

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

DATE: September 10, 2021

TIME: 8:30 A.M.

SUBMITTED BY: Diane Konopka, Director Sheriffs' Standards Division

I. CALL TO ORDER

Chairman Sheriff Alan Cloninger

The North Carolina Sheriffs' Education and Training Standards Commission meeting was called to order by Chairman Cloninger on Friday, September 10th at 8:30 A.M. The Sheriffs' Commission Meeting was held at the Caldwell County Library, 120 Hospital Ave, Lenoir, North Carolina 28645.

Chairman Cloninger requested a roll call of Commission members. Alex Radford recorded the following:

MEMBERS PRESENT

Sheriff Shelton White
Sheriff Jack Smith
Sheriff Landric Reid
Sheriff Ricky Oliver
Sheriff Alan Jones
Sheriff David Mahoney
Sheriff Alan Cloninger
Sheriff Ed McMahan
Sheriff Mike Roberson
Sheriff Doug Doughtie
Sheriff Terry Johnson
Lt. Israle West
Mr. Marc Nichols
Ms. Tracy McPherson
Mr. Jamie Markham

MEMBERS ABSENT

Sheriff Alan Norman
Retired Sheriff David Smith
Sheriff John Ingram
Mr. Mike Smith

STAFF

- Diane Konopka - Director, Sheriffs' Standards Division
- Sirena Jones - Deputy Director, Sheriffs' Standards Division
- Alex Radford - Sheriffs' Standards Division
- Ameshia Cooper - Legal Counsel, NC Department of Justice

Sheriff Cloninger declared a quorum was present.

Host Sheriff Alan Jones welcomed the Sheriffs' Commission Members and guests to Caldwell County.

In the first order of business, Legal Counsel Ameshia Cooper 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 Ameshia Cooper 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.

VISITORS

- Eddie Caldwell - NC Sheriffs' Association
- Alex Gazaway - NC Justice Academy
- Trevor Allen - NC Justice Academy
- Sirena Jones - Sheriffs' Training and Standards Division
- Laurie Austen - NC Justice Academy
- Amanda Stephenson - NC Justice Academy
- Jeff Smythe - Director, NC CJ Standards
- Bob Pickett - North Carolina Attorney General's Office
- Chris Batten - Sheriffs' Training and Standards Division

II. MINUTES OF 06/2021 MEETING

Sheriff Alan Cloninger

A **MOTION** was made by Marc Nichols to accept the minutes of the June 2021 meeting; Seconded by Sheriff Alan Jones. **MOTION CARRIED.**

A **MOTION** was made by Sheriff David Mahoney to approve the minutes of the June 2021 teleconference meeting; Seconded by Sheriff Mike Roberson. **MOTION CARRIED.**

III. CERTIFICATES/AWARDS/RESOLUTIONS – [Attachment #1]

Director Diane Konopka addressed the Commission in regards to one individual who will be receiving an Advanced Detention Officer certificate who was not on the current list, his name is Aaron Turner with the Mecklenburg County Sheriff's Office.

A **MOTION** was made by Sheriff Terry Johnson to approve the list of Professional Certificates and Service Awards; Seconded by Sheriff David Mahoney. **MOTION CARRIED.**

IV. INFORMATIONAL REPORTS

*North Carolina Sheriffs' Association

Eddie Caldwell

Mr. Eddie Caldwell of the North Carolina Sheriffs' Association addressed the Sheriffs' Commission and provided an update from the Sheriffs' Association. Mr. Caldwell informed the Sheriffs' Commission members that on Wednesday September 8th 2021 James Isaac (J.I.) Smith Jr. passed away. He was a previous chairman to the Sheriffs' Commission and a native to Caswell County.

Mr. Caldwell reminded Commission members that the North Carolina Sheriffs' Association Fall meeting is scheduled for November 5th – 9th 2021, and the notice for making reservations went out earlier this week. The meeting will be held at the Cherokee Conference Center. There is a great program scheduled including training focusing on Election Law and the HATCH Act, as well as the NC Spin Panel. The Jail Administrators' Institute of Leadership concluded its first week of training in August. This training had been postponed several times due to the pandemic. The second week is scheduled for January 9th – 14th and they are looking forward to everyone participating.

Mr. Caldwell provided a summary of Statewide Misdemeanant Confinement Training to be held this fall as follows. Any Sheriff's Office who is a "receiving" county is required to send staff to one of these (5) training classes.

Haywood County	September 14, 2021
Catawba County	September 15, 2021
Pitt County	September 23, 2021
Duplin County	September 24, 2021
Wake County	September 29, 2021

Mr. Caldwell noted that last year, the Sheriffs' Association did not conduct legislative updates in person, rather it was done on-line due to COVID. Additionally, a limited number of bills passed last year affecting the Office of Sheriff and law enforcement, in general. However, this year the training will be done "in-person" as follows:

Haywood County	November 2, 2021
Catawba County	November 3, 2021
Wake County	November 16, 2021
Pitt County	November 30, 2021
Duplin County	December 1, 2021

Mr. Caldwell reported that one of the things the Association was working on with the Legislature is funding to support the Sheriffs' Standards Division, the Criminal Justice Standards Division and the North Carolina Justice Academy – all of which work very closely together to ensure professional training and standards for law enforcement across the state.

Mr. Caldwell further advised that he had a lengthy list of proposed legislation of interest to the Commission. Most of the bills focus on the Standards Divisions to develop different programs and the required funds for them. He reminded the Commission that the status of all bills of interest is provided to all sheriffs in a weekly email.

***North Carolina Justice Academy [Attachment #2]**

Trevor Allen

Director Trevor Allen addressed the Sheriffs' Commission members and thanked them for the opportunity to present the North Carolina Justice Academy updates. Mr. Allen provided the Sheriffs' Commission with a summary of news and events including personnel updates, as follows:

- On 7/1/2021, Mr. Johnnie Parker retired from his position as the print shop supervisor. Tom Tiller was promoted to serve in that role moving forward.
- The Instructor/Developer position that serves as School Director for Physical Fitness Instructor Training has been posted more than once in hopes of finding the right candidate. Suitability of applicant pool and salary limitations continue to be a challenge.

Director Allen provided some current NCJA training statistics:

- In-person Courses: 334
- In-person Students: 6,203
- On-line Completions (predominantly MIST): 138,149
- Instructor Update completions: 5,967
- SRO Update: 2,309

Director Allen also reported on new courses and events, noting that delivery of in-person classes has steadily increased since last year, such that they are now at 100%. Courses currently being delivered include Traffic Crash Investigations, De-escalation, FTO, SRO, Tactical, Investigations, Leadership, Domestic Violence Institute, and Commission-mandated courses. He provided an update in regards to DOJ's Mask Mandate stating that all staff, students, and visitors on both campuses are required to wear masks.

Director Allen also reported that renovations have started at Residence Hall B, Asbestos is being remediated in the building. The projected date of completion is June 2022.

ICAT De-Escalation Training has been offered at the Justice Academy, with eleven (11) courses now completed.

A.L.E.R.R.T. training has been added to the course catalogue and the synopsis of the courses can be found on the attachment.

Inner Armour Training courses have been planned across the state and currently there are four (4) classes planned for this year. These classes will be presented by Laurie Austen and will address mental health struggles among law enforcement.

Director Allen stated that the Justice Academy has developed a podcast called NCJA 1014.

Finally, Director Allen stated that they identified a date for next year's Peace Officer Memorial Day Ceremony. It will be held Tuesday May 3rd 2022 and the location for the ceremony is TBA.

BLET Curriculum Updates [Attachment #3]

Alex Gazaway

Mr. Alex Gazaway provided an update to the Commission regarding the BLET curriculum. Mr. Gazaway reported that everyone has a copy of the status report for all the lesson plans in front of them. As part of the development process these articles have gone before the Criminal Justice (CJ) ENT Committee for review and evaluation. The layout for this is the lesson topic with number of hours that have been recommended, followed by the status of each lesson plan. Several lesson plans are in various stages of development, review and proofing. They are currently working to ensure any and all references included in the lesson plans are updated to the extent possible and can be found on the attachment.

Mr. Gazaway stated as they continue to develop the lesson plan, they have received positive feedback from most of the agencies and the stakeholders who have responded.

Chairman Cloninger felt that sixteen (16) hours for Crowd Management training is not enough and questioned that number. Mr. Gazaway agreed with Chairman Cloninger and said that the process for the lesson plan has not yet been developed and that he will use any recommendations from the Commission when the process begins.

***DOCC Physical Fitness Standards**

Diane Konopka/Laurie Austen

Director Diane Konopka reminded everyone that Laurie Austen was present at the last meeting and that both she and Ms. Austen spoke about the results of the Job Task Analysis for Detention Officers – specifically in regards to the physical tasks identified by detention supervisors as critical basic functions of the job. Ms. Austen communicated that prior to moving forward with curriculum development, it is important for Justice Academy Staff to understand the Commission’s wishes with regards to this topic and asked everyone to think about how they would like them to proceed.

In preparation for further discussion on this matter, Sheriffs Cloninger and Roberson met with Ms. Austen, Stacey Holloman, Autumn Hannah and Ms. Konopka on August 31, 2021 via TEAMS. Those identified physical tasks were discussed and noted as to whether or not they are covered in the current DOCC curriculum; whether or not instruction in the new/updated curriculum is recommended; and whether or not student competency is recommended. These recommendations were reduced to writing and were provided to the Commission for their further discussion and approval.

Sheriff Alan Jones asked Ms. Austen if there was a certain time frame they were looking for on these recommendations.

Ms. Austen replied that they have not yet established one, but is in the beginning process.

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

A motion was made by Sheriff Alan Jones to approve the recommendations; seconded by Sheriff Jack Smith. **MOTION CARRIED**

***Probable Cause Committee**

Sheriff David Mahoney

Sheriff David Mahoney reported that the Probable Cause Committee met on September 9, 2021. During that session, the Committee reviewed a total of 32 cases. Ten (10) cases were closed pursuant to the Consolidated Probable Cause Policy. No Probable Cause was found in eleven (11) of cases. Probable Cause was found in eleven (11) cases with three (3) of those cases resulting in Consent Agreements. The three (3) Consent Agreements will be presented for approval today.

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

A motion was made by Marc Nichols to approve the Probable Cause Committee's recommendation of the three (3) signed Consent Agreements from the June 2021 meeting as presented [Attachment #4]; seconded by Sheriff Terry Johnson.
MOTION CARRIED

A motion was made by Sheriff Alan Jones to approve the Probable Cause Committee's recommendation of the three (3) signed Consent Agreements from September 9, 2021 meeting as presented [Attachment #5]; seconded by Sheriff Shelton White.
MOTION CARRIED

V. DIVISION REPORT [Attachment 6]

Diane Konopka

Director Konopka presented the Division Report.

The Division is excited to welcome two new employees. Alex Radford began on August 16, 2021, replacing Judy Marchetti as the Division's Administrative Assistant. Anita Engasser joined on August 23, 2021 in the role of Processing Assistant for (eastern) new application files, replacing Michelle Andrews who was promoted to another position within the Division.

The Division does have one full-time vacancy and that is the Certification Specialist position. Candace Pigford resigned effective August 1, 2021, to accept a position with the Wake County Sheriff's Office. The application period for this position has closed, but unfortunately the application pool was too small and yielded no candidates suitable for this position. It will be reposted shortly. The Division also has two vacant 30-40 hour per week temporary positions that remain unfilled.

Division staff worked remotely to the extent possible with staggered in-office schedules from March 2020 through June 2021. In August, Division staff increased work time in the office, but allowed the flexibility to telework up to two days per week. However, as COVID numbers continue to rise, the Division is revisiting the in-office/telework schedule.

The Acadis database project continues in hopes of transitioning over to the new database in late 2021 or early 2022.

***End of COVID-19 Extensions**

“Blanket” COVID-19 training extensions put in place will be expiring on September 30, 2021. These extensions are for any justice officers who have exceeded their one year probationary period and who have not yet completed basic training. Letters were recently sent out to 65 agencies as notification that we do not have training records for one or more of their officers; and, to serve as notice that any who have not successfully completed basic training, or are at least physically sitting in a class, are subject to suspension after October 1, 2021.

A good amount of responses were received in regards to that letter and many agencies are submitting the documentation needed to resolve the issue.

***Certification of Police Telecommunicators**

The effective date for telecommunicators to be reported for certification with this Commission has been postponed until July 1, 2022.

***SRO Certification Rule**

The updated version of the SRO Certification rule went into effect on August 1, 2021. As of September 1, 2021, 63 of the 100 sheriff's offices have now reported 734 School Resource Officers for Certification.

***North Carolina Law Enforcement Accreditation Program (NCLEA)**

The NCLEA Program Administrator Lacy McVey is not able to be here today, but asked that the following information be provided to the Commission: Emails were recently sent out to the chosen pilot agencies to announce the start of the program. Those pilot agencies are: Black Mountain Police Department, Brunswick County Sheriff's Office, Elizabeth City State University Police Department, North Carolina State University Police Department, Orange County Sheriff's

Office, Roxboro Police Department and Wilmington Police Department. Ms. McVey will begin doing interviews and orientations with these agencies in the coming weeks.

She will also be attending the NCLEAN conference September 26-29, 2021, where NCLEA Executive Director Bill Hollingsed will offer a presentation of the NCLEA program. Information about the program may be found on the NCDOJ website.

***Compliance with Newly Enacted Legislation**

House Bill 312: Candidates or appointees for Office of Sheriff shall not have any felony convictions (including any expunged felony convictions), as verified by Statement of Disclosure prepared by the Sheriffs' Education and Training Standards Division.

Senate Bill 300: Mr. Eddie Caldwell discussed this bill earlier today and we will discuss the efforts being made to comply with Senate Bill 300; and proposed emergency rules responsive to the provisions that directly impact the Commission.

***December 2021 Meeting**

The Sheriffs' Commission's final meeting for 2021 will be held in Guilford County. The Probable Cause Committee and the Final Agency Decisions meetings will convene on Thursday, December 9, 2021; and the full Commission will meet on Friday, December 10, 2021.

***Emergency Rulemaking 12NCAC 10B .0704 / Executive Order 228** **Diane Konopka**

On August 27, 2021, Governor Cooper signed Executive Order 228 which waives the requirement for BLET and DOCC training to occur in consecutive weeks as required by the Administrative Code(s). This Order is in effect for a period of 60 days. A similar Order (EO 129) was in place last year which also allowed basic training classes to resume after suspending due to a COVID-19 outbreak affecting such Classes.

Executive Order 228 is set to expire on or about October 26, 2021. However, due to the uncertainty of the pandemic, Director Konopka asked for the Commission's approval to file an Emergency Rule, which will be followed by a Permanent Rule change to 12NCAC 10B .0704.

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

A motion was made by Sheriff Mike Robeson to approve the proposed updated language to the rule [**Attachment #7**]; seconded by Sheriff Terry Johnson. **MOTION CARRIED**

*** Report of Separation Rule Change – 12NCAC 10B .0405**

Division staff requests the Commission's approval to amend rule 12NCAC 10B .0405 Report of Separation. If approved, in cases where the Report of Separation was not signed by the separating justice officer, staff would no longer be required to mail a copy of the Report of Separation form to the justice officer's last known address.

A motion was made by Sheriff Mike Robeson to approve the proposed updated language to the rule [**Attachment #7**]; seconded by Sheriff Terry Johnson. **MOTION CARRIED**

*** Proposed 2022 Meeting Dates**

Division staff requests Commission approval for the following 2022 Commission Meeting Dates:

March 17-18, 2022

June 16-17, 2022

September 15-16, 2022

December 1-2, 2022

The Commission approved the dates.

* Election for Chairman / Vice Chairman

Sheriff Alan Cloninger

Chairman Cloninger asked to add an election for Chairman and Vice-Chairman before moving forward with the closed session matters.

A motion was made by Sheriff David Mahoney to re-elect Sheriff Alan Cloninger as Chairman; seconded by Sheriff Terry Johnson. **MOTION CARRIED**

A motion was made by Sheriff Alan Jones to re-elect Sheriff Jack Smith as Vice-Chairman; seconded by Sheriff Landric Reid. **MOTION CARRIED**

Before entering into Closed Session, Sheriff Cloninger recognized visitors in the room and invited anyone back into open session for discussion.

A **MOTION** was made by Sheriff Landric Reid to go into closed session; seconded by Sheriff David Mahoney. **MOTION CARRIED**

A **MOTION** was made to enter into open session; seconded. **MOTION CARRIED**

*****CLOSED SESSION REQUESTS FOR WAIVERS AND EXTENSIONS*****

Ms. Konopka summarized the Closed Session matters as follows:

The DOCC waiver request for Watauga County detention officer Gregory Calloway is approved.

The request for an extension of time for Jackson County Sheriff's Office deputy Keri Smith to complete DOCC training that begins on October 4, 2021 is approved.

The request to waive/extend the 30 day period to request an Administrative Hearing for Duplin County Sheriff's Office deputy Mitchell Cooper was denied.

The request for a military training waiver for Christopher Drexler was approved to allow Mr. Drexler to complete approximately 470 hours of BLET should he apply for certification within the time allowed by the rule.

The request to allow Brock Anthony Smith to use his reserve work experience towards fulfillment of the two year full-time sworn experience that is required in order to be allowed to challenge BLET was denied.

Moore County Deputy Harold Ray Long was granted an extension through December 31, 2021 to complete the required 34 hours of Sheriffs' Specific topics of training.

The Commission denied Sheriff Norman's request to allow Rodney Fitch an additional 12 month extension to complete the basic Detention Officer Certification Course (DOCC). However, the Commission did allow an extension until the December 2021 meeting.

A **MOTION** was made by Sheriff Terry Johnson to approve the waivers and extensions as summarized by Ms. Konopka; Seconded by Marc Nichols. **MOTION CARRIED**

VIII. ADJOURNMENT

A **MOTION** was made to adjourn the September 2021 Sheriffs' Commission meeting; Seconded. **MOTION CARRIED.**