sheriffs' Standards Division Director Julia Lohman, gets it to make sure the Bill covers what she needs done and that there aren't any technical problems.

One of the issues that came up during the Legislative process was a separate Bill to allow a retired sheriff with ten (10) years or more of service to use their accrued sick leave for either their regular retirement benefit or the Sheriffs' Supplemental Pension Fund. It can't be used for both and it cannot be split between the two. The Sheriffs' Association has not heard of any opposition to this in the Senate. This provision is currently in the version of the Bill that came over from the House of Representatives. Once the Bill draft is received, the Sheriffs' Association will look to see if this provision is included.

Mr. Caldwell asked the Commission Members if there were any questions. Negative response.

Mr. Caldwell discussed the budget with regard to the study on body worn cameras. Currently this is in the House of Representatives budget and not the Senate budget. It mandates the Sheriffs' Commission and Criminal Justice Commission to perform a joint study on body worn cameras and report that study back to the General Assembly by May 01, 2016. It directs the two Commissions to consult with the School of Government UNC Chapel Hill and the conference of District Attorneys, and any other groups the Commissions would like to consult with.

The Sheriffs' Leadership Institute week three (3) is being held September 13th – 18th at the Rizzo Center in Chapel Hill for the newly elected Sheriffs of last year. This was put on as a partnership with the Sheriffs' Association, NC Justice Academy, Sheriffs' Standards Division, and the School of Government.

Mr. Caldwell informed the Commission of the Fall Meeting being held November 2nd – 4th at Chetola, Blowing Rock, NC. Mr. Caldwell asked the Commission Members to make a note of that because room reservations will be held two weeks for the Sheriffs. After that two week period, room reservations will be open for everyone. Mr. Caldwell believes that once the reservations are open they will sell out.

Training at the Fall meeting will be the "Do's and Don'ts of Social Media." There will be a presentation on how to investigate sweepstake cafes, and also a panel discussion on all the issues that go along with that. There will also be a panel discussion on body worn cameras.

Mr. Caldwell addressed the State-wide Misdemeanant Confinement Program. All of the "receiving inmates" county jails will have to send at least one (1) person to the "update training" in order to remain in the program. The county jails that just "send inmates" are encouraged to send a representative to this training. Legislative changes to the law last year that have been implemented have created a lot of new information for personnel.

The training locations and dates are:

Wake County – Friday, September 25, 2015
Pitt County – Tuesday, October 06, 2015
Catawba County – Thursday, October 08, 2015

Mr. Caldwell stated that the Legislative Update Training has been scheduled and will be held at five (5) counties around the state:

Martin County – Tuesday, October 20
Duplin County – Wednesday, October 21
Wake County – Thursday, October 22
Haywood County – Tuesday, November 17
Catawba County – Wednesday, November 18

The North Carolina Sheriffs' Association Training Committee, which is co-chaired by Sheriff Alan Jones and Sheriff Terry Johnson, will be held October 15, 2015. Mr. Caldwell asked the Commission to consider any type of training they feel is needed and provide those topics to Mr. Caldwell, Sheriff Jones or Sheriff Johnson.

The topic of a Church Security Group was discussed at the Annual Conference. There has been interest expressed by a number of Sheriffs to have training material put together that can be used when personnel speak with Church Groups about security in churches. A notice has been sent out by Sheriff Hubert Peterkin of Hoke County asking the Sheriffs if they would like to participate in a work group. A meeting is scheduled for September 30, 2015 and a notice will be sent to the Sheriffs in the next week or so.

Mr. Caldwell addressed the McLaughlin, et al vs. Bailey lawsuit out of Mecklenburg County. It is actually three (3) separate lawsuits brought forth by three (3) former employees of the Mecklenburg County Sheriff's Office against former Sheriff Chip Bailey because he discharged them. The defendants allege that their firing was not "just cause" but "political retaliation".

There is a statute (NCGS 153A-99) that states city and county employees can't be discriminated against or punished for political reasons. The Sheriffs' Association contends that the statute does not apply to the Sheriff's employees because they are not city or county employees. The trial court and the Court of Appeals agreed with the Sheriffs' Association on that point. There was dissent in one of the cases so now the Supreme Court has agreed to hear all three cases. One of the key issues is whether or not that statute applies to the Office of Sheriff. That case will be heard in Raleigh on December 7th at 9:30 am. Mr. Caldwell encouraged the Commission Members to write the date down. The Executive Committee is going to ask that all Sheriffs come to Raleigh, NC that day and be in attendance at the Supreme Court. The Sheriffs' presence does make a difference. It is a matter of very practical significance to the Sheriffs of North Carolina.

Mr. Caldwell asked the Commission Members if there were any questions. Negative response.

VI. OTHER REPORTS

***Probable Cause Committee**

Sheriff Jerry Monette

Sheriff Jerry Monette reported that the Probable Cause Committee met September 03, 2015, and during that session, the Committee reviewed a total of 55 cases. In 33 cases, Probable Cause was found, with one (1) of those cases resulting in a Consent Agreement to be executed at your next meeting. No Probable Cause was found in nine (9) cases, three (3) cases were postponed, and zero (0) cases were continued for further investigation. Two (2) cases were separated prior to PC, and eight (8) cases were closed pursuant to the Consolidated Probable Cause Policy.

VII. DIVISION REPORT

Julia Lohman

Director Julia Lohman addressed the Commission with regard to Instructor Renewal Applications [**Attachment #3**]. Director Lohman suggested to the Commission that Sheriffs' Standards Division allow In-Service Training Coordinators to sign the Instructor Renewal Applications by policy and later follow-up with a rule change.

A **MOTION** was made by Sheriff Steve Bizzell to allow In-Service Training Coordinators to sign the Instructor Renewal Applications by policy; Seconded by Sheriff Ricky Oliver. **MOTION CARRIED.**

Military Transferees [Attachment 4]

Director Julia Lohman addressed the Commission with regard to Military Transferees. The Commission was of the consensus that if a person is seeking certification as only a Deputy Sheriff, then Division staff should apply its existing rules, rather than forward the waiver request to the CJ Division staff.

A **MOTION** was made by Sheriff David Mahoney to change the December 2015 Commission Meeting dates from 12/01/15 and 12/02/2015 to 12/10/15 and 12/11/15; Seconded by Sheriff Alan Jones. **MOTION CARRIED.**

A **MOTION** was made at 9:32 A.M. by Sheriff Jerry Monette to enter into closed session to deliberate on the requests for Waivers and Extensions; Seconded by Sheriff David Mahoney. **MOTION CARRIED.**

A **MOTION** was made at 10:45 A.M. by Sheriff Ricky Oliver to enter into open session; Seconded by Sheriff David Mahoney. **MOTION CARRIED.**

Extensions Authorized by Chairman Brad Riley [Attachment #4]

Phillip Wayne Lee, Jr. – Detention Officer – Rockingham County

A **MOTION** was made by Sheriff David Mahoney to allow the Extension for Phillip Wayne Lee, Jr., Detention Officer Rockingham County authorized by Chairman Riley; Seconded by Sheriff Jerry Monette. **MOTION CARRIED.**

Requests to Rescind Separation [Attachment #4]

Andrea Young Detention Officer Avery County

A **MOTION** was made by Sheriff Eric Tilley to Rescind Separation for Andrea Young, Detention Officer Avery County; Seconded by Sheriff Ricky Oliver. **MOTION CARRIED.**

***Requests for Extensions [Attachment #4]**

Connie Elks Deputy Sheriff Pitt County

A **MOTION** was made by Sheriff Jerry Monette to grant the Extension request for Connie Elks, Deputy Sheriff Pitt County; Seconded by Sheriff Eric Tilley. **MOTION CARRIED.**

***Additional Requests [Attachment #5]**

Timothy Blake Bass
William Luke McNair
Orange County EMS

Deputy Sheriff applicant
Deputy Sheriff applicant

Sampson County
Randolph County

A **MOTION** was made by Sheriff Steve Bizzell to grant Timothy Blake Bass, Sampson County the request for Waiver on the condition that he can be certified; Seconded by Sheriff Alan Jones. **MOTION CARRIED.**

A **MOTION** was made by Sheriff Eric Tilley to grant William Luke McNair, Randolph County the request for Waiver on the condition that he can be certified; Seconded by Sheriff Ricky Oliver. **MOTION CARRIED.**

A **MOTION** was made by Sheriff Steve Bizzell to have an In-house audit of the Orange County EMS conducted and the results of that audit reported to the Commission at the December 2015 Sheriffs' Commission Meeting; seconded by Sheriff Eric Tilley. **MOTION CARRIED.**

VI. OTHER BUSINESS

Sheriff Alan Cloninger

Vice Chairman Alan Cloninger stated the next Commission Meeting will be held December 10th and 11th 2015 at the Wake Technical Community College Public Safety Education Campus in Raleigh, NC.

Vice Chairman Cloninger asked the Commission Members and the visitors if there were any questions or comments. Negative response.

VIII. ADJOURNMENT

A **MOTION** was made at 10:10 A.M. by Sheriff B. J. Barnes to adjourn the September 04, 2015 Sheriffs' Commission meeting; Seconded by Sheriff Juan Vaughan. **MOTION CARRIED.**