

MINUTES
North Carolina Criminal Justice
Education and Training Standards Commission

Planning & Standards Committee
November 21, 2013

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

Committee Members Present

Commissioner Stephanie Freeman, Chairperson
Commissioner Trey Robison
Commissioner Allen Smith
Commissioner Scott Cunningham
Commissioner Jeff Welty
Commissioner Robert Myrick
Commissioner Brent Herron

Guests Present

Tracy McPherson, Commissioner
Eddie Caldwell, Commissioner
Julia Lohman, Sheriffs' Standards Division

Staff Present

Trevor Allen, CJ Standards Division
Dawn Suffel, CJ Standards Division
Steven Combs, CJ Standards Division
Sharon Witherspoon, CJ Standards Division
Bob Beck, CJ Standards Division
Ed Zapolsky, CJ Standards Division

Call to Order

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

Public Hearing – Rules Revisions

Chairperson Stephanie Freeman called a Rule-Making Hearing to order at 1:00 pm. (Minutes under separate cover.)

Approval of the August 22, 2013 Meeting Minutes

Motion to approve was made by Commissioner Allen Smith and **seconded** by Commissioner Scott Cunningham. **Motion carried** unanimously.

Elect Committee Vice-Chair

Motion to re-elect Commissioner Scott Cunningham as committee vice-chair was made by Commissioner Allen Smith and **seconded** by Commissioner Jeff Welty. **Motion carried** unanimously.

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

Review of Full Commission Comments

Chairperson Freeman opened discussion concerning feedback recently collected from Commission members regarding this form.

Language changes discussed and agreed upon by committee members include amended wording requiring applicant to provide:

- every city/county resided since becoming age 16,
- resignation detail with name of organization, if applicable; and
- judgment detail inclusive of child support actions.

Motion to move forward with changes discussed and present form for approval by the full commission was made by Commissioner Scott Cunningham and **seconded** by Commissioner Jeff Welty. **Motion carried** unanimously.

Discuss Certified Criminal History Requirements

Chairperson Freeman opened discussion concerning acceptable criminal history records that needs clarification by the committee. The committee agreed that there will be no change in rule – thus records checks must be certified to be accepted and third-party records checks will not be accepted.

Review H.B. 74 – New Administrative Code Requirements

CJ Staff member Trevor Allen provided the committee with an overview of upcoming legislative changes which will regulate thorough administrative code rules review on a regular basis. Following the re-adoption or amendment of the current rules due in five (5) years, follow-up reviews will be required every ten (10) years, thereafter.

Direction of Officer Recruitment/Retention Study

Chairperson Freeman opened discussion concerning direction of recruitment and retention study. Ms. Freeman advised that she is looking for support from the committee to help define the scope of the study and its method of delivery. Commissioner Allen Smith recently provided copy of a small agency survey which the committee will review before the next meeting.

Other Business

None.

Date of Next Meeting

The next scheduled meeting of the Planning & Standards Committee will be on February 20, 2014 at the Wake Technical Community College, Public Safety Center.

Motion to Adjourn

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

**RULE-MAKING HEARING
RULES REVISIONS**

**North Carolina Criminal Justice
Education and Training Standards Commission**

November 21, 2013

Call to Order

The Planning & Standards (P&S) Committee of the North Carolina Criminal Justice Education and Training Standards Commission met at the Wake Technical Community College, Public Safety Center on November 21, 2013. This committee presided over the public Rule-Making Hearing with Chair Stephanie Freeman calling the hearing to order at 1:00 pm. Ms. Freeman introduced Committee members and stated purpose of the Rule-making Hearing is to receive remarks from any persons interested in commenting on the proposed amendments to the Commission's Administrative Rules.

Committee Members Present

Commissioner Stephanie Freeman, Chairperson
Commissioner Trey Robison
Commissioner Allen Smith
Commissioner Scott Cunningham
Commissioner Jeff Welty
Commissioner Robert Myrick
Commissioner Brent Herron

Guests Present

Tracy McPherson, Commissioner
Eddie Caldwell, Commissioner
Julia Lohman, Sheriffs' Standards Division

Staff Present

Trevor Allen, CJ Standards Division
Dawn Suffel, CJ Standards Division
Steven Combs, CJ Standards Division
Sharon Witherspoon, CJ Standards Division
Bob Beck, CJ Standards Division
Ed Zapolsky, CJ Standards Division

Chairperson Freeman advised that she would read the proposed amendments and, if needed, the amendments would be explained by her or a staff member. She stated that after the rules are presented and explained, any one wishing to comment would be allowed to do so. Ms. Freeman stated that the record should reflect no written comments were received by the Rule-Making Coordinator.

Chairperson Freeman read into the record a summary of the proposed rule amendments.

Proposed Amendments to Existing Rules – November 21, 2013 (CJ Commission)

12 NCAC 09B .0405 COMPLETION OF BASIC LAW ENFORCEMENT TRAINING COURSE

This rule outlines the requirements for the successful completion of the Basic Law Enforcement Training course.

Amendment: Alongside minor editorial changes, the proposed amendment revises the requirement for successful completion of the Police Officer Physical Abilities Test (POPAT) from the allowance of two attempts to complete each obstacle contained within the test to two attempts to complete the entire test.

Motion to approve Commissioner Scott Cunningham
Seconded by Commissioner Robert Myrick
Motion carried unanimously.

12 NCAC 09E .0105 MINIMUM TRAINING SPECIFICATIONS: ANNUAL IN-SERVICE TRAINING

This rule lists the required topics, along with training specifications, for the annual in-service training program for law enforcement officers.

Amendment: The proposed amendments are as follows:

1. Changes the term 'hours' to 'credits' to allow for increased usage of on-line delivery methods.
2. Mandates that all instructors pass a 5-question test on the topic they instruct.
3. Mandates that officers pass topic tests in order to receive credit for the training.

Motion to approve Commissioner Robert Myrick
Seconded by Commissioner Allen Smith
Motion carried unanimously.

12 NCAC 09B .0305 TERMS AND CONDITIONS OF SPECIALIZED INSTRUCTOR CERTIFICATION
12 NCAC 09G .0311 TERMS AND CONDITIONS OF SPECIALIZED INSTRUCTOR CERTIFICATION

These rules identify the terms and conditions of Specialized Instructor Certification for law enforcement and corrections officers.

Amendment: The proposed amendment concerning instructor recertification removes the requirement for instructors to teach in an area of specialized instruction when such area was added to an existing instructor certification with less than 12 months remaining until the end of the instructor's certification period.

Motion to approve Commissioner Jeff Welty
Seconded by Commissioner Scott Cunningham
Motion carried unanimously.

12 NCAC 09B .0502 TERMS AND CONDITIONS OF SCHOOL DIRECTOR CERTIFICATION

This rule lists the requirements for continued certification as a CJ School Director.

Amendment: The proposed amendment increases the certification period for school directors from two (2) to three (3) years to be consistent with other periods of instructor certification; as well as changing the requirement for certified school directors from 'attending an annual conference' to 'participating in annual training'.

Motion to approve Commissioner Scott Cunningham
Seconded by Commissioner Robert Myrick
Motion carried unanimously.

12 NCAC 09E .0105 MINIMUM TRAINING SPECIFICATIONS: ANNUAL IN-SERVICE TRAINING

This rule lists the required topics for the annual in-service training program for law enforcement officers.

Amendment: The proposed amendment updates the training topics and associated hours for 2014, as well as replaces 'hours' with 'credits' to allow for online training.

Changes as follows:

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Topics removed:

Career Survival: Social Networking and Digital Communications - 4 hours
Juvenile Minority Sensitivity Training: Interaction Skills in Building Rapport – 2 hours
Awareness of Issues Surrounding Returning Military Personnel – 2 hours

Topics added:

2014 JMST: A Juvenile – Now What? – 2 credits
2014 Officer Safety: The First Five Minutes – 4 credits

Topics revised:

Department Topic of Choice increased from 8 hours to 12 credits
'Firearms' re-titled as '2014 Firearms Training and Qualification' increasing from 4 hours to 6 credits

Amendments clarify the distinction between hours and credits as well as a requirement for written testing in each in-service course allowing for retesting procedures.

Motion to approve Commissioner Brent Herron
Seconded by Commissioner Allen Smith
Motion carried unanimously.

12 NCAC 09B .0235 BASIC TRAINING – JUVENILE COURT COUNSELORS AND CHIEF COURT COUNSELORS

This rule outlines the required topics and hours for the basic training program for Juvenile Court Counselors and Chief Court Counselors.

Amendment: The course has increased from 144 to 160 hours. Required topics have been revised with new topics divided into 'Juvenile Justice Common Core' and 'Juvenile Court Counselor Specific'. The rule also allows Juvenile Justice Officers who complete their 160 hour program after January 1, 2013 and transfer to a Juvenile Court Counselor position to take only the Juvenile Court Counselor Specific courses.

Motion to approve Commissioner Allen Smith
Seconded by Commissioner Scott Cunningham
Motion carried unanimously.

12 NCAC 09B .0236 BASIC TRAINING – JUVENILE JUSTICE OFFICERS

This rule outlines the required topics and hours for the basic training program for Juvenile Justice Officers.

Amendment: Required topics have been revised with new topics divided into 'Juvenile Justice Common Core' and 'Juvenile Justice Officer Specific'. The rule also allows Juvenile Court Counselors who complete their 160 hour program after January 1, 2013 and transfer to a Juvenile Justice Officer position to take only the Juvenile Justice Officer Specific courses.

Motion to approve Commissioner Scott Cunningham
Seconded by Commissioner Jeff Welty
Motion carried unanimously.

12 NCAC 09E .0104 INSTRUCTORS: ANNUAL IN-SERVICE TRAINING

This rule outlines the requirements and responsibilities of instructors who conduct the law enforcement officers' in-service training program.

Amendment: The amendment allows instructors holding certain specialty certifications, (such as CPR instructor issued through AHA/Red Cross; specialty equipment, such as TASER, Monadnock; and Incident Command System Training through FEMA), but who are not certified as General Instructors, to teach in those specific areas of in-service training.

Motion to approve Commissioner Scott Cunningham
Seconded by Commissioner Allen Smith
Motion carried unanimously.

12 NCAC 09F .0107 FILING AND FEES

This rule outlines the requirements for documenting a Concealed Carry Handgun Course and fees for participant certificates.

Amendment: The proposed amendment increases the per certificate fee for Concealed Carry Handgun certificates from one dollar (\$1) to two dollars (\$2). The amendment also updates the physical address for the Criminal Justice Standards Division.

Motion to approve Commissioner Allen Smith
Seconded by Commissioner Robert Myrick
Motion carried unanimously.

12 NCAC 09B .0241 DJJD SPECIALIZED INSTRUCTOR TRAINING – RESTRAINT, CONTROL AND DEFENSE TECHNIQUES

This rule outlines the topic areas and requirements for the Juvenile Justice Specialized RCDT Instructor Course.

Amendment: The proposed amendment makes consistent the title of the certification course with the title of the department and position as well as revision to topical areas. The amendment also clarifies that the Office of Staff Development & Training of the Department of Public Safety is the only commission-certified school authorized to deliver this training program.

Motion to approve Commissioner Scott Cunningham
Seconded by Commissioner Robert Myrick
Motion carried unanimously.

12 NCAC 09G .0415 CORRECTIONS SPECIALIZED INSTRUCTOR TRAINING - FIREARMS

This rule outlines the topic areas and requirements for the Corrections Specialized Firearms Instructor Course.

Amendment: The proposed amendment revises the classes of employees this course authorizes an instructor to teach by removing Probation/Parole Officer – Intermediate and PERT teams. The amendment also revises training curriculum by removing rifle training and chemical weapons.

Motion to approve Commissioner Jeff Welty
Seconded by Commissioner Robert Myrick
Motion carried unanimously.

12 NCAC 09G .0416 CORRECTIONS SPECIALIZED INSTRUCTOR TRAINING – CONTROLS, RESTRAINTS AND DEFENSIVE TECHNIQUES

This rule outlines the topic areas and requirements for the Corrections Specialized CRDT Instructor Course.

Amendment: The proposed amendment revises the classes of employees this course authorizes an instructor to teach by removing Juvenile Justice Officers, Probation/Parole Officer – Intermediate and PERT teams. Additionally revises training curriculum to remove ‘Patterns of Movement and Advanced Instructional Techniques’ while changing “Program Evaluation” to ‘CRDT Program Student Evaluation and Testing’.

Motion to approve Commissioner Brent Herron
Seconded by Commissioner Jeff Welty
Motion carried unanimously.

12 NCAC 09B .0205 BASIC LAW ENFORCEMENT TRAINING
12 NCAC 09B .0209 CRIMINAL JUSTICE INSTRUCTOR TRAINING
12 NCAC 09B .0226 SPECIALIZED FIREARMS INSTRUCTOR TRAINING
12 NCAC 09B .0227 SPECIALIZED DRIVER INSTRUCTOR TRAINING
12 NCAC 09B .0232 SPECIALIZED SUBJECT CONTROL ARREST TECHNIQUES INSTRUCTOR TRAINING
12 NCAC 09B .0233 SPECIALIZED PHYSICAL FITNESS INSTRUCTOR TRAINING

These rules outline the prerequisites and curriculum for six (6) training programs for law enforcement officers and instructors.

Amendment: The proposed amendment would remove the four (4) hours set aside for state certification testing from the curriculum. At this time CJ staff has recommended the committee delay a vote on making change to these rules until concerns raised by school directors, CJ staff and community colleges can be further evaluated.

CJ Staff Robert Beck spoke before the committee by first briefly reviewing recent implementation of regional testing procedures by the CJ Standards Division. Mr. Beck further described concerns that removal of testing from curriculum will potentially affect several more rules; raises questions of school director responsibility; raises staffing concerns as to who would take on the responsibility of coordinating exams; and additional impacts to day-of testing and test reporting procedures.

CJ Staff Trevor Allen spoke before the committee by briefly reviewing concerns brought to staff from the community college level. Community college course curriculum dictates that successful completion of Basic Law Enforcement Training is dependent on successful passing of the state exam. Changes to separate the course completion from the state test now, in mid semester, would result in significant issues for the Community College System.

Mr. Allen repeated concerns over staffing issues. He stated that completely removing the school director from the testing phase of the curriculum would result in CJ staff having to field up to approx. 6000 calls/ questions from students a year.

Motion to delay implementation of these amendments, to allow time for an impact analysis and preparation of a full list of issues for committee review in February, was made by Commissioner Scott Cunningham; **Seconded** by Allen Smith. **Motion carried** unanimously.

12 NCAC 09B .0205 BASIC LAW ENFORCEMENT TRAINING

This rule outlines the training curriculum and associated training hours for Basic law Enforcement Training program.

Amendment: The proposed amendment to this rule includes changing the required training hours for two (2) topic areas (Juvenile Law and Patrol Techniques); topic title changes 'Dealing with Victims and the Public' to 'Responding to Victims of the Public' and 'Individuals with Mental Illness and Mental Retardation' changed to 'Developmental Disabilities', as recommended by the BLET Revision Committee; as well as updating the physical address for the Criminal Justice Standards Division. Revision to the total hours (removing the 4 hours for certification testing) is not being proposed at this time; leaving total BLET hours at 620 hours.

Motion to approve Commissioner Robert Myrick
Seconded by Commissioner Allen Smith
Motion carried unanimously.

Chairperson Freeman stated for the record that no other visitors were present for today's hearing other than committee members, CJ staff and commissioners.

This concludes Rule-Making Hearing.