

MINUTES
North Carolina Criminal Justice
Education and Training Standards Commission

Planning and Standards Committee
February 21, 2013

The Planning and Standards Committee of the North Carolina Criminal Justice Education and Training Standards Commission met at the Wake Technical Community College, Public Safety Center on February 21, 2013 at 1:00 pm.

Committee Members Present

Commissioner Stephanie Freeman, Chairperson
Commissioner Scott Cunningham
Commissioner Brent Herron
Commissioner Robert Myrick
Commissioner Jeff Welty
Commissioner Trey Robinson
Chief Allen Smith, Atlantic Beach PD

Guests Present

Kim Sommerdorf, DPS
Elaine Barnes, DPS
Anne Precythe, DPS
Anne Brown, DPS
Julia Lohman, Sheriffs' Standards Division
Lauren Earnhardt, CJ Standards Division Legal Counsel

William Hart, Jr., Sheriffs' Standards Division Legal Counsel

Staff Present

Pam Pope, CJ Standards Division
Richard Squires, CJ Standards Division
Trevor Allen, CJ Standards Division
Dawn Suffel, CJ Standards Division

Call to Order

Chairperson Stephanie Freeman called the meeting to order and declared a quorum.

Rule-Making Hearing

Chairperson Freeman advised first item of business would be to conduct Rule-Making Hearing. She reviewed with those present that rule-making authority is given to the Planning and Standards (P&S) Committee by the Commission based on requests from standing committees. The P&S Committee discusses and offers suggestions to amendments and votes to proceed with filing of rules as requested or amended. Ms. Freeman then called Rule-Making Hearing to order. (Under separate cover.)

Welcome

Ms. Freeman welcomed new committee member Chief Allen Smith and new Criminal Justice Standards staff member Trevor Allen.

Approval of the November 15, 2012 Rule-Making Hearing Minutes

Motion to approve was made by Commissioner Brent Herron and **seconded** by Commissioner Robert Myrick. **Motion carried** unanimously.

Approval of the November 15, 2012 Meeting Minutes

Motion to approve was made by Commissioner Scott Cunningham and **seconded** by Commissioner Jeff Welty. **Motion carried** unanimously.

Review of DAC/DCC Request for Rule Change Reference Probation/Parole Officers/Surveillance Officers

Kim Sommerdorf, Elaine Barnes, Anne Precythe, and Anne Brown, all on behalf of DPS, Division of Adult Corrections, Section of Community Corrections attended the meeting to formally propose a rule change removing the baccalaureate educational requirement for Probation/Parole Officers (PPO) under 12 NCAC 09G. 0204 (b). Ms. Freeman reviewed main points of the issue by explaining that recent legislation changes had impacted Community Corrections operations, thus driving a request from DAC management to the Commission reclassifying current Surveillance Officers (without a 4 year degree) to Probation/Parole Officers (a position which the Commission currently requires a 4 year degree). Discussions assessed that even with a change to the Commission's administrative code amending the minimum standard for Probation/Parole Officers, the college degree requirement for PPO will still remain as an Office of State Personnel (OSP) hiring standard.

Motion to recommend adoption of temporary rule change was made by Commissioner Scott Cunningham and **seconded** by Commissioner Jeff Welty. **Motion carried** with a majority vote 5 to 1.

Review of Form F-5A (DAC)

Chairperson Freeman presented status of the F-5A (DAC), Report of Appointment for Division of Adult Corrections. Ms. Freeman advised she received word from DAC management that due to consolidation changes and other substantial demands within DPS right now, DAC is not prepared to move forward with form changes. She emphasized that changes to this form are currently tabled.

Review of Personal History Statement Form F-3 (LE)

Chairperson Freeman opened discussions for any comments concerning variances between the Sheriffs' Commission Form F-3 and Criminal Justice Commission's F-3. Comparisons were reviewed over information being solicited concerning background in education, family, finances, military service, substance use, and criminal history.

Lauren Earnhardt, Legal Counsel for the Criminal Justice Commission, advised that questions concerning use of alcohol and drugs is Americans with Disability Act (ADA) sensitive and may be inappropriate or illegal to ask at this stage of application.

A handout memorandum by the NC Administrative Office of the Courts concerning changes to expunction statutes – S.L. 2012-191 and copy of proposed Senate Bills 91 and 33 restricting inquiry practices into expunged criminal records were provided to the Committee.

Ms. Freeman concluded the committee is unable to proceed further on the F-3 (LE) until clarification is provided from legal counsel concerning appropriate language dealing with past substance use as well as outcome of pending legislation that may affect our authority to seek information concerning expunged charges.

Discussion of Articles:
Past Drug Use of Police Applicants
Hiring and Retention of State & Local Law Enforcement Officers

Ms. Freeman introduced two informational handouts, both issued by the US Department of Justice. The first packet of information involved ADA questions and answers and hiring police officers. The second packet of information involved statistical data, policies, and hiring and retention methods of state and local law enforcement officers.

Planning and Standards Committee Meeting

Other Business

None.

Date of Next Meeting

The next scheduled meeting of the Planning & Standards Committee will be on Wednesday, May 22, 2013 at 1:00 pm at the Wake Technical Community College, Public Safety Center.

Motion to Adjourn

Motion to adjourn was made by Commissioner Scott Cunningham and **seconded** by Commissioner Robert Myrick. **Motion carried** unanimously.