



# NORTH CAROLINA SHERIFFS' ASSOCIATION LAW ENFORCEMENT OFFICERS AND STATE OFFICIALS OF NORTH CAROLINA

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**EMAIL TO:** All Sheriffs

**FROM:** Eddie Caldwell  
Executive Vice President and General Counsel  
North Carolina Sheriffs' Association

**SENT:** April 8, 2020

**SUBJECT:** Governor's Executive Order No. 129 - Sheriffs' Commission and  
Criminal Justice Commission Waiver or Modification of "Break-in-  
Service" Rules for Training Courses

Sheriffs, police chiefs, school directors and other criminal justice professionals have expressed concerns about Basic Law Enforcement Training (BLET) courses, Detention Officer Certification Courses (DOCC) and Criminal Justice Instructor Training courses that were underway when the COVID-19 pandemic commenced that caused some courses to be stopped.

The big concern was whether, after a lengthy shutdown, courses would be able to re-open and pick up where they left off, or whether the courses would require cancellation and be required to start over. Various provisions in the North Carolina Administrative Code only allow for brief breaks in instruction before the course would be required to start all over again.

The North Carolina Sheriffs' Education and Training Standards Commission (Sheriffs' Commission) and the North Carolina Criminal Justice Education and Training Standards Commission (Criminal Justice Commission) both had emergency meetings to discuss this critical issue. In order for the two Commissions to be authorized to waive or modify their existing mandatory rules, one option was to ask Governor Roy Cooper to issue an Executive Order granting authority to the two Commissions to waive or modify certain specific administrative rules.

Yesterday, Governor Cooper issued Executive Order No. 129 (copy attached). Executive Order No. 129 authorizes the Sheriffs' Commission to waive or modify the scheduling requirements for the Detention Officer Certification Course (DOCC). It also authorizes the Criminal Justice Commission to waive or modify the scheduling requirements for the Basic Law Enforcement Training (BLET) course and the Criminal Justice Instructor Training course. This authority relates solely to waiving or modifying the rules that prohibit a lengthy break during



100% Membership

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The North Carolina Sheriffs' Association is a Non-Profit, tax exempt organization recognized by the I.R.S.

Email to All Sheriffs

Governor's Executive Order No. 129 - Sheriffs' Commission and Criminal Justice Commission Waiver or Modification of "Break-in-Service" Rules for Training Courses

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a course. It does not authorize either Commission to reduce the minimum requirements for successful completion of the courses.

It is important to note that the Executive Order itself does not waive or modify any rules. It merely gives the authority to do so to the two Commissions. The Executive Order is effective for 30 days from April 7<sup>th</sup> which will give both Commissions an opportunity to consider proposed changes to the relevant rules and to make whatever changes, if any, that the two Commissions deem appropriate.

To submit recommendations regarding the waiver or modification of the rules, send them to:

Sheriffs' Commission: Director Diane Konopka at [dkonopka@ncdoj.gov](mailto:dkonopka@ncdoj.gov)

Criminal Justice Commission: Director Steven Combs at [scombs@ncdoj.gov](mailto:scombs@ncdoj.gov)

The membership of the two Commissions and the entire criminal justice training community are grateful to Governor Cooper for his issuance of Executive Order No. 129. This will enable the two Commissions to consider and implement an appropriate solution for the: (1) Detention Officer Certification Course (DOCC); (2) Basic Law Enforcement Training (BLET) course; and (3) Criminal Justice Instructor Training course.

Thanks...Eddie C.



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**Edmond W. (Eddie) Caldwell, Jr.**

*Executive Vice President and General Counsel*

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**North Carolina Sheriffs' Association**

***Proudly Serving the Sheriffs and Citizens of North Carolina since 1922***

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# State of North Carolina

**ROY COOPER**  
GOVERNOR

April 7, 2020

## EXECUTIVE ORDER NO. 129

### FLEXIBILITY REGARDING CERTAIN LAW ENFORCEMENT TRAINING COURSES

**WHEREAS**, on March 10, 2020, the undersigned issued Executive Order No. 116 which declared a State of Emergency to coordinate the state's response and protective actions to address the Coronavirus Disease 2019 (COVID-19) public health emergency and to provide for the health, safety, and welfare of residents and visitors located in North Carolina ("Declaration of a State of Emergency"); and

**WHEREAS**, on March 11, 2020, the World Health Organization declared COVID-19 a global pandemic; and

**WHEREAS**, on March 13, 2020, the President of the United States declared the ongoing COVID-19 outbreak a pandemic of sufficient severity and magnitude to warrant an emergency declaration for all states, tribes, territories, and the District of Columbia pursuant to Section 501(b) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. § 5121-5207 (the "Stafford Act"); and

**WHEREAS**, on March 13, 2020, the President of the United States pursuant to Sections 201 and 301 of the National Emergencies Act, 50 U.S.C. § 1601, *et seq.* and consistent with Section 1135 of the Social Security Act, as amended (42 U.S.C. § 1320b-5), declared that the COVID-19 pandemic in the United States constitutes a national emergency, retroactive to March 1, 2020; and

**WHEREAS**, the undersigned has issued Executive Order Nos. 117–122 and 124–125 for the purposes of protecting the health, safety and welfare of the people of North Carolina; and

**WHEREAS**, on March 25, 2020, the President of the United States, pursuant to Section 401 of the Stafford Act, approved a Major Disaster Declaration, FEMA-4487-DR, for the State of North Carolina; and

**WHEREAS**, the North Carolina Department of Health and Human Services ("NCDHHS") has confirmed the number of cases of COVID-19 in North Carolina continues to rise and has lab documentation that community spread has occurred; and

**WHEREAS**, to mitigate further community spread of COVID-19 and to reduce the burden on the state's health care providers and facilities, it is necessary to limit person-to-person contact in workplaces and communities; and

**WHEREAS**, in this State of Emergency, it is critical that law enforcement officers be able to protect the public, perform or facilitate emergency services, and fulfill emergency directives from the government; and

**WHEREAS**, many law enforcement training courses have had to be suspended or postponed because of the restrictions on mass gatherings to slow the spread of COVID-19; and current administrative rules would cause progress to be lost in these courses; and

**WHEREAS**, this loss of progress could jeopardize law enforcement officers' certification and reduce the number of law enforcement officers available at a time of great need; and

**WHEREAS**, the undersigned has determined that the North Carolina Criminal Justice Education and Training Standards Commission and the North Carolina Sheriffs' Education and Training Standards Commission should have the flexibility to waive or modify the requirements that would cause progress to be lost; and

**WHEREAS**, Executive Order No. 116 invoked the Emergency Management Act, and authorizes the undersigned to exercise the powers and duties set forth therein to direct and aid in the response to, recovery from, and mitigation against emergencies; and

**WHEREAS**, pursuant to N.C. Gen. Stat. § 166A-19.10(b)(2), the undersigned may make, amend, or rescind necessary orders, rules, and regulations within the limits of the authority conferred upon the Governor in the Emergency Management Act; and

**WHEREAS**, N.C. Gen. Stat. § 166A-19.10(b)(3) authorizes and empowers the undersigned to delegate any Gubernatorial vested authority under the Emergency Management Act and to provide for the subdelegation of any authority; and

**WHEREAS**, pursuant to N.C. Gen. Stat. § 166A-19.10(b)(7), the officers and personnel of the departments, offices, and agencies of the state and its political subdivisions are required to cooperate with the undersigned and extend their services to the undersigned so that they can be utilized upon request; and

**WHEREAS**, pursuant to N.C. Gen. Stat. § 166A-19.30(a)(1), the undersigned may utilize all available state resources as reasonably necessary to cope with an emergency, including the transfer and direction of personnel or functions of state agencies or units thereof for the purpose of performing or facilitating emergency services; and

**WHEREAS**, pursuant to N.C. Gen. Stat. § 166A-19.30(b)(4), the undersigned, with the concurrence of the Council of State, may waive a provision of any regulation or ordinance of a state agency which restricts the immediate relief of human suffering; and

**WHEREAS**, pursuant to N.C. Gen. Stat. § 166A-19.30(b)(5), the undersigned, with the concurrence of the Council of State, may perform and exercise other such functions, powers and duties as are necessary to promote and secure the safety and protection of the civilian population; and

**WHEREAS**, the undersigned has sought and obtained concurrence from the Council of State consistent with the Governor's emergency powers authority in N.C. Gen. Stat. § 166A-19.30.

**NOW, THEREFORE**, by the authority vested in me as Governor by the Constitution and the laws of the State of North Carolina, **IT IS ORDERED**:

**Section 1. Extending Time to Complete Criminal Justice Training Courses**

For the reasons and pursuant to the authority set forth above, the undersigned orders as follows:

- A. **Basic Law Enforcement Training courses**. The North Carolina Criminal Justice Education and Training Standards Commission may, in its discretion, waive or modify the requirement under 12 N.C. Admin. Code 09B .0202(b)(2) that the Basic Law Enforcement Training (BLET) course be delivered "during consecutive calendar weeks, except that there may be as

many as three (3) one-week breaks until course requirements are completed.” This authorization applies to any BLET course that was in progress or commenced during this State of Emergency.

- B. **Instructor Training courses.** The North Carolina Criminal Justice Education and Training Standards Commission may, in its discretion, waive or modify the requirement under 12 N.C. Admin. Code 09B .0202(c)(1) that the Criminal Justice Instructor Training course be delivered “during consecutive calendar weeks until course requirements are completed.” This authorization applies to any course that was in progress or commenced during this State of Emergency.
- C. **Detention Officer Certification courses.** The North Carolina Sheriffs’ Education and Training Standards Commission may, in its discretion, waive or modify the requirement under 12 N.C. Admin. Code 10B .0704(a)(1)(A) that the Detention Officer Certification course be delivered “during consecutive calendar weeks.” This authorization applies to any course that was in progress or commenced during this State of Emergency.

## **Section 2. Savings Clause**

If any provision of this Executive Order or its application to any person or circumstances is held invalid by any court of competent jurisdiction, this invalidity does not affect any other provision or application of this Executive Order, which can be given effect without the invalid provision or application. To achieve this purpose, the provisions of this Executive Order are declared to be severable.

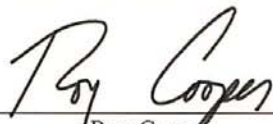
## **Section 3. Distribution**

I hereby order that this Executive Order be: (1) distributed to the news media and other organizations calculated to bring its contents to the attention of the general public; (2) promptly filed with the Secretary of the North Carolina Department of Public Safety, the Secretary of State, and the superior court clerks in the counties to which it applies, unless the circumstances of the State of Emergency would prevent or impede such filing; and (3) distributed to others as necessary to ensure proper implementation of this Executive Order.

## **Section 4. Effective Date**

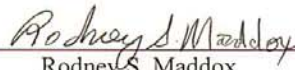
This Executive Order is effective immediately. This Executive Order shall remain in effect for thirty (30) days from today’s date or unless repealed, replaced, or rescinded by another applicable Executive Order. An Executive Order rescinding the Declaration of the State of Emergency will automatically rescind this Executive Order.

**IN WITNESS WHEREOF**, I have hereunto signed my name and affixed the Great Seal of the State of North Carolina at the Capitol in the City of Raleigh, this 7<sup>th</sup> day of April in the year of our Lord two thousand and twenty.



Roy Cooper  
Governor

ATTEST:



Rodney S. Maddox  
Chief Deputy Secretary of State

