

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

**DATE:** June 18, 2015

**TIME:** 8:35 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 Thursday, June 18, 2015, at 8:35 A.M.

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

**MEMBERS PRESENT**

Sheriff Jerry Monette (8:45 am)  
Sheriff Juan Vaughan  
Sheriff James Knight  
Sheriff Steve Bizzell  
Sheriff Alan Jones  
Sheriff Eric Tilley  
Sheriff Alan Cloninger  
Mr. Robert Wisecarver  
Mr. Chris Raynor (for Tracy McPherson)  
Mr. Robert Wisecarver

**MEMBERS ABSENT**

Sheriff B. J. Barnes  
Sheriff John Ingram  
Sheriff Maynard Reid  
Sheriff Brad Riley  
Sheriff David Mahoney  
Mr. Jamie Markham  
Mr. Marc Nichols

## **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  
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  
Steven Combs - CJ Staff  
Tim Fuss - NC Justice Academy  
Chris Anderson - NC Justice Academy  
Wayne Ayers - NC Justice Academy  
Bobby Sutton - Wake County Sheriff's Office  
Lindsey Tote - Wake County Sheriff's Office  
David Anderson - Caldwell County Sheriff's Office  
Nathan Combs - Steven Combs son  
Sonya Matthews - Henderson County Sheriff's Office  
Carey Larned - Henderson County Sheriff's Office  
George T. Burris - Stanly County Sheriff's Office.  
Brian C. Hatley - Stanly County Sheriff's Office  
Carla King - Stanly County Sheriff's Office  
Chris Francis - Rutherford County Sheriff's Office  
Jeff Buchanan - Rutherford County Sheriff's Office

Vice Chairman Sheriff Alan Cloninger called on host Sheriff Alan Jones. Sheriff Jones welcomed guests to Caldwell 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 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.

Vice Chairman Cloninger reminded all the Commission Members that under the Ethics Board Ruling Law Commission Members are required to file an annual statement. Commission Members are also required to have additional training every two (2) years. If a Commission Member does not have this training, they can be removed from the Commission Board. A list of the members with expired training has been provided to the Commission Members. Vice Chairman Cloninger advised the Commission Members with an expired status to complete the on-line courses.

Director Julia Lohman informed the Commission Members that a certificate of completion must be printed out and physically sent to the Ethics Board.

## **II. MINUTES OF MARCH MEETING**

**Sheriff Alan Cloninger**

<p>A <b>MOTION</b> was made by Sheriff Steve Bizzell to accept the minutes of the March meeting; Seconded by Sheriff Juan Vaughan. <b>MOTION CARRIED.</b></p>
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## **III. INFORMATIONAL REPORTS**

**\*North Carolina Justice Academy**

**Mark Strickland**

The 2016 development of In-Service training topics for Law Enforcement, Detention Officers, and Telecommunicators is ahead of schedule. Mr. Strickland acknowledged the good work Bill DuBois is doing for Law Enforcement, Mr. Tim Fuss for Detention, and Susan Gillis for Telecommunications.

Mr. Strickland reported that there are not any issues with the current 2015 in-service training. The Justice Academy is in the process of gathering data, information, and resources for 2017 in-service training topics. Mr. Strickland offered the Commission Members the opportunity to communicate with him any suggestions for the 2017 training topics. Suggestions will be addressed at the Joint In-Service Committee Meeting in September.

Current training events include: Using Alternate Light to Document Recent Soft Tissue Injuries. This is a good course for investigators. The Crisis Negotiation for Telecommunicators in-service topic is being covered by Susan Gillis.

Other current training events are: Data Driven Approach to Crime and Traffic Safety, Fundamentals of Law Enforcement Driving, Threat Assessment and Work Place Violence. These are some new classes being offered at campuses across the state.

Classes that continue to be very popular are: Rapid Deployment Instructor Training, Solo Active Shooter, Safety Readiness, Threat Assessment, Rampage Shooter, and Tactical Leadership. The Justice Academy tries to do as many classes possible with the resources available.

Effective May 04, 2015 registration applications are being accepted on-line. Both traditional and on-line classes are available for the on-line registration process. Starting September 01, 2015 the Justice Academy will attempt to stop accepting paper applications. They want to stop the process of applications being faxed due to the problem of duplication.

For the past 40 years, officers have not been able to carry weapons on campus. Part of the Justice Academy's administrative code states no firearms or ammunition are allowed in the dorms. The Justice Academy has begun the process to change that policy and has already made a rules change to remove that verbiage. Officers will be able to have their weapons with them but will have new policies to adhere to. If an officer leaves a weapon unattended in the dorm room, that officer will be sent home. The dorm rooms will have a safe for storing weapons and ammunition.

Mark Strickland asked if there were any questions. Sheriff Cloninger asked Mr. Strickland about expanding the Minority Juvenile Sensitivity training beyond just juveniles. Mark Strickland answered that a Legislative change would be needed to change the training program. Mr. Strickland stated that the Legislature provided the Justice Academy with the ability to add positions in the proposed budget. The Justice Academy will be able to serve the needs with regard to community relations for future training programs.

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

**\*NC Sheriffs' Association**

**Eddie Caldwell**

Mr. Caldwell provided updates from the Sheriffs' Association based on issues related to the mission of the Sheriffs' Commission. The first is with regard to House Bill 595 Military BLET waiver. The bill has been signed into law by Governor McCrory. The Bill only addresses the Criminal Justice Division parameters. The requirement will be 96 hours Legal, 180 hours of additional high liability topics, plus 24 hours of civil process. Julia Lohman will be working with Steven Combs, Director of the Criminal Justice Commission with regard to the operational impact of this Bill on the Sheriffs' Commission in terms of transfers for those applicants hired by the Criminal Justice Division first.

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

The next items from a legislative perspective are changes to the Sheriffs' Supplemental Pension Fund. Currently, the fund is administered by Julia Lohman and Diane Konopka on the Commission's behalf through the Sheriffs' Standards Division. Two Bills have been introduced to the Legislation with regard to the Supplemental Pension Fund: House Bill 385 and Senate Bill 404. House Bill 386 passed through with a unanimous vote to the Senate. The Sheriffs' Association will be working with the Senate to get this Bill moving through the Senate. Each of the Sheriffs and retired Sheriffs have received a letter from Mr. Caldwell outlining the status of the Bill and encouraging the Sheriffs to contact their Senator in support of this Bill. Mr. Caldwell also asked that the Sheriffs communicate with him after the call to let him know what the Senator's response was. Mr. Caldwell would like to have a good head count before it is put up for a vote.

An additional Bill was introduced separately from Senate Bill 404 to change the Supplemental Pension Fund so that a Sheriff who is retiring can allocate his or her accumulated sick leave to their regular retirement; or, they may allocate that sick leave to their Supplemental Pension Fund. It cannot be split between the two funds or allocated to both. Calculations show that the most sick leave a Sheriff can accumulate for a 30 year career would be approximately two (2) years of service. This Senate Bill 404 was rolled into House Bill 385 and that is a high priority for the Sheriffs' Association to get that Bill enacted by this year's legislature.

Currently, the Supplemental Pension Fund is funded by \$1.25 from court cost funds. Julia Lohman and Diane Konopka have been exceptionally helpful in working with the Sheriffs' Association to find out how much money is needed. They have received help from the DOJ Financial group to determine the calculation needed for the Sheriffs' Association to bring to the Legislature. The calculation has determined that an additional \$1.25 is needed. The Bill will raise court costs by \$1.25 so that \$2.50 from court costs will go towards funding the Supplemental Pension Fund.

Sheriffs' Standards Division funding will continue to come from the Statewide Misdemeanant Confinement Program that is managed by the Sheriffs' Association. The one million dollars allocated for the Sheriffs' Standards Division does not appear in the budget because it is a continuation item from the previous House Budget Bill.

Mr. Caldwell addressed the Commissions' request for the Sheriffs' Association to work on a change to the funding structure for Sheriffs' Standards Division so that at the end of the fiscal year the funds do not revert. The Sheriffs' Association was not able to get that included in this year's budget. The House and the Senate have been working on the funding for the Statewide Misdemeanant Confinement Program which involves the funding for the Sheriffs' Association and funding for the Sheriffs' Standards Division. This item will remain on the Sheriffs' Association agenda and they will continue to work on it.

The Sheriffs' Leadership Institute is an important part of the training that the Sheriffs' Association provides to the newly elected Sheriffs. Weeks one and two for the 2014 elected Sheriffs is complete and was a success. Week three will be held September 13<sup>th</sup> – 18<sup>th</sup> at the Rizzo Center in Chapel Hill, NC. The Sheriffs' Association received a lot of help from the Sheriffs' Standards Division, The Justice Academy and The School of Government.

The Annual Training Conference will be hosted by Sheriff John Ingram this year at Sea Trail, Sunset Beach in Brunswick County. The conference dates are July 25<sup>th</sup> – 29<sup>th</sup> 2015. Retired General Hugh Shelton will teach "Leadership During Times of Crisis," Shelly Lynch, FBI Charlotte will teach "Managing the Media in Crisis," two detectives from New Hanover County Sheriff's Office will teach "Gang Threats to Law Enforcement" and Benjamin Baughman of the North Carolina Justice Academy will teach "Post Crisis Intervention Strategies: The Aftermath".

Mr. Caldwell believes this training will be outstanding and the training items were requested by the Sheriffs' Association Training Committee. The training that is provided at the conference is all selected by Sheriffs that serve on the Training Committee. Sheriff Alan Jones is co-chair, Sheriff Terry Johnson of Alamance County is also a co-chair. If there is any training that you would like the Sheriffs' Association to provide at their meetings, please contact Mr. Caldwell, Sheriff Jones or Sheriff Johnson. The Training Committee will be meeting on October 15, 2015 and it is their responsibility to look at all the training topics out there and determine what will be offered.

The annual Statewide Misdemeanant Confinement Program training will be held in September at five (5) different locations around the state. Approximately 56 counties are receiving misdemeanants under this program, but it is important that personnel from all 100 counties have officers attend this training. The laws have changed significantly since last year's class and it is important that personnel understand how it works to ensure paperwork is processed correctly.

The annual Legislative Update training will be held at five (5) locations around the state in October, November and December. Mr. Caldwell encourages that Sheriff's office personnel be sent to this training.

An item that is also on Julia Lohman's agenda that involves both the Sheriffs' Standards Division staff as well as the Sheriffs' Association staff are the appointments that are expiring on the Sheriffs' Standards Commission. Julia Lohman has provided a chart which shows the terms that are to expire: Sheriff Knight, Sheriff Oliver, Sheriff Riley, Sheriff Mahoney, Sheriff Cloninger, Sheriff Tilley, and Sheriff Reid. An email will be sent out by the Sheriffs' Association on June 26<sup>th</sup> notifying all the Sheriffs in the effected districts about the upcoming election. On July 07, 2015 a letter will be sent via U. S. Mail from the Sheriffs' Association to all 10 Sheriffs in each district asking them to vote for reappointment or appoint someone else.

Another item also on Julia Lohman's agenda is the Law Enforcement Body Worn Camera Study. Three issues related to Law Enforcement Body Worn Cameras: 1) The law as to when you have to disclose /provide the video/audio to the news media and public-that Bill has passed the House 2) The 2.5 million dollars for the first year of the buy-in and another 2.5 million for the second buy-in was included with the House budget to be provided to local law enforcement agencies to help buy cameras. That item was not in the Senate budget; so it is unknown if it will be in the final budget. 3) An item in the House Budget is for the study that directs the Criminal Justice Commission and Sheriffs' Standards Commission to work together to study the issue of body worn cameras. In Mr. Caldwell's preliminary review of the budget bill, he did not see this issue in the Bill. It will be determined later this summer if it will be in the final budget.

Mr. Caldwell asked the Commission Members if there were any questions. Sheriff Cloninger asked about the status of the study between Criminal Justice Commission and Sheriffs' Standards Commission. Mr. Caldwell responded that it is in the House budget but not the Senate budget. It is unknown at this time if it will be in the final budget.

Sheriff Cloninger expressed concern discussed by the Governor's Crime Commission with regard to proposed grants and the coordination of the technology between agencies statewide regarding data storage.

Sheriff Bizzell asked what Mr. Caldwell's opinion of the General Assembly consensus was with regard to mandating the use of body cameras or leaving it up to the local agency. Mr. Caldwell responded that he believes the consensus of the Legislature is to leave that decision up to the Agency. Mr. Caldwell is not aware of any discussion within the Legislature to mandate the use of law enforcement body worn cameras. The majority of issues discussed by the Legislature is with regarding to funding.

Vice Chairman Cloninger asked the Commission Members if there were any more questions for Mr. Caldwell. Negative response.

### **\*Criminal Justice Standards**

**Steven Combs**

Mr. Combs addressed the Commission about the proposed rule change regarding the transfer of Deputies over to the Criminal Justice Division. The rule change issue was not presented at the May 2015 Criminal Justice Commission Meeting. This item will be addressed at the August 2015 Criminal Justice Commission Meeting. Mr. Combs will report back to the Sheriffs' Standards Commission once that decision is made.

Mr. Combs also discussed the Military BLET issue. House Bill 595 was passed and the Criminal Justice Division is now working on what classes will be included in the 180 hours required. Once that is complete, Mr. Combs will communicate that information with Julia Lohman and at the Sheriffs' Standards Commission meeting in September 2015.

Mr. Combs asked the Commission Members if there were any questions. Sheriff Cloninger expressed concern about the different BLET requirement standards between the Criminal Justice Division and Sheriffs' Standards Division. Sheriff Cloninger stated that it will be an issue to discuss at the Sheriffs' Standards Commission Meeting in September 2015. Julia Lohman stated that in her discussions with Mr. Caldwell, he believes the issue of Military Waiver for will be addressed in the next Legislative session with regard to Sheriffs' Standards Division.

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

#### **IV. OTHER REPORTS**

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

**Sheriff Jerry Monette**

Sheriff Jerry Monette reported that the Probable Cause Committee met June 17, 2015, and during that session, the Committee reviewed a total of 50 cases. In 22 cases, Probable Cause was found, with zero (0) of those cases resulting in a Consent Agreement to be executed at your next meeting. No Probable Cause was found in 17 cases, four (4) cases were postponed, and one (1) case was continued for further investigation. Six (6) cases were closed pursuant to the Consolidated Probable Cause Policy.

##### **\*BLET Curriculum Update**

**Wayne Ayers**

Mr. Ayers presented the Basic Law Enforcement Curriculum Update and referred the Commission Members to Julia Lohman's Division Report [**See Tab #1 of Attachment #1**]. Jennifer Fisher, the BLET Curriculum Coordinator was not able to attend the Sheriffs' Standards Commission Meeting. Mr. Ayers stated that a BLET revision cycle happens every six (6) months. The approved revisions will become effective in the BLET curriculum on July 01, 2015. All the School Directors in the State that deliver BLET have been notified of the changes.

Mr. Ayers asked the Commission Members if there were any questions. Mr. Hal Askins provided a footnote to the Motor Vehicle Law (BLET: 17W) revision made based on statutory changes regarding mopeds to be registered with the North Carolina Division of Motor Vehicles. The new legislation goes into effect July 01, 2015. The problem is that a lot of the mopeds currently on the road won't be able to be registered by July 01, 2015. Mr. Askins suggested that the Sheriff's Office discuss with their District Attorney how they want to handle the situation.

Mr. Ayers stated that the Justice Academy did collaborate with the Department of Motor Vehicles for this training. Mr. Ayers will reach out to the DMV Director, Steve Watkins, to see if additional training will be necessary.

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



Tim Fuss presented the Detention Officer Certification Course draft of Student Performance Objectives for the Prison Rape Elimination Act (PREA) Block. Mr. Fuss referred the Commission Members to Julia Lohman’s Division Report [See Tab #2 of Attachment #1].

The Revision Committee met in March 2015 to craft the 23<sup>rd</sup> Block of Instruction to be added to DOCC. This has an anticipated rollout for February 2016 if that is still on track with the Rules Committee. The PREA training consists of four Objectives crafted by the Committee and submitted to the Sheriffs’ Standards Commission for approval. Mr. Fuss asked the Committee Members if there were any changes.

<p>A <b>MOTION</b> was made by Sheriff Jerry Monette to approve the Prison Rape Elimination Act Student Performance Objectives; Seconded by Sheriff Alan Jones. <b>MOTION CARRIED.</b></p>
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Mr. Tim Fuss made a note at the request of Director Strickland that the DOCC curriculum has gone under legal review. The Revision Committee is working with Hal Askins staff. Mr. Fuss will bring those updates to the September and December 2015 Sheriffs’ Commission Meetings. Mr. Fuss asked the Commission Members if there were any questions. Negative response.

**V. PLAQUES/AWARDS/RESOLUTIONS - (Attachment #2)**

Vice Chairman Alan Cloninger presented certificates/awards to:

***Sheriff George Travis Burris** – Advanced Law Enforcement Professional Certificate and Service Award – Stanly County.*

Sheriff Burris presented certificates/awards to:

***Brian C. Hatley** – Advanced Law Enforcement Professional Certificate - Sampson County.  
**Carla Lowder King, Chief Deputy** – Advanced Law Enforcement Professional Certificate – Sampson County*

Sheriff Chris Francis presented certificates/awards to:

***Jeffrey Lynn Buchanan** – Advanced Law Enforcement Professional Certificate and Service Award – Rutherford County.*

Major Pickett presented the Advanced Service award to:

**Connie Ann Hall**– *Advanced Service Award* – Sampson County.

Chief Deputy Howell presented the Advanced Law Enforcement Professional Certificate to:

**James Thomas Williams, Jr.** – *Advanced Law Enforcement Professional Certificate* – Anson County.

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

## **VI. OTHER BUSINESS**

**Julia Lohman**

Vice Chairman Alan Cloninger stated the next Commission Meeting will be held September 3<sup>rd</sup> & 4<sup>th</sup> 2015 at the New Bern Riverfront Convention Center in New Bern, NC hosted by Sheriff Monette.

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

A **MOTION** was made at 9:55A.M. by Sheriff Jerry Monette to enter into closed session to deliberate on the requests for Waivers and Extensions; Seconded by Sheriff James Knight. **MOTION CARRIED.**

A **MOTION** was made at 10:05 A.M. by Sheriff Ricky Oliver to enter into open session; Seconded by Sheriff Juan Vaughan. **MOTION CARRIED.**

**VII. DIVISION REPORT**

**Julia Lohman**

**\*Requests for Extensions and Waivers  
(See Attachment #1)**

**Extensions Authorized by Chairman Brad Riley**

- Timothy Jennings – Sampson County
- Johnny Evans – Vance County
- Tina Dubois – Cherokee County
- Jason Hamlett – Brunswick County
- Jennifer Hatley – Brunswick County
- Angeline Johnson – Brunswick County
- Miranda Mills – Brunswick County
- Stacy Pons – Alexander County
- James Bell – Wake County
- Charles Scott – Wake County
- Karyn Cullins – Albermarle District Jail
- Dallas Tyree – Cumberland County

**Requests for Waiver**

Mark Austin Fox	Deputy Sheriff applicant	Montgomery County
Kyle Cox	Deputy Sheriff applicant	Randolph County

A **MOTION** was made by Sheriff Eric Tilley to grant all of the above requests; seconded by Sheriff Steve Bizzell. **MOTION CARRIED.**

**VIII. ADJOURNMENT**

A **MOTION** was made at 10:10 A.M. by Sheriff Ricky Oliver to adjourn the June 18, 2015 Sheriffs' Commission meeting; Seconded by Sheriff Juan Vaughan. **MOTION CARRIED.**