

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

DATE: March 18, 2022
TIME: 8:30 A.M.
LOCATION: Terrace Hotel – 689 N. Lakeshore Drive, Lake Junaluska NC, 28745
SUBMITTED BY: Sirena Jones, Interim Director

I. CALL TO ORDER

Sheriff Alan Cloninger

The North Carolina Sheriffs' Education and Training Standards Commission's Final Agency Decision meeting was called to order by Sheriff Alan Cloninger on Friday, March 18, 2022.

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

MEMBERS PRESENT

MEMBERS ABSENT

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 John Ingram
Retired Sheriff David Smith
Sheriff Alan Norman
Sheriff Terry Johnson
Sheriff Doug Doughtie
Ms. Tracy McPherson
Mr. Jamie Markham
Mr. Marc Nichols

STAFF

- Sirena Jones - Interim Director, Sheriffs' Standards Division
- Alex Radford - Sheriffs' Standards Division
- Leslie Cooley Dismukes - Criminal Bureau Chief, NC Department of Justice

Sheriff Cloninger declared a quorum was present.

Sheriff David A. Mahoney welcomed the Sheriffs' Commission Members and guests to Haywood County. Sheriff Mahoney introduced everyone to Sheriff Gregory D. Christopher and asked him to speak on welcoming everyone to his county.

In the first order of business, Legal Counsel Leslie Cooley Dismukes read the Ethics Reminder to the Commission.

Legal Counsel Leslie Cooley Dismukes 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

- Marie Evitt - NC Sheriffs' Association
- Eddie Caldwell - NC Sheriffs' Association
- Jeffrey Smythe - NC Criminal Justice Standards Division
- Richard Squires - NC Criminal Justice Standards Division
- Trevor Allen - NC Justice Academy
- Chris Anderson - NC Justice Academy
- Alex Gazaway - NC Justice Academy
- Laurie Austen - NC Justice Academy
- Paul Phelan - NC Justice Academy
- Clarence F. Birkhead - Durham County Sheriff's Office
- Keischa Lovelace - Durham County Legal
- Chris Blue - Chapel Hill Police / NC CJ Education and Training Standards Chair
- Lorin Dingler - NC Community Colleges System
- Gregory D. Christopher - Haywood County Sheriff's Office
- Chad Owen - Transylvania County Sheriff's Office
- Justin Bell - Transylvania County Sheriff's Office
- Chase Wilson - Transylvania County Sheriff's Office
- Chuck Owenby - Transylvania County Sheriff's Office

II. MINUTES OF 12/2021 MEETING

Sheriff Alan Cloninger

A **MOTION** was made by Sheriff Alan Norman to approve the minutes of the December 2021 meeting; Seconded by Sheriff Terry Johnson. **MOTION CARRIED.**

A **MOTION** was made by Sheriff Landric Reid to approve the minutes of the February 18, 2022 teleconference meeting; Seconded by Sheriff David Mahoney. **MOTION CARRIED.**

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

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

Sheriff David Mahoney presented the Advance law enforcement certificate for his Deputy Chad Owen for all his years of service and training.

Chair Alan Cloninger presented Sheriff Shelton White’s Advance Service Award for serving 22.4 years in law enforcement.

IV. INFORMATIONAL REPORTS

***Durham County Sheriff’s Office**

Sheriff Clarence F. Birkhead

Sheriff Clarence Birkhead addressed the Sheriffs’ Commission concerning Detention Officer Certification Course and Basic Law Enforcement Training regarding Durham County Sheriff’s Office. Sheriff Birkhead and his offices Legal Advisor, Keischa Lovelace, presented the Commission with a proposed plan. The plan recommends that an officer be granted credit for training that is taught in BLET and is comparable to training in DOCC and that a consolidated course be authorized to instruct the remaining classes. The course would focus on the laws, regulations, principles and skills requisite for detention officers, without repeating content for which these officers have demonstrated mastery through the BLET examination, related training, and experience.

Sheriff Clarence Birkhead proposed two options that would allow certified deputies to receive the specific detention officer training that is not covered in BLET and thus allowing detention officers to be dually certified. This would reduce the current 174 hour DOCC course into a 72 hour course for option one and option two would reduce the DOCC course into 78 hours.

Proposal number one is the DOCC Partial Enrollee course, which allows a certified law enforcement officer (Deputy) to enroll in a Detention Officer Certification Course (DOCC) as a partial enrollee. This option would necessitate a new rule that could be similar in context to the 12 NCAC 10B .0603 section (c) and (d) rule that provides the evaluation of a correction officer who holds a general certification. The sections of this rule specifically discuss a waiver of the full DOCC training in place of 67 hours of approved training, in a DOCC course offering as a partial enrollee only being required to take specific blocks of instruction, however they must still take the entire state exam.

Proposal number two is a course for dual certification, which a certified law enforcement officer (Deputy) would enroll as a student in the Sheriffs' Dual Certification Course (Deputy/Detention Officer).

A proposed rule would be required to allow a course Pilot. This may be needed for the DOCC that is currently under revision due to the job task analysis. A rule to allow for new course creation after the pilot would need to be made, and a rule that could be used as a model is 12 NCAC 09C .0404.

Chairman Cloninger addressed the Commission and thought that it would be a good idea to add an additional 4 hours of legal to the pilot programs for the scenario based training to align with the Legislators Senate Bill 300.

A motion was made by Sheriff Mike Roberson to adopt proposal #1 Partial enrollee course, proposal #2 Course for dual certification and add four (4) hours of legal to both courses and DOCC training; seconded by Sheriff Ricky Oliver. **MOTION CARRIED [Attachment #2]**

Chair Cloninger addressed the Commission and asked to table the adoption of the pilot course presentation/participation rule for the next meeting.

Sheriff Norman addressed the Commission regarding an extension of the completed DOCC School. Generally, when an officer is hired with an agency, they are given one (1) year to complete their necessary training. Sheriff Norman is asking to consider extending the one (1) year probationary period by six (6) months to make it 18 months. Chair Cloninger requested that this request be discussed with staff and to be tabled until our next commission meeting.

***Summary of Senate Bill 300 Impact**

Marie Evitt

Marie Evitt with the North Carolina Sheriffs' Association discussed the numerous 2021 legislative bills that have gone through and that specifically help with all of law enforcement for both Criminal Justice Standards Commission and the Sheriffs' Training and Standards Commission.

Chief Chris Blue addressed the Commission regarding both Commissions jointly studying the benefits of requiring physical fitness testing throughout a law enforcement officer's career and whether testing, if required, should be incrementally adjusted for age. A copy of the NC Officer Health, Fitness, and Wellness report is attached.

A motion was made by Mr. Marc Nichols to approve the NC Officer Health, Fitness, and Wellness report; seconded by Sheriff Mike Roberson. **MOTION CARRIED [Attachment #3]**

Chief Chris Blue addressed the commission discussing Senate Bill 300, requiring both Criminal Justice and Sheriffs' Commissions to jointly develop a "Best Practices Guide" to help law enforcement agencies recruit and retain a diverse workforce. The Commissions are required to report their findings to the Joint Legislative Oversight Committee on Justice and Public Safety no later than April 1, 2022.

A motion was made by Sheriff Mike Roberson to approve and accept the Best Practices Guide; seconded by Mr. Marc Nichols. **MOTION CARRIED [Attachment #4]**

***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 wanted to remind everyone of the spring meeting will be held April 23rd – 26th 2022, at the Hilton on the Northside of Myrtle Beach, South Carolina.

During the most recent meeting of the Sheriff Associations Executive committee meeting they approved a four (4) year plan for our leadership institution. They also are going to create a Chief Deputy institute; the Associations already offer the Jail Administrator institute and just completed a course in January with a total of forty-one (41) jail administrator graduates. Also, they plan to create an institute for the Sheriffs' executive assistant. These courses are broken down into several weeks where the calendar can be found online.

***North Carolina Justice Academy [Attachment #5]**

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:

- There are currently eight (8) positions that are at various stages of the recruitment process. Most of the positions close today and they hope to fill those positions with great candidates.

Director Allen provided some current NCJA training statistics:

- In-person Courses: 68
- In-person Students: 1,156
- On-line Completions: 77,687
- Instructor Update completions (1 hour requirement): 4,677
- SRO Update: 1,397

Director Allen also reported on new courses and events. Courses currently being delivered include training in the areas of Use of Force: Decision-Making, National De-Escalation Training Center (NDTC), Use of Force Decision-making, and Weathering the Storm. Director Allen asked Deputy Director Chris Anderson to advise the committee regarding the ICAT-TT courses offered this year; Director Allen also asked Paul Phelan to discuss the mental health training they would be putting out. The synopsis of all the courses can be found on the attachment.

Finally, Director Allen stated that the Peace Officer Memorial Day Ceremony will be held Tuesday May 3rd 2022 at Englewood Baptist Church, located at 1350 S. Winstead Ave. in Rocky Mount.

BLET Curriculum Updates

Alex Gazaway

Mr. Alex Gazaway provided an update to the Commission regarding the BLET curriculum. Mr. Gazaway stated since their last report, the Justice Academy is currently in development on thirty eight (38) of thirty nine (39) of the lesson plans. The last remaining lesson plan in development is Control Techniques; Mr. Gazaway stated that they planned to incorporate multiple topics in the following courses which are, SCAT, Report writing, answering calls and driving.

Mr. Gazaway stated that the Criminal Justice Commission's Education and Training Committee approved the incorporation standardized field sobriety testing into the pilot BLET program. A survey was sent out to Sheriffs, Police Chiefs and BLET School Directors and all were in support of the additional testing to the pilot program. Adding the field sobriety training will add a twenty eight (28) hours to the new BLET pilot program which is reaching 760+ hours.

Mr. Gazaway stated the Justice Academy has brought on an additional attorney to help with the legal review process and the programs are looked at two (2) to three (3) times by the legal team.

The Pilot site has a start date of August 15, 2022 which will begin at Fayetteville Technical Community College and the ending date will be December 12, 2022. The additional pilot sites have been identified by Deputy Director Michelle Schilling with the Criminal Justice Standards Division and they are anticipated to start in January 2023. She has also been working on new test questions for the BLET exams since there are new topics incorporated into these programs.

***Probable Cause Committee**

Sheriff David Mahoney

Sheriff David Mahoney reported that the Probable Cause Committee met on March 17, 2022. During that session, the Committee reviewed a total of thirty two (32) cases. Eight (8) cases were closed pursuant to the Consolidated Probable Cause Policy. Four (4) of those cases the individual was/were separated prior to the Probable Cause Committee meeting.

Two (2) cases were postponed until the June 2022 meeting. No Probable Cause was found in Five (5) cases. Probable Cause was found in thirteen (13) cases with four (4) of those cases resulting in Consent Agreements. The four (4) Consent Agreements will be presented for approval today.

Chair Cloninger asked the Commission members if there were any questions. There were none.

A motion was made by Sheriff David Mahoney to approve the Probable Cause Committee's recommendation of the four (4) signed Consent Agreements; seconded by Sheriff Ricky Oliver.
MOTION CARRIED [Attachment #6]

V. DIVISION REPORT

Sirena Jones

Interim Director Jones presented the Division Report.

The Division has brought on three (3) part-time temporary employees to assist with Division processes. Two (2) of them replaced long-term temporary employees who left the Division in 2021. They assist with the "front-end" of the certification process (data base entry, creating new files, entering Reports of Separation and assisting with the Professional Certificates program). The third employee was brought in to scan old certification files.

She reported they are still working to fill the Certification Specialist position that was vacated August 1, 2021. We have also posted the three (3) new positions funded by the Legislature in the 2021 session. The "new" CJ I position will mirror the vacant Certification Specialist position. These two positions will supervise the Certification Assistants and work with them to facilitate the processing of applications. The new CJ II position will be responsible for all matters relating to telecommunicator certifications; and, the CJ III position will assume responsibilities related to

Senate Bill 300 requirements, act as the Division's rule-making coordinator and assist with administrative investigations.

The Division is making progress on our upcoming switch to the Acadis database, currently used by the Justice Academy and FTA Division of DHHS. Criminal Justice and Sheriffs' Standards will be transitioning over this year. During the second week of February, the Envisage project coordinator(s) were on-site in our office to work with Sheriffs' and Criminal Justice staff in furtherance of this project. I am managing the certification component and Autumn Hanna is managing the training component for Sheriffs' Standards.

***Ethics Commission – Statement of Economic Interest**

Reminder to all Commission members to file an updated SEI by 4/15/2022. You can access it online under Statement of Economic Interest at ethics.nc.gov.

***Class B Misdemeanor Manual**

The Class B Misdemeanor Manual Advisory Group met via TEAMS on February 10, 2022 for the purpose of outlining the process for updating this manual which is used by both Commissions. Sheriff Shelby White and Commissioner Jamie Markham are your representatives in this group. This group also includes representation from the CJ Commission, as well as legal counsel and Division staff.

***Disclosure Statements**

Anyone filing for candidacy for the Office of Sheriff in the upcoming election was required to provide a Disclosure Statement issued by the Division. Division staff issued 306 such Disclosure Statements. Prior to issuing a Statement, staff reviewed each potential candidate's criminal history record in state and national databases; the results of the candidate's fingerprints processed by the North Carolina State Bureau of Investigation (SBI) and the Federal Bureau of Investigation (FBI); and confirmation from the North Carolina Administrative Office of the Courts (AOC) that no expunged felony convictions exist on the candidate's record.

***Sheriffs' Supplemental Pension Fund**

The complete 2021 Sheriffs' Supplemental Pension Fund Annual Report can be found on the Divisions website.

***Giglio Reporting**

Senate Bill 300, Session Law 2021-138 requires that both the Sheriffs' and Criminal Justice Standards Divisions report to the Joint Legislative Oversight Committee on Justice and Public

Safety regarding the number of individuals for whom the Division received a proper Giglio notification.

VI. ACTION ITEMS

Sirena Jones

Interim Director Jones presented the Administrative Rules Action Items.

Senate Bill 300 also required that the Criminal Justice Standards Commission and the Sheriffs' Standards Commission jointly develop uniform, statewide minimum standards for law enforcement officers and justice officers and adopt these standards as rules. NC DOJ Criminal Bureau Chief Leslie Cooley-Dismukes led an Advisory Group comprised of representatives from both Commissions, legal staff, and Division staff to facilitate compliance with this law. Your Commission representatives for this project were Sheriff Doug Doughtie and Sheriff John Ingram.

The proposed amended rules before you for discussion are attached. In addition to a number of technical changes, we have noted below the more substantive changes resulting from the proposed amendments.

* **Minimum Standards for Justice Officer – 12NCAC 10B .0301**

Division staff requests the Commission's approval to pursue amendment of rule 12NCAC 10B .0301. This rule requires any Justice Officer to undergo a psychological screening prior to their initial application or prior to going to work as a Justice Officer, effective January 1, 2022. This rule also changes the following: Minimum age requirement change from 21 to 20 for deputies and detention officers, Minimum age for telecommunicators remains at 18, Notification requirement change from five (5) days to 30 days and Drug screening specification moved to 12 NCAC 10B .0410.

A motion was made by Sheriff Jack Smith to approve the proposed age change for deputies and detention officers from 21 to 20; seconded by Sheriff Terry Johnson. The commission voted 7 - yes and 4 - No. **MOTION CARRIED**

A motion was made by Sheriff Terry Johnson to approve the notification requirement from 5 days to 30 days by making no change; seconded by Sheriff Alan Jones. **MOTION CARRIED**

*** Documentation of Educational Requirement – 12NCAC 10B .0302**

Division staff requests the Commission’s approval of 12NCAC 10B .0302 section (e) language.

A motion was made by Sheriff Doug Doughtie to approve the proposed 12NCAC 10B .0302 language as presented; seconded by Sheriff Terry Johnson. **MOTION CARRIED**

*** Fingerprint Criminal History Records Check – 12NCAC 10B .0303**

Division staff requests the Commission’s approval to adopt the changes in 12NCAC 10B .0303. These changes are the following: Employing Agency must receive results of fingerprint criminal records check prior to the applicant performing the duties of his or her certified position and employing agency must submit fingerprint results with applicant packet.

The commission went into great discussion by adopting the proposed changes to 12 NCAC 10B .0303 with the modification of subsection (d) to remove the word “employed, or”.

A motion was made by Sheriff Mike Roberson to adopt the changes to 12NCAC 10B .0303 rule; seconded by Sheriff Jack Smith. The commission voted 7 - yes and 1 - No. **MOTION CARRIED**

*** Medical Examination – 12NCAC 10B .0304**

Currently, if an individual who is a telecommunicator who has not had a break in service and decides to go with a different agency, they will receive credit for the TCC training they completed with their initial department. Division staff requests the Commission’s approval to remove the waiver which currently allows previously non-certified telecommunicators who have “creditable” TCC training to forgo the F-1 and F-2 requirement.

A motion was made by Sheriff Alan Jones to accept the proposed 12NCAC 10B .0304 rule; seconded by Sheriff Ricky Oliver. **MOTION CARRIED**

*** Background Investigation – 12 NCAC 10B .0305**

The background investigations requirements rule has some language changes, specifically the time frame and records checks requirements has moved to rule 12 NCAC 10B .0408.

*** Verification of Record to the Division – 12 NCAC 10B .0408**

Rule 12 NCAC 10B .0408 has some language changes and additionally now includes F-3, F-8 and records check requirements previously specified in .0305.

A motion was made by Sheriff Alan Norman accept rule changes of .0305 and .0408; seconded by Sheriff Shelton White.
MOTION CARRIED

*** Employment Interview – 12 NCAC 10B .0306**

To align this rule with the CJ Training and Standards rule there was some language changes by adding “agency head” in the rule.

A motion was made by Sheriff Alan Jones to accept rule changes to 12 NCAC 10B .0306; seconded by Sheriff Shelton White.
MOTION CARRIED

*** Criminal History Record – 12 NCAC 10B .0307**

Previously in the Criminal Justice Standards Division Code, they did not have subsection (7) in their rules, a combination of four or more Class A or B misdemeanors, now their rule aligns with the Sheriffs’ Commission rule. This rule also adds subsection (8) and 18 USC 922(g)(8) is the federal gun law prohibition for people who have a domestic violence protection order; rather than write all that information into the rule they just added this subsection to the Sheriffs’ rule to align again with the CJ rule.

A motion was made by Sheriff Mr. Marc Nichols to accept rule .0307; seconded by Sheriff Mike Roberson. **MOTION CARRIED**

*** Period of Suspension or Revocation – 12NCAC 10B .0205**

The change in this rule in on line (29) because of the way rule .0301 was reorganized subsection (a7) is now (13).

A motion was made by Sheriff Mike Roberson to accept rule the rule changes to .0205; seconded by Sheriff Alan Norman.
MOTION CARRIED

*** Agency Reporting of Drug Screen Results – 12 NCAC 10B .0410**

All of the rules on how to conduct a drug screen was formally in the minimum standards rule which did not make sense for it to be in that rule. So the language was moved from .0301 to .0410.

A motion was made by Sheriff Ricky Oliver to adopt the rule changes in .0410; seconded by Sheriff Alan Norman. **MOTION CARRIED**

*** Admission of Trainees – 12 NCAC 10B .0713**

The minimum age requirement was approved to align with 12 NCAC 10B .0301 which changes the age to 21 to 20.

A motion was made by Mr. Marc Nichols to accept the rule changes to .0713; seconded by Sheriff Mike Roberson.
MOTION CARRIED

Chair Cloninger addressed the Commission and requested that they have some of the Sheriff's working with the CJ Commission to have a TEAMS meeting on 03/23/2022 regarding the rules aligning with both commissions.

A **MOTION** was made by Sheriff Alan Jones to discuss personal matters in closed session; seconded by Sheriff Alan Norman. **MOTION CARRIED**

A **MOTION** was made by Sheriff Doug Doughtie to enter into open session; seconded by Alan Jones. **MOTION CARRIED**

Ms. Jones summarized the Closed Session matters as follows:

The request for a DOCC extension for Justin Belk with the Rowan County Sheriff's Office was denied.

The request for a BLET Challenge for Chelsea Edwards with the Henderson County Sheriff's Office was denied.

A **MOTION** was made by Sheriff Doug Doughtie to deny the waivers and extensions as summarized by Ms. Jones; Seconded by Mike Roberson. **MOTION CARRIED**

VII. ADJOURNMENT

A **MOTION** was made to adjourn the March 2022 Sheriffs' Commission meeting; Seconded. **MOTION CARRIED.**