

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

DATE: June 19, 2020

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, June 19th at 8:30 A.M. The Sheriffs' Commission Meeting was held at the Wake Technical Community College Public Safety Education Center, 321 Chapanoke Rd., Raleigh, NC.

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

MEMBERS PRESENT

Sheriff Dwayne Goodwin
Sheriff Jack Smith
Sheriff Alan Norman
Retired Sheriff David Smith
Sheriff Alan Cloninger
Sheriff Ed McMahon
Sheriff David Mahoney
Sheriff Doug Doughtie
Ms. Tracy McPherson

MEMBERS ABSENT

Sheriff Steve Bizzell
Mr. Jamie Markham
Sheriff Landric Reid
Sheriff John Ingram
Sheriff Ricky Oliver
Mr. Marc Nichols
Sheriff Terry Johnson
Sheriff Alan Jones

STAFF

Diane Konopka - Director, Sheriffs' Standards Division
Judy Marchetti - Admin. Assistant, Sheriffs' Standards Division
Ameshia Cooper - Legal Counsel, NC Department of Justice

Sheriff Cloninger welcomed everyone to the June 2020 Sheriffs' Commission meeting.

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

Steven Combs - CJ Standards Division Director
James R. Brown - Wake County Sheriff's Office Legal Counsel

Sheriff David Mahoney addressed the Sheriffs' Commission Members and stated that the Probable Cause Report will be presented at the September 2020 Sheriffs' Commission Meeting. Sheriff Mahoney stated that they have been working very hard and will have addressed approximately 60 plus cases in two (2) days of work.

II. MINUTES OF APRIL 2020 MEETING

Sheriff Cloninger

A **MOTION** was made by Sheriff Alan Norman to accept the minutes of the April 2020 meeting; Seconded by Sheriff Doug Doughtie. **MOTION CARRIED.**

III. CERTIFICATES/AWARDS/RESOLUTIONS – (Attachment #1)

A **MOTION** was made by Sheriff Jack Smith to approve the list of Professional Certificates and Service Awards; Seconded by Sheriff Dwayne Goodwin. **MOTION CARRIED.**

IV. INFORMATIONAL REPORTS

***North Carolina Sheriffs’ Association**

Eddie Caldwell

Mr. Eddie Caldwell of the North Carolina Sheriffs’ Association was unable to attend the Sheriffs’ Commission Meeting. Sheriff Cloninger stated that the Sheriffs’ Association Executive Committee discussed Field Force Training and whether or not Field Force Training should be expanded to BLET and have annual re-training.

A **MOTION** was made by Sheriff Dwayne Goodwin to task Sheriffs’ Standards Director Konopka to address training issues with Justice Academy Director Allen and CJ Director Combs to incorporate Field Force Training into BLET; Seconded by Sheriff Jack Smith. **MOTION CARRIED.**

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

***Criminal Justice Commission**

Steven Combs

Director Combs addressed the Sheriffs’ Commission Members and provided an update of the CJ Commission Meeting held in May via teleconference. Director Combs stated that all of their committees met except for the Probable Cause Committee. The Probable Cause Committee is scheduled to meet July 8th and 9th. The next set of Criminal Justice Commission Committee meetings is scheduled for August 2020.

The only other information Director Combs had to share with the Sheriffs’ Commission Members is the Field Training Officer (FTO) “Best Practices” manual. Director Combs stated that they have been working on this project for approximately a year. A group was put together to decide if training should be mandated for FTOs. The group decided that mandated training was not the way to go for several reasons.

A book of best practices was compiled for Field Training Officers and it has been reviewed by Legal Counsel Brenda Rivera. At the last Criminal Justice Commission Meeting, a vote was taken and passed to adopt the “Best Practices” for Field Training Officer. This manual will be available on-line [Attachment #1].

Sheriff Cloninger asked Director Combs if they had examined the liability aspect of “Best Practices”.

Director Combs stated that he does hope Legal Counsel looked at the liability aspect during the review. Director Combs stated that the manual provides recommendations for Field Training Officers and having a Field Training Officer program. Director Combs stated that probably 95% of what is included in the “Best Practices” is already out there through the NC Justice Academy.

A **MOTION** was made by Sheriff Dwayne Goodwin to accept the North Carolina Justice Academy recommendation for Law Enforcement Field Training Programs with updates specific to Sheriff’s Offices; Seconded by Sheriff Ed McMahon. **MOTION CARRIED.**

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

***North Carolina Justice Academy**

Diane Konopka

Director Allen was unable to attend the Commission Meeting. Sheriffs’ Standards Division Director Konopka presented the Justice Academy report, which includes a status update on the BLET Revision Project. [Attachment #2].

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

***NC Community Colleges**

Tracy McPherson

Ms. Tracy McPherson addressed the Sheriffs’ Commission Members and provided an update on the State Board of Community Colleges action in support of law enforcement training. On June 5th, the State Board of Community Colleges approved allocating up to \$100,000.00 of funding in support of local law enforcement training. This action is in response to the death of George Floyd and is a first step of the State Board of Community Colleges in working together with local agencies and statewide stakeholders to meet some identified needs.

Although not all of the funds have been designated yet, part of the funding will be used to secure course content and fund train-the-trainer events for all community colleges to put resources in the hands of colleges to use in training being requested by local agencies related to topics such as implicit bias and community engagement.

Ms. McPherson stated that colleges already work with local agencies to provide such training. However, one of the challenges when offering any course is sufficient funding for content development and instructor training. The goal is to leverage the funding from the State Board to pay for standardized course content and train-the-trainer activities so that each local community does not have to find funds individually.

Ms. McPherson stated that any local training activities offered in conjunction with Chiefs and Sheriffs are part of the much larger picture in North Carolina, to include Commission rules and initiatives related to Mandated In-service Training (MIST) and revisions to BLET.

The interest of the State Board of Community Colleges in helping to support local and statewide initiatives has been communicated to the chairs of both Commissions and NC Justice Academy as the first step to a broader conversation.

Wake Technical Community College will be handling the logistics related to this first train-the-trainer initiative and details will be forthcoming.

Sheriff Cloninger recommended “skill based” training for de-escalation similar to CIT training rather than just theory.

Ms. McPherson stated that she will send a request to Sheriffs’ Standards Director Konopka for input on the content of Law Enforcement training being supported by State Board of Community Colleges funds.

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

***Wake County Sheriff’s Office Request**

Attorney James R. Brown

Attorney Brown addressed the Sheriffs’ Commission Members and thanked them for the opportunity to present a request for approval to use video-recorded lectures by Wake County attorneys for the Legal Update section of In-Service Training.

Attorney Brown stated that they have taken a seven million dollar budget loss and are down in personnel. In addition, due to Covid-19 and social distancing, the class size has been reduced. Attorney Brown stated that the Legal Update block is a subject matter that needs to be delivered by somebody that is knowledgeable and has the ability to go into depth, as well as reference prior cases.

Another option would be to have a General Instructor deliver the Legal Update section. Attorney Brown stated that most General Instructors are not comfortable with being placed in the position to deliver the Legal Update section. This option would not be desirable or effective.

Currently, the NC Justice Academy has a Legal block on-line for Legal Update. The on-line block of Legal Update is essentially a person reading the Legal Update information. Attorney Brown does not feel this method is as effective as having your own Legal Counsel deliver the information. Attorney Brown stated that they “weave in” their legal policy with the instruction. This provides students the opportunity to go over their Use of Force policy with every Legal Update. Attorney Brown stated that they will also go over any issues that Legal Counsel may identify such as keeping text messages. Attorney Brown stated that they have learned from public records requests that they are unable to re-capture text messages. It is up to the officer to maintain those messages.

Attorney Brown stated that the design of the recorded video lecture would be to video one of the Legal Counsel attorneys delivering the instruction. This video lecture is intended for back-up use only. Attorney Brown stated that they do intend to also hold live Legal Update lectures. A Legal Update lecture is usually done at the Judicial Conference. However, due to COVID-19, the Judicial Conference will not be held this year.

Attorney Brown stated that Wake County Legal Counsel is requesting a temporary rule to allow them the ability to use video recorded lectures by their attorneys for the Legal Update section of In-Service Training.

Attorney Brown asked the Sheriffs’ Commission Members if there were any questions or concerns.

Sheriff Cloninger asked if their instruction would follow the NC Justice Academy lesson plan.

Attorney Brown stated “yes.”

Tracy McPherson asked if there was a current rule/Administrative Code that prevented them from delivering the Legal Update section via video lecture.

Sheriffs’ Standards Director Diane Konopka and Criminal Justice Director Steven Combs both agreed that there is not a rule to prevent them from using a video recorded lecture for the Legal Update section of In-Service Training.

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

A **MOTION** was made by Sheriff Ed McMahon to allow Wake County Sheriff's Office Legal Counsel to create a video recorded lecture of the Legal Update section of In-Service Training for temporary use during the COVID-19 restrictions; seconded by Sheriff Alan Norman. **MOTION CARRIED**

VI. DIVISION REPORT [Attachment #3]

Diane Konopka

Sheriffs' Standards Division Director Diane Konopka addressed the Sheriffs' Commission members and informed them that the Division remains fully staffed. Due to COVID-19 the Division will not take on any interns this summer.

Director Konopka provided the Sheriffs' Commission Members with an update on the Training and Standards database project. The Division has been working with CJ Standards, the NC Justice Academy and DHHS staff. Representatives from these groups meet weekly with the vendor, Envisage Technologies, to customize the compliance module of the new database. The design and migration process is expected to last well into 2021.

Director Konopka stated that there has been movement on the DOCC and TCC Job Task Analysis. The Division (through DOJ) has contracted with Systems Design Group for the Detention Officer and Telecommunicator Job Task Analysis project. Director Konopka informed the Commission Members that a meeting is planned with Mr. Val Lubens on June 25th to finalize plans and expect an official project start date of August 15th.

Director Konopka provided an update with regard to the Mandated In-Service Training (MIST) Manual. At the last meeting, Sheriffs' Commission Members voted to move forward with a request to seek a legislative amendment allowing the Commission's authority in regards to annual Mandated In-Service Training. The Sheriffs' Commission Members asked to preview the language and proposed changes to the current statute. Language with the proposed changes [Attachment #3] was sent to the Commission's Executive Committee and was approved as written.

Director Konopka noted that the introductory section of NCGS 17E-4(a) (11) makes reference to the "Mandated In-Service Training Manual". As a result of this reference in the proposed language, it was necessary to "rename" the annually published Frequently Asked Questions (FAQs). This "new" document will be updated annually and it incorporates the same information that was previously included in both the Sheriffs' and Criminal Justice FAQs into one document for reference by both Commissions. This document may be found on the websites for both Commissions and the Justice Academy.

Director Konopka addressed the Sheriffs' Commission Members and asked to specify the current requests for extensions as "COVID-19 extensions." At the Special Commission Meeting, March 26th, the Sheriffs' Commission Members directed staff to automatically allow an additional period of time, up to six (6) months, for any officers whose probationary period will expire through June 30, 2020, and who have not completed their basic training requirement.

Director Konopka stated that as of this date many classes have yet to resume. The Sheriffs' Standards Division staff is receiving a lot of questions on this topic. Director Konopka stated that the Sheriffs' Commission Members may want to consider extending the extension/additional time already in place; or you may consider these requests on a case-by-case basis.

A **MOTION** was made by Sheriff Ed McMahon to provide an additional amount of time to the existing COVID-19 extension of time to complete BLET, DOCC, TCC through 09/30/2020; seconded by Sheriff Jack Smith. **MOTION CARRIED**

Director Konopka addressed the Sheriffs' Commission Members and referred them to the Commissions' Press Release [Attachment #3, tab 1] issued jointly by the Criminal Justice and Sheriffs' Commission. Director Konopka thanked CJ Director Combs for coming up with this idea. Director Konopka stated that there are a lot of people in North Carolina who don't realize there are two Commissions that deal with training, certification and other issues. Our Public Information Office put this Press Release out. Director Konopka stated that she also sent the Press Release to all 100 Sheriffs.

Chairman Cloninger asked CJ Director Combs if he would send the Press Release out to all their Police Chiefs.

Director Combs replied that he will distribute the Press Release to all the Police Chiefs.

Chairman Cloninger suggested that the Press Release also be sent to the Sheriffs' Association for distribution throughout the Legislature and offered to make contact with Eddie Caldwell of the Sheriffs' Association.

Director Konopka addressed the Sheriffs' Commission Members and referred them to a draft document of Frequently Asked Questions (FAQs) surrounding SRO requirements [Attachment #3, tab 2). Director Konopka stated that this document would provide a resource for both the Sheriffs' and CJ Standards Divisions as well as the agencies served. This draft has also been sent to the NC Justice Academy for their review.

A **MOTION** was made by Sheriff Ed McMahon to approve the FAQs for School Resource Officers; seconded by Sheriff Dwayne Goodwin. **MOTION CARRIED**

Sheriff Cloninger stated that due to COVID-19 there has been a minimal amount of SRO training done across the state. SRO training and SRO train-the-trainer classes have been cancelled. Sheriff Cloninger asked if the Sheriffs' Commission would like to ask the Governor for an Executive Order extending the time to complete SRO training during the COVID-19 crisis.

A **MOTION** was made by Sheriff Doug Doughtie to extend the amount of time allotted to complete the SRO certification training requirements until 08/2021. If the Sheriffs' Commission does not have the authority to allocate an extended amount of time, the Sheriffs' Commission will ask the Governor for an Emergency Order to extend the amount of time allotted to complete the SRO certification training requirements until 08/01/2021 due to the COVID-19 crisis; seconded by Sheriff Jack Smith. **MOTION CARRIED**

Director Konopka asked the Sheriffs' Commission Members if it would be helpful to get in touch with the Justice Academy to get a list of the people that have completed the train-the-trainer course. The Sheriffs' Commission Members agreed and Director Konopka will request the list.

Director Konopka addressed the Sheriffs' Commission Members to discuss Psychological Screenings. The results of the January 2020 survey regarding psychological screenings were reviewed at the last Sheriffs' Commission Meeting via teleconference. The CJ Commission's Advisory Group met on May 15th and plans to meet again on June 26th by conference call. They hope to have a recommendation to the Planning & Standards Committee at the Criminal Justice Commission's August meeting, though no later than their November meeting.

Director Konopka referred the Sheriffs' Commission Members to their Division Report [Attachment #3, Tab 3]. This is a Technical Report submitted May 15, 2020 to the Psychological Screening Evaluations Advisory Committee. Director Konopka reviewed the report and their conclusion that it would be hard to argue for their inclusion in the hiring of correctional system personnel.

Director Konopka stated that there has been a lot of discussion as to whether or not psychological screening should be required. Director Konopka stated that particularly in light of current events, it could be beneficial if psychological testing were performed after a certain amount of years of service or if there were any issues.

Director Konopka asked the Sheriffs' Commission Members if they would like to make a decision now or wait for the CJ Commission to make a decision.

A **MOTION** was made by Sheriff Doug Doughtie to leave the decision of psychological screening to the Sheriff's discretion; seconded by Sheriff Dwayne Goodwin. **MOTION CARRIED**

A **MOTION** was made by Sheriff Dwayne Goodwin to go into closed session; seconded by Sheriff Jack Smith. **MOTION CARRIED**

A **MOTION** was made by Sheriff Doug Doughtie to go into open session; seconded by Sheriff Dwayne Goodwin. **MOTION CARRIED**

A **MOTION** was made by Sheriff Doug Doughtie to accept the request from Mr. Kelvin Cruz for a partial training waiver based on his military experience; seconded by Sheriff Jack Smith. **MOTION CARRIED.**

A **MOTION** was made by Sheriff Jack Smith to rescind the Cumberland County separation/F-5 form for Khaflani Jones; seconded by Sheriff Doug Doughtie. **MOTION CARRIED.**

A **MOTION** was made by Sheriff Ed McMahon to continue the extension for Kimley Long Gregory until the September 2020 Sheriffs' Commission Meeting; seconded by Sheriff Jack Smith. **MOTION CARRIED.**

A **MOTION** was made by Sheriff Jack Smith to accept the request for waiver from James Thomas Sheppard; seconded by Sheriff Doug Doughtie. **MOTION CARRIED.**

A **MOTION** was made by Sheriff Ed McMahon to nominate Sheriff Jack Smith as Vice Chairman of the Sheriffs' Standards Committee effective August 02, 2020; seconded by Sheriff David Mahoney. **MOTION CARRIED.**

VII. NEXT MEETING

September 17th & 18th – Wake County or Caldwell County

VIII. ADJOURNMENT

A **MOTION** was made at 11:30 a.m. by Sheriff Alan Jones to adjourn the June 2020 Sheriffs' Commission meeting; Seconded by Sheriff David Mahoney. **MOTION CARRIED.**