

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

MINUTES

DATE: August 16, 2019

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

Captain Marianne Bond
Ms. Tasha Jones Butts
Sergeant Randy Byrd
Mr. Eddie Caldwell
Ms. Leslie Cooley-Dismukes
Mr. David Dail
Mr. Richard Epley
Captain Lee Farnsworth
Ms. Stephanie Freeman
Ms. Jane Gilchrist
Chief Robert Hassell
Chief Tim Hayworth
Mr. Andrew Hendry
Chief Bill Hollingsed
Deputy Chief Brian James
Ms. Teresa Jardon
Mr. Steve Johnson
Mayor Bobby Kilgore
Chief Jeff McCracken
Colonel Glenn McNeill
Ms. Tracy McPherson
Mr. Nathan Mizell
Chief Ron Parrish
Mr. Trey Robison
Sergeant David Rose
Mr. Michael Slagle
Mr. Jeff Welty
Ms. Angela Williams

MEMBERS ABSENT

Chief Chris Blue
Chief Cerelyn Davis
Mr. Brent Herron
Chief Tim Ledford
Dr. Kenneth Mullen
Director Bob Schurmeier

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 members: Captain Marianne Bond of Durham Police Department, who represents the North Carolina Law Enforcement Women's Association; Deputy Chief Brian James of Greensboro Police Department, who represents the North State Law Enforcement Officers' Association; Mr. Michael Slagle, Ms. Teresa Jardon, Mr. Richard Epley and Chief Ron Parrish of Gibsonville Police Department, who was appointed by the Senate Pro Tempore; Ms. Angela Williams, Mr. Steve Johnson and Sergeant Randy Byrd of the Cary Police Department, who was appointed by the Speaker of the House. 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 personally thanked Ms. Joleigh Kelley and Mr. Jon Gregory for hosting the Commission at the Wake Technical Community College Public Safety Education Campus.

**II. AWARDING OF ADVANCED CERTIFICATES
[Agenda Memorandum No. 03-19]**

Commission Chairman Hollingsed reported that staff had evaluated the applications of all two hundred and ninety-one (291) candidates. There were two hundred and twenty-nine (229) candidates for the Advanced Law Enforcement Certificate and sixty-two (62) 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 Steve Johnson that the Commission award the Advanced Law Enforcement Certificate or Advanced Criminal Justice Certificate to each named individual. The MOTION was seconded by Commissioner Nathan Mizell and carried unanimously.

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

Orrie L. Smith	Banner Elk Police Department Presented by Chief Kevin Hodges
Michael P. Henley	Banner Elk Police Department Presented by Chief Hodges
Daniel S. Fuller	Burgaw Police Department Presented by Chief James Hock
Brandon M. Avant	G4S Special Police Presented by Commissioner Hollingsed
Scott Swink	Graham Police Department Presented Chief Jeff Prichard
Francis W. Dilworth, III	Holden Beach Police Department Presented by Chief Jeremy C. Dixon
James M. Johnson	Rolesville Police Department Presented by Chief Orlando Soto
Patricia D. Myers	Rolesville Police Department Presented by Chief Soto
Robert D. Ginn, Sr.	Salisbury Police Department Presented by Chief Jerome Stokes
Victoria M. Young	Salisbury Police Department Presented by Chief Stokes
Jeremy B. Hill	Salisbury Police Department Presented by Chief Stokes
Ryan Kemper	UNC Hospitals Police Department Presented by Commissioner Hollingsed
Thomas Everett	Wake Forest Police Department Presented by Commissioner Hollingsed
Bonnie P. Neral	Wrightsville Beach Police Department Presented by Chief Daniel House

Anna K. Saucier	NC Department of Secretary of State Presented by Elaine Marshall, Secretary of State
Carol A. Stone	NC Department of Secretary of State Presented by Elaine Marshall, Secretary of State
Dawn Karie	N.C. State Bureau of Investigation Presented by Commissioner Hollingsed and Wayne Woodard, Former Director of CJ Training and Standards Division
Thomas C. Rochford	NC General Assembly Presented by Commissioner Hollingsed
Brian S. Allen	N.C. State Highway Patrol Presented by Colonel Glenn McNeill
Shane R. Furr	N.C. State Highway Patrol Presented by Colonel McNeill
Jody C. Gray	N.C. State Highway Patrol Presented by Colonel McNeill
Alston A. Lucas	N.C. State Highway Patrol Presented by Colonel McNeill
Kurt D. Mills	N.C. State Highway Patrol Presented by Colonel McNeill
Daniel J. Sinnema	N.C. State Highway Patrol Presented by Colonel McNeill
Dustin L. Sloop	N.C. State Highway Patrol Presented by Colonel McNeill
David S. Smith	N.C. State Highway Patrol Presented by Colonel McNeill
Michael J. Walker	N.C. DMV License & Theft Bureau Presented by Colonel Eric Copeland, Director of NCDMV
Brian T. Trivette	N.C. DMV License & Theft Bureau Presented by Colonel Copeland, Director of NCDMV
Burton M. Adams	DPS/Division of Adult Correction & Juvenile Justice Presented by Chief Deputy Secretary Tim Moose
Amy Baker	NCDPS/Division of Adult Correction & Juvenile Justice Presented by Chief Deputy Secretary Moose
Shannon Bond	NCDPS/Division of Adult Correction & Juvenile Justice Presented by Chief Deputy Secretary Moose
Tammy J. Carroll	NCDPS/Division of Adult Correction & Juvenile Justice Presented by Chief Deputy Secretary Moose
Alena Carson	NCDPS/Division of Adult Correction & Juvenile Justice Presented by Chief Deputy Secretary Moose

Darcell W. Carter	NCDPS/Division of Adult Correction & Juvenile Justice Presented by Chief Deputy Secretary Moose, Commissioners Angela Williams and Stephanie Freeman
Jacqueline Ferrell	NCDPS/Division of Adult Correction & Juvenile Justice Presented by Chief Deputy Secretary Moose, Commissioners Williams and Freeman
Jacquelyne M. Hollis	NCDPS/Division of Adult Correction & Juvenile Justice Presented by Chief Deputy Secretary Moose, Warden Roderick Watson and Assistant Superintendent Timothy Jones
Douglas E. Hoskins	NCDPS/Division of Adult Correction & Juvenile Justice Presented by Chief Deputy Secretary Moose, Warden Watson and Assistant Superintendent Jones
Amy Jenkins	NCDPS/Division of Adult Correction & Juvenile Justice Presented by Chief Deputy Secretary Moose, Warden Kevin King
Joyce Y. Kerns-Correll	NCDPS/Division of Adult Correction & Juvenile Justice Presented by Chief Deputy Secretary Moose, Commissioners Williams and Freeman
Jerry D. Laws	NCDPS/Division of Adult Correction & Juvenile Justice Presented by Chief Deputy Secretary Moose, Commissioners Williams and Freeman
Nicole L. Mitchell	NCDPS/Division of Adult Correction & Juvenile Justice Presented by Mary Stevens, Chief Administrator-Parole Commission
Margaret Morgan	NCDPS/Division of Adult Correction & Juvenile Justice Presented by Warden Denise Jackson, Commissioners Williams and Freeman
Mark Patneaude	NCDPS/Division of Adult Correction & Juvenile Justice Presented by Chief Deputy Secretary Moose, Warden Jackson, Commissioners Williams and Freeman
Selina Proffitt	NCDPS/Division of Adult Correction & Juvenile Justice Presented by Chief Deputy Secretary Moose, Warden Jackson, Commissioners Williams and Freeman
Angela Ray	NCDPS/Division of Adult Correction & Juvenile Justice Presented by Chief Deputy Secretary Moose, Warden Jackson, Commissioners Williams and Freeman
Isaac C. Rogers	NCDPS/Division of Adult Correction & Juvenile Justice Presented by Chief Deputy Secretary Moose, Warden Amanda Cobb, Commissioners Williams and Freeman
Jasmine Seward	NCDPS/Division of Adult Correction & Juvenile Justice Presented by Chief Deputy Secretary Moose, Spencer Noble, Judicial District Manager, Commissioners Williams and Freeman

William Mitchell

NCDPS/Division of Adult Correction & Juvenile Justice
Presented by Chief Deputy Secretary Moose, Commissioners
Williams and Freeman

III. PRESENTATION OF RESOLUTIONS IN MEMORIAM

Commission Chairman Hollingsed read the Resolution in Memoriam into the minutes for: Trooper Kevin Keith Conner of the North Carolina State Highway Patrol, who died in the line of duty on October 17, 2018, Trooper Samuel Newton Bullard of the North Carolina State Highway Patrol, who died in the line of duty on May 21, 2018, Trooper Benjamin Derek Wallace of the North Carolina Highway Patrol, who died in the line of duty of November 2, 2018, Officer Christopher Driver of the Rocky Mount Police Department, who died in the line of duty on June 23, 2018, Officer Jared William Franks of the Greensboro Police Department, who died in the line of duty on November 10, 2018; Officer Travis Wells of the Dallas Police Department, who died in the line of duty on November 1, 2018 and Officer Jason Quick of the Lumberton Police Department, who died in the line of duty on December 15, 2018.

Next, Vice-Chairman Eddie Caldwell presided over the Commission by stating that the next order of business was the nominations for the office of Chairman. He stated that Commission Chairman Hollingsed recently retired from the Waynesville Police Department and this would be his last meeting.

IV. ELECTIONS

A. Chairman

Vice-Chairman Caldwell asked if there were nominations for the office of Chairman.

MOTION was made by Commissioner Ron Parrish to nominate Commissioner Tim Hayworth as Chairman of the North Carolina Criminal Justice Education and Training Standards Commission. The MOTION was seconded by Commissioner Lee Farnsworth and carried unanimously.

B. Vice-Chairman

The newly elected Commission Chairman Hayworth presided over the Commission to take nominations for the office of Vice-Chairman.

MOTION was made by Commissioner Slagle to nominate Commissioner Caldwell, Vice-Chairman of the Education and Training Standards Commission. The MOTION was seconded by Commissioner Parrish and carried.

C. Standing Committee Chairpersons

1. Education and Training Committee

MOTION was made by Commissioner Johnson to nominate Commissioner Stephanie Freeman as Chairperson of the Education and Training Committee. The MOTION was seconded by Commissioner Mizell and carried unanimously.

2. Planning and Standards Committee

MOTION was made by Commissioner Robert Hassell to nominate Commissioner Jeff Welty as Chairman of the Planning and Standards Committee. The MOTION was seconded by Commissioner Andrew Hendry and carried unanimously.

3. Probable Cause Committee

MOTION was made by Commissioner Brian James to nominate Commissioner Ron Parrish as Chairman of the Probable Cause Committee. The MOTION was seconded by Commissioner Angela Williams and carried unanimously.

V. PRESENTATION OF RESOLUTION OF APPRECIATION

Chairman Tim Hayworth read the Resolution of Appreciation for former Chairman Bill Hollingsed into the minutes. Mr. Hollingsed stated that he really enjoyed working with the Commission and staff. He thanked the Commission for his service as Commission Chairman.

VI. MINUTES OF MAY 24, 2019 MEETING

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

MOTION was made by Commissioner Randy Byrd that the Commission approve the minutes of the May 24, 2019 meeting as mailed. The MOTION was seconded by Commissioner Bobby Kilgore and carried unanimously.

VI. STANDING COMMITTEE REPORTS**A. Executive Committee - Chairman Eddie Caldwell**

Chairman Caldwell stated that the Committee reviewed a number of issues that are in Director Steven Combs' report. Chairman Caldwell asked Director Steven Combs to give an update on the Criminal Justice Standards Division.

Director Combs presented a schedule for the Commission Meetings. After much discussion, a decision was determined that if the Commission has more than three Final Agency Decisions to be heard, the Commission would hear these cases on Thursday. If the Commission has less than three cases to review, they will be presented and heard at the full Commission meeting on Friday. If so, the Committee meetings will be scheduled for Thursday with the exception of the Probable Cause Committee, they will continue as usual. 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, August 14, 2019 at Wake Technical Community College, Raleigh, North Carolina.

Chairperson Freeman reported that on behalf of the Instructor Training Advisory Group, Ms. Jessica Bullock, North Carolina Justice Academy, requested modifying Instructor Training to encompass three modules: Module One – Six hour PowerPoint Class, Six hours Microsoft Word class; Module Two – Ten hours of online training offered through the NCJA and Module Three – 80-hour Instructor Training Course with a class of eighteen (18) students. Implementing these three modules will provide students with an additional understanding of resources to assist them in preparing a lesson plan and will afford them additional time to present material during the Instructor Training course while not removing them from their departments for additional extended time periods thus maximizing time and resources for all agencies/institutions. Ms. Bullock requested a rule change regarding 12 NCAC 09B .0209 - Criminal Justice Instructor Training. The Committee tabled the discussion and asked that the Instructor Training Advisory Group revise the Instructor Training Course Management Guide and Administrative Rule to address prerequisite requirements and report back to the Committee their findings.

Chairperson Freeman reported that Deputy Director Michelle Schilling, Criminal Justice Standards Division, requested a rule change for 12 NCAC 09B .0404 – Trainee Attendance. The Committee asked staff to obtain additional information from the School Directors and return in November with a recommendation.

Deputy Director Schilling recommended accreditation and re-accreditation for the following: Accreditation – UNC Chapel Hill Police Department-SMI, GI; Reaccreditation – A/B Technical Community College – BLET, SMI, GI; Carrboro Police Department – SMI; Craven County Community College – BLET, SMI, GI; Fayetteville Technical Community College – BLET, SMI, GI; High Point Police Department – SMI; Montgomery County Community College – BLET; Nash County Community College – BLET, SMI, GI; and Stanly County Community College – BLET, SMI, GI. The Committee approved the recommendations with the exception of Mayland Community College- BLET and GI programs. The Committee only approved the re-accreditation of Mayland Community College to deliver SMI, under regular audit and inspection by the Criminal Justice Standards Division to ensure all applicable Commission rules are met.

Next, Chairperson Freeman reported that Deputy Director Schilling presented a request from Appalachian State University to be allowed to administer a BLET course with a modified presentation schedule that would allow cadets to receive required BLET curriculum training as follows: August 5 – 16, 2019; November 2019, January 2020, April 2020, May 11th – August 13, 2020 and August 14, 2020 (state exam). The University is requesting a waiver to the existing rule 12 NCAC 09B .0202(b)(2) – Responsibilities of the School Director – to allow the BLET course presentation schedule business model to be administered. The Committee asked staff to work with legal counsel to determine if the Commission has the authority to waive this rule. This request was tabled until the next Committee meeting in November.

Chairperson Freeman noted that Director Combs provided follow-up information in response to how private schools address School Resource Officers.

Next, Deputy Director Schilling provided a follow-up regarding the use of teleconference and other forms of delivery platforms for Commission based training.

In closing, Chairperson Freeman reported that Commissioner Steve Johnson recommended that the Committee consider options for the implementation of mandated in-service training for the Department of Adult Correction and Juvenile Justice based on the Commission's current System Plan.

C. Planning and Standards Committee – Chairman Jeff Welty

Chairman Welty reported that the Planning and Standards Committee met on August 14, 2019 at Wake Technical Community College Public Safety Center.

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

Chairman Welty informed the Commission that, in accordance with the Rules of Public Hearing, the Commission could not vote on several rules due to the comment period for public comments not closing until August 16, 2019. Chairman Welty reminded the Commission of the teleconference meeting to vote on these rules on August 19, 2019.

Chairman Welty noted that an advisory group was working on 12 NCAC 09B .0203 – Admission of Trainees in which the Planning and Standards Committee had questions; for example, whether the recommended revisions would miss certain military criminal records. The Committee asked Commissioners Leslie Cooley-Dismukes and Robert Hassell to work with staff and present their findings at the next Committee meeting in November.

Next, Chairman Welty noted that staff was drafting a rule addressing 12 NCAC 09B .0301 – Certification of Instructors (Law Enforcement) and 12 NCAC 09G .0307 (Certification of Instructors

[Corrections]) regarding inappropriate relationships between students and Instructors/School Directors/Qualified Assistants (QAs). The Committee felt that the rule should include reporting relationships to managing personnel and to the Standards Division and include the nature of the relationship. Commissioner Cooley-Dismukes offered to work with staff and present at the November meeting.

Chairman Welty noted that the Committee considered a proposed revision to 12 NCAC 09B .0302 (Instructor Certification) for current or recent out-of-state instructors to come to North Carolina, pass the instructor examination, and become North Carolina instructors.

MOTION was made by Chairman Welty that the Commission authorize the Planning and Standards Committee to conduct a rule making hearing for rule 12 NCAC 09B .0302 – Instructor Certification. The Committee voted to: (1) change the rule to allow individuals who have completed an instructor training course elsewhere that is equivalent to the Commission’s and (2) are certified as instructors by an out-of-state, federal, or military POST organization or who has been so certified in the last two years and (3) who passed the Commissioner’s examination with at least 75% score, to be certified as probationary instructors; seconded by Commissioner Farnsworth. The MOTION carried.

Chairman Welty noted that the Committee considered a proposed rule 12 NCAC 09B .0314 – Certification of Diversion Investigators and Supervisors would require officers seeking certification as drug diversion investigators or supervisors to complete specified training.

MOTION was made by Chairman Welty that the Commission authorize the Planning and Standards to conduct a rule making hearing for 12 NCAC 09B .0314 – Certification of Diversion Investigators to require officers seeking certification as drug diversion investigators or supervisors to complete specified training. Investigators would need 24 hours of classroom training, Supervisors would need four hours of online training, all to be authored by the Justice Academy; seconded by Commissioner Farnsworth. The MOTION carried.

Chairman Welty noted that the Committee considered rule 12 NCAC 09B .0315 Terms and Conditions of Diversion Investigators and Supervisors Certification. The proposed rule did not address whether refresher training would be required for recertification. This rule would address the duration of certification and the process for recertification. Staff advised the Committee that the SBI would have recommendations on this issue. The Committee took no action on this proposal.

Next, Chairman Welty reported that the Committee considered a proposed rule revision for 12 NCAC 09E .0105 – Minimum Training Specifications: Annual In-Service Training that would take the annual in-service training topics out of the Administrative Code and place them in a manual maintained by the North Carolina Department of Justice (NCDOJ). Under the new proposal, the topics would not need to go through rule making process. These topics would be listed in the manual and would not be in the Administrative Code.

MOTION was made by Chairman Welty that the Commission authorize the Planning and Standards to conduct a rule making hearing for 12 NCAC 09E .0105 – Minimum Training Specifications: Annual In-Service Training that would take the annual in-service training topics out of the Administrative Code and place them in a manual maintained by the North Carolina Department of Justice (NCDOJ); seconded by Commissioner Hassell. The MOTION carried.

Chairman Welty reported that the Committee reviewed several changes to the Commission forms regarding the Giglio letters. Many of the changes stemmed from discussions between staff, the Commission, District Attorneys and other parties about how to deal with officers who receive a Giglio letter or otherwise prohibited from testifying under oath. Questions and concerns were presented concerning checking a box without writing an explanation as to why the Giglio letter was written.

MOTION was made by Commissioner Byrd that the Commission oppose changing the Commission forms and return to the Planning and Standards for further review; seconded by Commissioner Caldwell. The MOTION carried.

Vice-Chairman Caldwell presided over the Commission meeting and asked Commissioner Hayworth to continue with the Probable Cause report.

Probable Cause Committee – Former Chairman Tim Hayworth

Former Chairman Hayworth reported that the Probable Cause Committee met on Wednesday, August 14th and Thursday, August 15, 2019 at Wake Technical Community College, Raleigh, North Carolina.

Former Chairman Hayworth reported that the minutes of May 22nd and May 23, 2019 were approved as presented.

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

Former Chairman Hayworth reported that the Probable Cause Committee received Ethics Training in accordance with G.S. 93B-5.

Former Hayworth reported that on Wednesday, May 22, 2019, seventeen officers/applicants were on the agenda with a total of 27 alleged violations of the Administrative Code. Three cases with five allegations were continued and one case with one allegation was tabled for further investigation. One case with two allegations was not heard due to the applicant no longer being considered by the agency for employment. One case was continued due to notification not being received. No probable cause was found for six officers with nine allegations. Probable cause was found with four applicants/officers with eight allegations. Probable cause was found with one officer who was offered a lesser sanction.

On Thursday, May 23th, eleven officers/applicants were on the agenda with a total of seventeen allegations. No probable cause was found in the case of nine officers/applicants involving twelve alleged allegations. One case was continued. Probable Cause was found in one case with three alleged violations with the offer of a lesser sanction of a written reprimand.

MOTION was made by Commissioner Hayworth that the Commission accept the lesser sanction of agreement for Memorandum Number 19/075; seconded by Commissioner Kilgore. The MOTION carried unanimously.

MOTION was made by Commissioner Hayworth that the Commission accept the lesser sanction of agreement for Memorandum Number 18/080; seconded by Commissioner Parrish. The MOTION carried unanimously.

E. CJ Fellows Program Committee – Chairman Nathan Mizell

Chairman Mizell reported that the first award ceremony and orientation was held on August 1, 2019. Over 50 people were in attendance including Attorney General Josh Stein, Committee members, Commission members and DOJ representatives. The Committee voted for a mandatory orientation for future classes of Fellows.

Chairman Mizell reported that there was discussion concerning granting extensions for Fellows to enter the criminal justice profession due to age, earning bachelor's degrees and other circumstances. He noted that further discussion would continue at the next Committee meeting.

Chairman Mizell reported that the Fellows program will not receive funding for promoting the program until the budget is passed. Low-cost suggestions were made: surveying the current Fellows to find out how they learned of the program (2) marketing the first year majors enrolled in community colleges; (3) marketing to students enrolled in BLET and (4) creating a Facebook account for the program and asking agencies, committee members and Commission members to "share" information concerning the program.

Lastly, Chairman Mizell reported that November 1, 2019 was approved as the opening date of the application. The program will have rolling admissions.

VIII. OTHER BUSINESS

None

IX. OLD BUSINESS

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

X. DATE OF NEXT MEETING

Commission Chairman Hayworth advised that the next Commission meeting is scheduled for November 20-22, 2019 at the Wake Technical Community College, Public Safety Education Campus in Raleigh, NC.

XI. MOTION TO ADJOURN

MOTION was made by Commissioner Slagle that the Commission adjourn; seconded by Commissioner Epley. The MOTION carried unanimously.