

**NORTH CAROLINA CRIMINAL JUSTICE  
EDUCATION AND TRAINING STANDARDS COMMISSION**

**MINUTES**

**DATE:** November 30, 2018

**TIME:** 9:00 A.M.

**LOCATION:** Wake Technical Community College - Public Safety Education Campus  
Raleigh, North Carolina

**SUBMITTED BY:** Steven G. Combs  
Director

**MEMBERS PRESENT**

Chief Chris Blue  
Ms. Tasha Jones Butts  
Sergeant Randy Byrd  
Mr. Eddie Caldwell  
Ms. Leslie Cooley-Dismukes  
Mr. David Dail  
Chief Cerelyn Davis  
Mr. Richard Epley  
Captain Lee Farnsworth  
Ms. Stephanie Freeman  
Ms. Jane Gilchrist  
Chief Robert Hassell  
Chief Tim Hayworth  
Mr. Brent Herron  
Chief Bill Hollingsed  
Deputy Chief Brian James  
Mr. Steve Johnson  
Chief Tim Ledford  
Ms. Tracy McPherson  
Mr. Nathan Mizell  
Mr. Kenneth Mullen  
Chief Ron Parrish  
Mr. Trey Robison  
Sergeant David Rose  
Director Bob Schurmeier  
Mr. Michael Slagle  
Mr. Jeff Welty  
Ms. Angela Williams

**MEMBERS ABSENT**

Captain Marianne Bond  
Mr. Andrew Hendry  
Ms. Teresa Jardon  
Mayor Bobby Kilgore  
Chief Jeff McCracken  
Colonel Glenn McNeill

**I. CALL TO ORDER**

Commission Chairman Bill Hollingsed called the meeting to order. Ms. Donna Byrd, Clerk to the Commission, administered the Oath of Office to the following reappointed member: Chief Robert Hassell of the Reidsville Police Department, who represents the North Carolina Association of Chiefs of Police. Chairman Hollingsed read the Ethics Responsibility into the minutes. He declared that a quorum was present and welcomed all visitors to the Commission meeting.

Commission Chairman Hollingsed welcomed Mr. Bradford Sneed, Legislative Liaison to Attorney General Josh Stein and Ms. Diane Konopka, Director of the Sheriffs' Standards Division.

Commission Chairman Hollingsed personally thanked Ms. Joleigh Kelley and Mr. Jon Gregory for hosting the Commission at the Wake Technical Community College Public Safety Education Campus.

Next, Commission Chairman Hollingsed reported that the North Carolina Ethics Commission did not find a conflict of Interest for the following Commission members: Teresa Jardon, Tracy McPherson, Trey Robison, David Rose, Jeff Welty, Jane Gilchrist, Randy Byrd and Eddie Caldwell.

## II. PRESENTATION OF RESOLUTIONS

Commission Chairman Hollingsed entertained a motion to approve the Resolution of Appreciation for former Commissioner James Fisher-Davis. Chairman Hollingsed read the Resolution of Appreciation into the minutes. Mr. Fisher Davis stated that he really enjoyed working with the Commission and staff.

Next, Commission Chairman Hollingsed asked Reuben Young, Interim Chief Deputy Secretary, Kenneth Lassiter, Director of Prisons, Annie Harvey, Deputy Director of Prisons, Robert Leon, Director, Corrections Enterprises, Dennis Daniels, Administrator of Pasquotank Correctional Institution, and Valarie Ross, Assistant Superintendent of Craven Correctional Institution to accept the Resolutions In Memoriam for Officers Justin Smith, Veronica Darden, Wendy Shannon and Geoffrey Howell of the North Carolina Department of Public Safety/Division of Adult Correction and Juvenile Justice. Commission Chairman Hollingsed read the Resolutions in Memoriam into the minutes.

## III. AWARDING OF ADVANCED CERTIFICATES [Agenda Memorandum No. 04-18]

Commission Chairman Hollingsed reported that staff had evaluated the applications of all two hundred and nineteen (219) candidates. There were one hundred and ninety-two (192) candidates for the Advanced Law Enforcement Certificate and twenty-seven (27) candidates for the Advanced Criminal Justice Certificate. He noted that each of these applicants had met the requirements to receive the Advanced Certificate and the Advanced Certificate pin.

**MOTION was made by Commissioner Hassell that the Commission award the Advanced Law Enforcement Certificate or Advanced Criminal Justice Certificate to each named individual. The MOTION was seconded by Commissioner Ron Parrish and carried unanimously.**

The following individuals were present to personally receive their Advanced Law Enforcement or Advanced Criminal Justice Certificates:

|                     |   |
|---------------------|---|
| Robert W. Walls     | Dallas Police Department<br>Presented by Commissioner Hollingsed                        |
| Charles L. Williams | Fayetteville State University Police Department<br>Presented by Commissioner Hollingsed |
| Jeremy C. Dixon     | Holden Beach Police Department<br>Presented by Commissioner Hollingsed                  |
| Robert K. Hall      | N.C. State Highway Patrol<br>Presented by Commissioner Hollingsed                       |
| William E. Hemphill | N.C. State Highway Patrol<br>Presented by Commissioner Hollingsed                       |
| Jeremy M. Holloman  | N.C. State Highway Patrol<br>Presented by Commissioner Hollingsed                       |
| Heather N. Johnson  | N.C. State Highway Patrol<br>Presented by Commissioner Hollingsed                       |
| Brian G. Jones      | N.C. State Highway Patrol<br>Presented by Commissioner Hollingsed                       |

|                         |   |
|-------------------------|---|
| Grady J. Smith          | N.C. State Highway Patrol<br>Presented by Commissioner Hollingsed                                     |
| Chad E. Summerlin       | N.C. State Highway Patrol<br>Presented by Commissioner Hollingsed                                     |
| James D. Warren, Jr.    | N.C. State Highway Patrol<br>Presented by Commissioner Hollingsed                                     |
| Darrell Mills           | Roxboro Police Department<br>Presented by Commissioner Hollingsed                                     |
| William R. Baker        | Selma Police Department<br>Presented by Commissioner Hollingsed                                       |
| Kendrick J. Revis       | Sharpsburg Police Department<br>Presented by Commissioner Hollingsed                                  |
| William S. Mazurek      | UNC Hospitals Police Department<br>Presented by Commissioner Hollingsed                               |
| Orlando Burge           | Wake Forest Police Department<br>Presented by Commissioner Hollingsed                                 |
| Zachary J. Faulkenberry | Waynesville Police Department<br>Presented by Commissioner Hollingsed                                 |
| Patrick W. Bryant       | NCDPS/Division of Adult Correction<br>Presented by Commissioners Michael Slagle and Stephanie Freeman |
| Jay Carter              | NCDPS/Division of Adult Correction<br>Presented by Commissioners Slagle and Freeman                   |
| Tammi B. Harper         | NCDPS/Division of Adult Correction<br>Presented by Commissioners Slagle and Freeman                   |
| Kenneth D. Phillips     | NCDPS/Division of Adult Correction<br>Presented by Commissioners Slagle and Freeman                   |
| Jason Wynn              | Morrisville Police Department<br>Presented by Commissioner Hollingsed                                 |

**IV. MINUTES OF AUGUST 17, 2018 MEETING**

Chairman Hollingsed entertained a motion to approve the minutes of the previous Commission meeting.

**MOTION was made by Commissioner Tim Ledford that the Commission approve the minutes of the August 17, 2018 meeting as mailed. The MOTION was seconded by Commissioner Hassell and carried unanimously.**

**VI. STANDING COMMITTEE REPORTS**

**A. Executive Committee - Chairman Eddie Caldwell**

Chairman Caldwell stated that the Executive Committee discussed a number of issues but there was nothing to report at the present time.

Chairman Caldwell asked Director Steven Combs to give an update on the Criminal Justice Standards Division. A copy of his written report is attached.

Chairman Caldwell asked Director Trevor Allen to give an update on the Justice Academy. A copy of his written report is attached.

**B. Education and Training Committee – Chairperson Stephanie Freeman**

Chairperson Freeman reported that the Education and Training Committee met on Wednesday, November 28, 2018 at Wake Technical Community College, Raleigh, North Carolina.

Chairperson Freeman reported that on behalf of the Joint In-Service Training Coordinator, Bill DuBois, North Carolina Justice Academy proposed the 2020 Law Enforcement In-Service Training Topics based upon the recommendations of the Committee.

Chairperson Freeman asked the Commission to authorize the Planning and Standards Committee to conduct a rule making hearing for the 2020 Law Enforcement In-Service Training Topics as follows: Required Topics (18 credits): Firearms Training and Qualification (minimum 4 credits); Legal Update (minimum 4 credits); Long-Term Effects of Childhood Adversity (minimum 2 credits); The Signs Within: Suicide Prevention Education and Awareness (minimum 2 credits); Career Survival: Training and Standards Issues (minimum 2 credits); Communication Strategies When Encountering Persons Who are Deaf or Hard of Hearing (minimum 2 credits); Armed/Unarmed Security/Company Police: Understanding their Roles and Authority (minimum 2 credits); Topics of Choice (12 credits): Hazardous Materials (minimum 2 credits); Bloodborne Pathogens (minimum 2 credits); Situational Awareness/Subject Control (minimum 4 credits); Law Enforcement Threat Assessment (minimum 4 credits). The MOTION carried.

Chairperson Freeman reported that Deputy Director Michelle Schilling, Criminal Justice Standards Division presented a proposed rule change for 12 NCAC 09F .0105 – Instructor Responsibilities. Commissioner Freeman asked the Commission to authorize the Planning and Standards Committee to conduct a rule making hearing to amend 12 NCAC 09F .0105 – Instructor Responsibilities as follows: New Paragraph 5 shall read as follows: “if a Concealed Carry Handgun Instructor relinquishes his or her certification and wants to transfer his or her assigned participants’ certificates to another Concealed Carry Handgun Instructor, a written request shall be submitted to the Criminal Justice Standards Division Director for approval. The written request shall include the following: (a) instructor name and identification number; (b) name of business; (c) phone number and email address; (d) recipient instructor name, identification number; (e) business name; (f) phone number, email address and (g) list of the assigned certificate numbers for participates to be transferred”; Renumber current paragraphs “5-8” to reflect the numbers “6-9”.

New paragraph 9 shall read as follows: “administer a proficiency examination that demonstrates the student is competent in the firing and safe handling of a handgun. Such examination shall include the following: (a) the student fires a minimum of 30 rounds of ammunition at a bulls-eye or silhouette target from three, five and seven yard distances; (b) At each yard distance, the student shall fire ten rounds; and (c) 70% of the rounds fired by the student must hit the scoring area of the target.” The MOTION carried unanimously.

Next, Chairperson Freeman asked the Commission to authorize the Planning and Standards Committee to conduct a rule making hearing for 12 NCAC 09F .0102 – Topical Areas to read as follows: “The course entitled “Concealed Carry Handgun Training” shall consist of eight hours of instruction and shall include the following identified topical areas: (1) Legal Issues (two hours): The student shall be able to explain the following: (a) the types of situations in which the use of deadly physical force would be justified; (b) list the areas where the carrying of a concealed handgun is prohibited; (c) the requirements for handgun storage under G.S. 14-315.1; and (d) the laws governing the carrying of a concealed handgun. The instructor shall determine the student’s level of understanding of the relevant legal issues by administering a written examination. (2) Handgun Nomenclature: The instructor shall identify to the students the primary parts of the revolver and semiautomatic handgun. (3) Handgun Safety: The students shall be able to: (a) list at least four rules of safe gun handling and demonstrate all of these procedures during range exercises; (b) list four methods of safely storing a handgun and choose the method most appropriate for their personal use;

(c) describe safety issues relating to the safe carry of a handgun; and (d) determine the proper storage of their handguns when there are minors in the home. (4) Handgun Fundamentals: The instructor shall demonstrate to the students: (a) how to load both a revolver and a semiautomatic handgun; (b) how to unload both a revolver and a semiautomatic handgun; and (c) the operational characteristics of the revolver and semiautomatic handgun. (5) Marksmanship Fundamentals: The student shall be able to: (a) demonstrate a proper handgun grip; (b) demonstrate either the Weaver or Isosceles Stance; (c) describe the elements of sight alignment and sight picture; and (d) demonstrate trigger control in a dry fire exercise. (6) Presentation Techniques: The instructor shall demonstrate to the student the draw or presentation of the revolver and semiautomatic handgun with a variety of holster types. (7) Cleaning and Maintenance: The instructor shall demonstrate to the student: (a) how to "field strip" the handgun if the handgun can be field stripped; (b) how to perform a "Function Check" on the revolver and semiautomatic handgun; and (c) based on the manufacturer's recommendations, list the lubrication points of their specific handguns. (8) Ammunition: The students shall be able to list the four components of handgun ammunition. (9) Proficiency Drills: The students shall be able to: (a) demonstrate how to check a handgun in order to ensure that it is safe; (b) during range exercises, demonstrate how to fire a handgun from a ready position; (c) during range exercises, demonstrate the ability to fire a handgun from various distances; and (d) during range exercises, achieve a passing score on a proficiency test administered by the instructor as prescribed in Rule .0105 of this section." The MOTION carried.

Chairperson Freeman asked the Commission to authorize the Planning and Standards Committee to conduct a rule making hearing for 12 NCAC 09B .0303 – Terms and Conditions of General Instructor Certification as follows: New Paragraph "c" shall read as follows: "Probationary Instructors for just cause, may be granted an extension of the one-year period to teach the eight (8) hour minimum requirement. The Director may grant such extensions on a one-time basis only not to exceed 12 months. For purposes of this Rule, just cause means accident, illness, emergency, course cancellation, or other exceptional circumstances which precluded the instructor from fulfilling the teaching requirement." Change the current paragraph lettering "c-g" to reflect the letters "d-h." The MOTION carried.

Chairperson Freeman asked the Commission to authorize the Planning and Standards Committee to conduct a rule making hearing for 12 NCAC 09B .0302 – General Instructor Certification as follows: Language in paragraph "b" shall be modified to read as follows: "Applications for General Instructor Certification shall be submitted to the Standards Division within 60 days of the date the applicant passed the state comprehensive examination administered at the conclusion of the Commission accredited instructor training program." Language in current paragraphs "c" and "d" shall be deleted. New Paragraph "c" shall read as follows: "Persons having completed a Commission accredited training course and not having made application within 60 days of completion of the course shall complete a subsequent Commission accredited instructor training course in its entirety." New Paragraph "d" shall read as follows: "Persons having completed an equivalent instructor training course using the instructional systems design model, or an international model with applications in education, military training, and private enterprise, and are current instructors in good standing, are eligible to apply for General Instructor certification upon achieving a passing score on the comprehensive written examination administered by the Commission, as required by Rule .0413(d) of this Subchapter." The MOTION carried.

Chairperson Freeman reported that on behalf of the N.C. Association of Chiefs of Police, Commission Chairman Hollingsed and Director Trevor Allen, N.C. Justice Academy requested that the Committee grant pilot authority to the Association for the topic "Dangerous Crossroads" which will be presented at the 2019 NCACP Winter Conference in January, 2019. If pilot authority is granted for this training, any officers completing this course and passing the written exam at the conference will receive two (2) hours of topic of choice credit toward the 2019 mandated in-service training requirement pursuant to 12 NCAC 09E .0105. The Committee approved this request.

Next, Chairperson Freeman reported that on behalf of the BLET Revision Committee, Jennifer Fisher, N.C. Justice Academy requested approval for major revisions to the following lesson plans: Civil Process – major revisions to lesson plan, training objective, content and reformatting and Traffic Crash Investigation - major revision to lesson plan and new video produced. The Committee approved this request.

Chairperson Freeman reported that Deputy Director Schilling requested accreditation for Beaufort Community College – GI and Durham Police Department – GI, BLET and SMI. Also, reaccreditation for Catawba Valley Community College – BLET and SMI, Isothermal Community College – BLET, Greensboro Police Department – BLET and Southeastern Community College – BLET and SMI. The Committee approved this request.

Next, Deputy Director Schilling provided an update of Raleigh Police Department's SMI Program and requested to remove the Department from probationary status. The Committee approved this request.

Chairperson Freeman reported that on behalf of the N.C. Department of Public Safety, Office of Staff Development and Training, Felicia Banks requested approval for major revisions to: 12 NCAC 09B .0235 and .0236 - Basic Training – Juvenile Justice Common Core. Revised Lesson Plans: (b)(1)(L) – Mental Health – Revised Lesson Purpose (b)(1)(M) – CPR – Revised Lesson Purpose and (b)(1)(N) – First Aid – Revised Objective 1. 12 NCAC 09G .0412 – Basic Training – Probation and Parole Officer Training. New Lesson Plans: Basic Life Support: CPR – 4 hours; Basic Life Support: First Aid – 4 hours and Report Writing: - 6 hours. Revised Lesson Plans: Law and Policy Considerations for Probation/Parole Officers – hours increased 2 to 8 lesson purpose change, 9 objectives removed and 18 objectives added; Handgun Safety – revised lesson purpose; Familiarization and Qualification – objective change; Situational Decision Making – hours increased 12 to 19 and 4 objectives added; Handgun Care and Maintenance – hours increased 2 to 3; Role of the Probation/Parole Witness – hours increased 2 to 6 and an objective change; CRDT (Advanced) – hours increased 14 to 22; and Employee Fitness and Wellness – hours increased 6 to 7 and revised objective. Deleted Lesson Plan – Moot Court – Deleted lesson plan, added as an objective. 12 NCAC 09G .0411 – Basic Training – Correctional Officer Training – New Lesson Plans: Crisis Intervention in the Workplace – 4 hours; Title: Conflict Resolution – 4 hours; Understanding & Managing Stress in Public Safety Settings – 2 hours; Basic Life Support – 4 hours; Basic Life Support, First Aid – 4 hours; Team Building – 4 hours; Prison Subculture – 4 hours; Offender Classification Process and Programs – 3 hours; Cross Gender Supervision – 4 hours; Introduction to Mental Health – 4 hours; Introduction to Victim Services - 2 hours; and Drug Identification – 4 hours. Revised Lesson Plans - Firearm Safety - lesson purpose change and revised objective. Handgun Familiarization/Proficiency - hour change 14.5 to 22.5 and revised objective: Shotgun Familiarization/Proficiency - hour change 6.5 to 8 and new objective: North Carolina Prisons Employee – new objective and revised objective; Report Writing – hour change 2 to 3; Unlawful Workplace Harassment – revised objective; Staff and Inmate Relationship – title changed, removed Inmate, added Offender; Prison Security Function & Procedure – revised objective; Prison Emergencies, Prevention & Response – hour change 4 to 6, new and revised objectives; Situational Awareness – hour change 2 to 4 new objectives; Basic Expandable Baton – hour changed 6 to 8. Mechanical Restraints: Handcuffing – hour change 3 to 4; Tactical Handcuffing – hour change 3 to 4; Controls, Restraints and Defensive Techniques – hour change 22 to 34 and new objective; CRDT – Edged Weapon Defense – hour change 3 to 4; Employee Fitness and Wellness – hour change 6 to 8; Management and Supervision of Inmates – title changed – removed Inmate, added Offender, added and removed objectives; Understanding Inmate Behavior – hour change 10 to 4, revised objective removed objective, title change, removed Inmate, added Offender; Contraband and Techniques of Search – hour change 10 to 12; and, Transporting Inmates – hour change 6 to 8, removed objective, title change and removed Inmate. The Committee approved the request with the exception of changing the term “Inmate” to “Offender” in applicable sections. The Committee approved these requests.

On behalf of the BLET Revision Committee, Ms. Fisher briefed the Committee on minor revisions to the BLET curriculum as approved by the BLET Revision Committee: Communication Skills for Law Enforcement Officers – Minor revisions were made to the lesson plan, to include revision of Practical Exercise #9 “Implicit Association Test”. Currently, this exercise is required to be completed on a computer. The proposed revision would allow the practical exercise to optional until a new written exercise can be developed and implemented in its place; Controlled Substance – A minor revision was made to the lesson plan, specifically to update the State Bureau of Investigation's contact information; Crime Prevention Techniques – Minor revisions were made to the lesson plan. A legal review was conducted; Domestic Violence Response – The practical exercise form was revised so that it may be used for multiple scenarios. (Previously requested an Administrative Code change from 12 hours to 16 hours to be effective January 1, 2019). Elements of Criminal Law – Minor

revisions were made throughout the lesson plan. A minor revision was made to the lesson plan to remove a video. Explosives and Hazardous Materials Emergencies – Minor revisions were made to the lesson plan, specifically relating to escorting hazardous materials and improvised explosive device switch types. Field Note-taking and Report Writing – A minor revision was made to the lesson plan, specifically to clarify the content on shorthand notes. Firearms – A minor revision was made to the lesson plan, specifically to the instructor notes section #16 regarding the demonstration of clearing a malfunction. First Responder – A minor revision was made to the lesson plan, specifically related to the triage methods. Individuals with Mental Illness and Developmental Disabilities – The practical exercise form was revised so that it may be used for multiple scenarios. Motor Vehicle Laws – Minor revisions were made throughout the lesson plan. Content was added on the ignition interlock system. Anti-Terrorism – A minor revision was made to the lesson plan removing the anti-fascist content from the right-wing terrorist groups section and adding it to the left-wing terrorist groups section. Preparing for Court and Testifying in Court – A minor revision was made in the lesson plan updating the requirement of civil cases requiring more than \$25,000 in Superior Court. Sheriffs' Responsibilities: Court Duties – A minor revision was made in the lesson plan removing content that related to destroying unauthorized firearms and weapons confiscated in a Court Facility. Techniques of Traffic Law Enforcement – A minor revision was made regarding the punishment level to be an infraction of failing to notify a law enforcement that an individual has a concealed carry permit and is armed. The Committee approved these requests.

Ms. Felicia Banks briefed the Committee on minor revisions to the following programs: Minor Revisions to Juvenile Justice Common Core Curriculum (grammatical and/or content changes) – (b)(1)(A) - Basic Individual Counseling Skills; (b)(1)(B) - Interpersonal Communication Skills; (b)(1)(D) - Characteristics of Delinquents; (b)(1)(E) - Unlawful Work Place Harassment; (b)(1)(F) - Career Survival: Integrity and Ethics in the NCDPS Workplace; (b)(1)(G) - Staff and Juvenile Relationships; (b)(1)(H) - Gang Awareness; (b)(1)(I) - Situational Awareness/Risk Assessments; (b)(1)(J) - Restraints, Controls and Defensive Techniques; (b)(1)(K) - Mechanical Restraints; (b)(1)(L) - Mental Health; (b)(1)(O) - Employee Fitness and Wellness; 12NCAC 09B 0236 (b)(2)(P) – Trauma and Delinquents; 12 NCAC 09B 0235 (b)(2)(Q) – Driver Safety and Secure Transport; (b)(1)(R) – Disproportionate Minority Contact. The Committee approved these requests.

Minor Revisions to Probation and Parole Officer Basic Training (Revised equipment change, content change made to enhance delivery, increase comprehension and correct grammatical errors): Firearms Situational Decision Making and Advanced CRDT. Other minor content changes: Familiarization and Qualifications; Introduction to Low/Limited Light; Probation Law: Violations, Sanctions, Hearing; Probation Law: Arrest, Search, Seizure; Targeting Offender Needs; Case Management; Post Release, Parole Violations and Revocations; Processing Probation Cases; Arrest Procedures and Gang Awareness. The Committee approved these requests.

Probation and Parole Officer (PPO) Basic Training: Probation and Parole Officer Basic Training Examination; PPO Basic Training Curriculum; Added a pass in review (Daily inspection of standard dress to include assigned safety equipment 2.5 hours). Minor Revisions to Basic Correctional Officer Training - (Added attachments, revisions, Inmate removed and replaced with Offender, remove practical exercise, date changes and update statistics): Low/Limited Light; You and the Law; Career Survival: Integrity and Ethics in the NCDPS; Hostage: Cultural Awareness; Understanding Security Risk Groups; Multi-Generational Workforce and Understanding Workplace Differences. The Committee approved these requests.

Next, Chairperson Freeman reported that Deputy Director Schilling gave an update on the number of instructors that had completed the 2018 General Instructor Certification online renewal training course.

Deputy Director Schilling provided an overview of Rule 12 NCAC 09B .0405 – Completion of Basic Law Enforcement Training Course, specifically as it relates to topical tests and performance skill deficiencies. Also, as it relates to student attendance via virtual training as an option to prevent an absence. The Committee asked staff to research the issue and return to the February meeting with a recommended course of action.

Deputy Director Schilling sought guidance for the issuance of specialized instructor certifications by staff. The issuance is related to Rule 12 NCAC 09B .0305 – Terms and Conditions of Specialized

Instructor Certification and 12 NCAC 09B .0202 – Responsibilities of the School Director. After discussion, it was determined that no rule change was needed.

Lastly, Chairperson Freeman reported that Deputy Director Schilling provided an overview of the recent School Directors' Conference. She reported that staff was planning the 2019 School Directors' Conference for August 27-29, 2019 in Greensboro.

**C. Planning and Standards Committee – Chairman Jeff Welty**

Chairman Welty reported that the Planning and Standards Committee met on Wednesday, November 28, 2018 at Wake Technical Community College Public Safety Center.

Chairman Welty reported that the minutes of the August meeting were approved as written.

Chairman Welty reported that the North Carolina Department of Public Safety/Division of Adult Correction and Juvenile Justice (DPS/DACJJ) asked for changes to the Interpretive Rule. They had created a new job title, "Chief of Special Operations" that will be given to the person heading its Special Operations and intelligence Unit. This unit will collect information from both correctional institutions and community corrections, and the person heading the unit may come from either background, but should remain certified under the Commission's jurisdiction. The Commission approved the MOTION.

Chairman Welty reported that the Commission approved 18 amendments in which the Rules Review Commission accepted 15 of these changes. The Rules Review Commission had questions concerning Rule 12 NCAC 09B .0101 (minimum standards for criminal justice officers), 12 NCAC 09G .0304 (general certification [corrections]) and 12 NCAC 09G .0103 (rule-making and administrative hearing procedures [corrections]). The Commission made a MOTION to withdraw these rules.

Chairman Welty reported that a rule making hearing was conducted on two proposed rule revisions. The rules are: 12 NCAC 09B .0101 (minimum standards for criminal justice officers) and 12 NCAC 09G .0302 (notification of criminal charges/convictions [corrections]). Both rules address officers' obligations to report arrests, criminal charges, 50B orders, and the like. The revisions would clarify those obligations by clearly stating how quickly various events must be reported and to whom. The Committee had concerns in reference to "executive officer" in place of "agency head" and references to "Giglio" that are not fully defined. The Committee voted not to change these rules at the present time.

Chairman Welty reported that the Committee recommended changes to Rule 12 NCAC 09A .0107 by: (1) splitting this rule into two rules, with .0107 addressing procedures for rule change requests and .0207 addressing administrative hearing procedures and timelines, (2) make it optional to submit, when requesting a rule change, the various items of information listed in .0107, and (3) repeal 09G .0103, which is identical to 09A .0107 and therefore unnecessary. Chairman Welty asked that the Commission grant rule making authority to the Planning and Standards Committee to amend 12 NCAC 09A .0107, 09A .0207 and repeal 09G .0103. The MOTION carried.

Chairman Welty reported that the Committee recommended changes to Rules 12 NCAC 09B .0301 (certification of instructors); 12 NCAC 09B .0503 (suspension: revocation: denial/school director certification); 12 NCAC 09G .0307 (certification of instructors [corrections]); and 12 NCAC 09G .0407 (suspension: revocation: denial/school director certification [corrections]). The instructors who are certified through another entity (such as the N.C. Fire Commission or another state's law enforcement commission) cannot serve as instructors for Commission-governed courses if they lose their



certifications. Instructors and School Directors cannot have romantic/sexual relationships with BLET or basic corrections trainees. The Commission approved the MOTION.

Chairman Welty reported that several changes to the law enforcement and correction rules regarding agencies' retention of records relating to officers' certifications in that all critical records relating to officers' certifications in case there are questions about them, and that they retain them for the period required by the records retention schedules promulgated by the Department of Cultural Resources. The Commission granted rule making authority to the Planning and Standards Committee to amend 12 NCAC 09C .0307 (agency retention of records of certifications) and 12 NCAC 09G .0306 (retention of records for certification [corrections]). The MOTION carried.

Chairman Welty reported that Deputy Director Richard Squires provided information regarding the procedure that BLET participants must follow to provide information about their criminal history. He advised that School Directors have expressed concerns and staff will be looking into this issue further and report back to the Committee.

Next, Chairman Welty reported that Director Combs discussed with the Committee as to whether field training should be mandatory for new officers. He explained that this training was an objective of the Eighth Edition System Plan. Director Combs noted that the larger agencies require this training by agency policy but it may be difficult or expensive for smaller agencies. The Committee asked Director Combs to research ways that this field training could be required without challenges facing the smaller agencies.

Also, Director Combs presented a proposal for a North Carolina Law Enforcement Accreditation Program. He explained that this would be a Commission-administered voluntary program that agencies could join for a modest fee. The Commission would have volunteers to ensure that each member agency had appropriate policies and procedures to place regarding issues for example: pursuits, use of force and evidence retention, and that each member agency would follow the procedures. This Accreditation Program would be similar to Common Accreditation for Law Enforcement Agencies (CALEA) but rooted in North Carolina and be affordable. The Commission voted to approve the program, subject to the availability of funds for the administrative position(s) that would be required to operate the program.

In closing, Chairman Welty reported that the Ninth Edition System Plan was circulated to the full Commission in August, 2018. He stated that no negative feedback was received from the Commission. The Commission adopted the Ninth Edition System Plan.

#### **Probable Cause Committee – Chairman Tim Hayworth**

Chairman Hayworth reported that the Probable Cause Committee met on Wednesday, November 28<sup>th</sup> and Thursday, November 29, 2018 at Wake Technical Community College, Raleigh, North Carolina.

Chairman Hayworth reported that the minutes of August 15<sup>th</sup> and August 16, 2018 were approved as presented.

Chairman Hayworth reported that on Wednesday, November 28, 2018, sixteen officers/applicants were on the agenda with a total of 13 alleged violations of the Administrative Code. Three cases consisted of 4 allegations and these cases were continued. No probable cause was found against 7 officers/applicants involving 9 allegations. Probable Cause was found in the case of 4 officers/applicants involving 9 alleged violations. Probable Cause was found against 2 other officers/applicants involving 2 alleged violations with the offer of a lesser sanction of a written reprimand. On Thursday, November 16<sup>th</sup>, there were 20 officers/applicants on the agenda with a total of 44 alleged violations of the Administrative Code. One case consisted of 6 allegations and this case

was continued. No Probable Cause was found in 15 officers/applicants involving 31 alleged violations. Probable Cause was found in the case of 4 officers/applicants involving 3 alleged violations. Probable Cause was found against 2 officers/applicants involving 2 alleged violations with the offer of a lesser sanction of a written reprimand.

Chairman Hayworth asked that the Commission accept the lesser sanction of agreement for Memorandum Number 18/088. The Commission approved the MOTION and carried.

Chairman Hayworth asked that the Commission accept the lesser sanction of agreement for Memorandum Number 18/092. The Commission approved the MOTION and carried.

Chairman Hayworth asked that the Commission accept the lesser sanction of agreement for Memorandum Number 18/045. The Commission approved the MOTION and carried.

Chairman Hayworth asked that the Commission accept the lesser sanction of agreement for Memorandum Number 18/096. The Commission approved the MOTION and carried.

Chairman Hayworth reported that three officers were certified after having committed a criminal offense by the Criminal Justice Standards Division.

Lastly, Chairman Hayworth proposed an amended Probable Cause Policy. He asked that the full Commission approve the recommendation by staff to include in the policy those offenses that occur in other jurisdictions that are comparable to offenses already listed in the policy. The Commission approved the MOTION and carried.

#### **E. CJ Fellows Program Committee – Chairman Nathan Mizell**

Chairman Mizell reported that Director Combs gave an overview of the work that has been completed for the program since the August meeting. This includes: program forms; procedures for selecting fellows and for paying community colleges; creation of promissory note; program packets mailed out to all high schools, charter schools and early high schools and program information sent out to all police chiefs, sheriffs and school directors as well as other criminal justice organizations.

Chairman Mizell reported that Transfer Request Form (FP-4) was tabled until the next meeting to define the necessary language changes. The Committee approved the proposed application form and other status forms with recommended changes or grammatical corrections. Commissioner McPherson has offered to work with the Program staff directly to assist in the process of the Transfer Request Form.

Chairman Mizell reported that the Committee approved the initial Promissory Note with a 5% interest rate.

Chairman Mizell reported that the Committee approved the proposed process for paying the community colleges and issuing an award letter. He explained that the Community College and fellow would have an award letter on file so that the school is aware of how to handle the student's account.

Next, Chairman Mizell reported that the Committee reviewed the process for selecting "fellows". He advised that staff would review the applicants for minimum requirements and forward applications for review and selection by the Committee. He reported that the Committee approved definitions for "full-time", "part-time", "default", "repayment", and "residency".

In closing, Chairman Mizell reported that FAQs have been tabled for discussion at the February meeting.

#### **VII. OTHER BUSINESS**

None

**VIII. OLD BUSINESS**

Ms. Whitney Belich distributed a document entitled "Pending Administrative Cases" for the membership's review.

Ms. Belich discussed the memorandum regarding Giglio issues. Director Combs advised that the Division will be a repository for these letters. He stated that if an officer receives a Giglio letter and applies with another Department, the Division will make a determination whether an investigation needs to be completed. He noted that staff would notify the Chief of this Department but not actually advising that a Giglio letter has been received by Criminal Justice Standards Division. Director Combs advised that these Giglio letters would be reviewed individually.

**IX. DATE OF NEXT MEETING**

Commission Chairman Hollingsed advised that the next Commission meeting is scheduled for February 13 - 15, 2019 at the Wake Technical Community College, Public Safety Education Campus in Raleigh, NC.

**X. MOTION TO ADJOURN**

**MOTION was made by Commissioner Steve Johnson that the Commission adjourn; seconded by Commissioner Byrd. The MOTION carried unanimously.**