

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

MINUTES

Virtual Meeting

DATE: February 26, 2021

TIME: 9.00 A.M.

LOCATION: N.C. Department of Justice/Training and Standards Division
1700 Tryon Park Drive
Raleigh, North Carolina

SUBMITTED BY: Richard Squires
Interim Director

MEMBERS PRESENT

Chief Chris Blue
Captain Marianne Bond
Chief Eddie Buffalo
Ms. Tasha Jones Butts
Sergeant Randy Byrd
Mr. Eddie Caldwell
Chief Cerelyn Davis
Ms. Leslie Dismukes
Chief Richard Epley
Mr. Lee Farnsworth
Director Stephanie Freeman
Sergeant Billy Gartin
Ms. Jane Gilchrist
Chief Robert Hassell
Mr. Andrew Hendry
Chief David Hess
Mr. Stan Hicks
Mr. Jonathan Holbrook
Mr. Steve Johnson
Mayor Bobby Kilgore
Chief Jeff McCracken
Colonel Glenn McNeill
Ms. Tracy McPherson
Mr. Nathan Mizell
Deputy Chief Stella Patterson
Director Bob Schurmeier
Mr. Michael Slagle
Ms. Jamie Vaske
Ms. Angela Williams

MEMBERS ABSENT

Mr. Andrew Gregson
Chief Brian James
Ms. Teresa Jardon
Chief Ron Parrish

I. CALL TO ORDER

Commission Chair Chris Blue called the meeting to order. Chair Blue read the Ethics Responsibility into the minutes. He declared that a quorum was present and requested visitors email Ms. Erica Reid so their attendance can be recorded.

**II. AWARDING OF ADVANCED CERTIFICATES
[Agenda Memorandum 01-21]**

MOTION was made by Commissioner Mike Slagle that the Commission award the Advanced Law Enforcement Certificate or Advanced Criminal Justice Certificate to each named individual. The MOTION was seconded by Commissioner Lee Farnsworth and carried unanimously.

II. MINUTES OF NOVEMBER 20, 2020

Commission Chair Blue entertained a motion to approve the minutes of the previous Commission meeting.

MOTION was made by Commissioner Farnsworth that the Commission approve the minutes of November 20, 2020. The MOTION was seconded by Commissioner Nathan Mizell and carried unanimously.

III. STANDING COMMITTEE REPORTS**A. Executive Committee - Eddie Caldwell**

Chair Caldwell stated that the Executive Committee discussed the Commission meeting for May. He stated that a decision would be made at least 30 days prior to hold the meeting in person or virtually via "Zoom".

Chair Caldwell also reported that staff mailed and uploaded reports to SharePoint, for the February Commission meeting. He stated that all documents for the May meeting will be uploaded to SharePoint and not mailed.

Chair Caldwell asked Interim Director Richard Squires to give an update on the Criminal Justice Standards Division. A copy of his written report is attached.

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

B. Education & Training Committee - Chair Stephanie Freeman

Chair Freeman reported that the Education and Training Committee met at 2:00 p.m. on Wednesday, February 24, 2021, virtually via "Zoom". Chair Freeman reported that the Committee approved the minutes of November 18, 2020.

Chair Freeman reported Chief Jeffrey Smythe with the Burlington Police Department, requested a rule change regarding General Instructor certification qualifications. The request would require a rule change for the following rule: 12 NCAC 09B .0302 - General Instructor Certification. The Committee decided to table the request and turn it over to a working group to be formed in conjunction with staff to further evaluate the current rule and come back to a future meeting with a recommendation that will address the overall needs and satisfy the various concerns.

Chair Freeman reported that on behalf of the Criminal Justice Standards Division, Interim Director Squires requested a rule change to clarify the School Resource Officer certification and training requirements and update a website link. The request would require a rule change for the following rule: 12 NCAC 09B .0313 - Certification and Training for School Resource Officers.

MOTION was made by Commissioner Freeman that the Commission authorize the Planning and Standards Committee to conduct a rule making hearing to amend 12 NCAC 09B .0313 - Certification and Training for School Resource Officers as follows: Paragraph "(b)(2)" shall be modified to change "Basic" to "basic" when preceding the course title School Resource Officer Training, and to add the following sentence at the end of the paragraph: "Law enforcement officers who completed the training pursuant to Paragraph (g) of this Rule between October 1, 2018 and December 31, 2020, shall be credited with completion of the Basic School Resource Officer Training course even if they were not assigned as an SRO pursuant to paragraph (a) of this Rule as long as they comply with the annual SRO refresher training pursuant to paragraph (g) of this rule." Paragraph "(c)" shall be modified to change the phrase "Paragraph (f)" to "Paragraph (g)". Paragraph "d" shall be modified to change the website link to read as follows: "https://ncdoj.gov/law-enforcement-training/criminal-justice/forms-and-publications/#91-114-wpfd-law-enforcement". Paragraph "(e)" shall be modified to change "Basic" to "basic" when preceding the course title School Resource Officer Training, and to add the following sentence at the end of the paragraph: "Any refresher training deficiency must be made up on or before January 31 of the following calendar year." Add a new Paragraph "f" to read as follows: "Instructors who teach a basic SRO course in a traditional classroom format will receive credit toward the completion of the basic SRO course requirement as required by this rule, provided that they pass all required tests and have their instruction documented by the Department Head or In-Service Training Coordinator once completed." The original Paragraph "(f)" shall be modified to reflect Paragraph "(g)" and to change "Basic" to "basic" when preceding the course title School Resource Officer Training; seconded by Commissioner Bobby Kilgore. The Motion carried.

Next, Chair Freeman reported that Commissioner Steve Johnson requested a rule change to add attendance waiver authority for the Director of the Criminal Justice Standards Division, for those situations where a student, attending a Specialized Instructor course, can complete course requirements in multiple course offerings, due to documented instances of accident, illness, emergency, or course cancellation. The request would require a rule change for the following rule: 12 NCAC 09B .0404 - Trainee Attendance.

MOTION was made by Commissioner Freeman that the Commission authorize the Planning and Standards Committee to conduct a rule making hearing to amend 12 NCAC 09B .0404 - Trainee Attendance as follows: Paragraph "(g)" shall be modified to add the following language to the end of the current paragraph: "The Director, Criminal Justice Standards Division may grant a waiver for completion of course requirements, in a course delivery scheduled within 12 months, for just cause based upon the circumstances that created the need for the absence. For purposes of this Rule, "just cause" includes an accident, illness, emergency, or course cancellation that precluded the student from completing the entire course in one continuous course delivery."; seconded by Commissioner Stella Patterson. The Motion carried.

Chair Freeman reported that on behalf of the Joint In-Service Training Committee, Merrily Cheek, with the North Carolina Justice Academy, presented the approved recommended training objectives for the 2022 Law Enforcement In-Service Training Topics. The Committee approved the request.

Deputy Director Michelle Schilling recommended the accreditation of the following institutions for a period of 5 years in accordance with 12 NCAC 09B .0200 and 12 NCAC 09C .0401 for the delivery of the Commission-accredited courses: Instructor Training; Mitchell Community College and Instructor Training; Carteret Community College. Deputy Director Schilling recommended the reaccreditation of the following institutions: SMI - Sanford Police Department; SMI - Piedmont Community College; and BLET, SMI and Instructor Training - Vance-Granville Community College. Deputy Director Schilling also recommended oversight on South Piedmont Community College for BLET, SMI and Instructor Training. The Committee approved the accreditation and reaccreditation recommendations. Regarding the South Piedmont Community College (SPCC) oversight recommendation, the Committee approved a one-year

oversight period by the Criminal Justice Standards Division. At such time, SPCC may be considered for a five-year reaccreditation.

Chair Freeman reported that on behalf of the North Carolina Department of Public Safety – Adult Correction and Juvenile Justice, the Office of Staff Development and Training (OSDT), Felicia Banks requested approval to extend Pilot Authority granted in February 2019 to August 2021 for 12 NCAC 09B .0235 - Juvenile Court Counselors and Chief Court Counselors. Ms. Banks also requested approval to end Pilot Authority granted in February 2019, Rule 12 NCAC 09B.0236 - Juvenile Justice Officers Basic Training Curriculum and approve the following for curriculum revisions: Major Revision (E) Health Services Overview (2 Hours) - Objective #1 Revised. Minor Revisions - consisting of revised policy, handouts, forms, formatting, and new terminology related to RTA. The minor revision include (E) Health Services Overview (2 Hours), (F) Contraband and Search Techniques (2 Hours) and (G) Suicide Prevention and Response (6 Hours). Chair Freeman reported Ms. Banks also requested approval to extend Pilot Authority granted November 2019 to May 2021 for 12 NCAC 09G .0411 Basic Training - Correctional Officers. Ms. Banks also requested approval to extend Pilot Authority for 12 NCAC 09G .0415 Corrections Specialized Instructor Training – Firearms until May 2021. The Committee approved these requests.

Chair Freeman reported that on behalf of the North Carolina Justice Academy, Alex Gazaway briefed the Committee on the status of the ongoing BLET Revision Project pursuant to the Job Task Analysis and proposed decision points for the Committee's consideration regarding the following items: First Responders, Elements of Criminal Law, Crisis Intervention Team (CIT) Training, and Printed and E-book Versions. The Committee supported the BLET Revision Project's direction, as presented and outlined in the attached memo from North Carolina Justice Academy Director Trevor Allen regarding the First Responders, Elements of Criminal Law, and Printed and E-book Versions topics. Regarding the CIT topic, the Committee supported the following topic titles: Crisis Intervention Training and Communication Skills and Crisis Intervention Training - Individuals with Mental Illness and Developmental Disabilities

Chair Freeman noted Deputy Director Schilling provided an update on the number of instructor completions for the year 2020 regarding the required one-hour online renewal training. Deputy Director Schilling also briefed the Committee on the status of completions for the 2020 School Directors Qualified Assistant Annual Training and the 2021 School Directors' Conference status. At this point, 2021 School Directors' Conference will consist of five regional virtual training events.

Chair Freeman reported on behalf of the Instructor Training Advisory Group and the North Carolina Justice Academy, Jessica Cook briefed the Committee on minor lesson plan and handout revisions and the status of the 2021 Mandated Instructor Training Orientation Refresher Update sessions being conducted across the state.

Lastly, Chair Freeman noted that on behalf of the North Carolina Justice Academy, Director Allen announced that two Telecommunicator Certification Courses had been added for March and April 2021.

C. Planning & Standards Committee – Chair Leslie Dismukes

Chair Leslie Dismukes reported that the Planning and Standards Committee met on Wednesday, February 24, 2021, via a public Zoom meeting. The Committee approved the minutes of its November 18, 2020, meeting.

The Committee welcomed new Committee member Sergeant Billy Gartin of the Raleigh Police Department.

Chair Dismukes reported that the Committee considered requesting request rule-making authority regarding the following rules: 12 NCAC 09A .0206 & 12 NCAC 09G .0506 (Summary Suspensions) (sister rules) - The Committee considered proposed changes to these rules to ensure that Instructors who are either in violation of their instructor certification or teaching a course in violation of Commission rules may be summarily suspended until the noncompliance can be remedied. The Committee approved staff

revisions to each rule along with the following changes: 09A .0206 - New subsection (h) should have additional subsections (1) and (2) like new subsection (g); Subsection (i) should be changed to read "appeals to the Superior and Appellate courts" and 09G .0506 - Same revisions to parallel provisions in 09A .0206.

Chair Dismukes reported the Committee considered rule 12 NCAC 09B .0101 (Minimum Standards for Criminal Justice Officers) & 12 NCAC 09G .0205 (Physical and Mental Standards) (sister rules) - The Committee considered proposed changes to these rules to ensure proper pre-employment psychological screening for applicants, adopting in large measure the recommendations of the Psychological Screening Advisory Group. The Committee approved staff revisions to each rule along with the following changes: Rule 12 NCAC 09B .0101 Subsection (6) was modified to remove the word "examination"; Subsection (6)(a) was modified to remove the word "evaluations" and add "at a minimum"; Subsection (6)(b) was modified to remove the word "evaluations" and add "at a minimum", as well as to add "in the pre-employment process or otherwise" and the term "MMPI" was removed throughout the rule and replaced with "pre-employment written psychological test recognized in the field". Rule 12 NCAC 09G .0205 was modified to reflect parallel changes made to NCAC 09B .0101.

Chair Dismukes reported the Committee considered rule 12 NCAC 09G .0206 (Moral Character) & 12 NCAC 09G .0504 (Suspension: Revocation: or Denial of Certification). The Committee considered proposed changes to these rules to bring PPOs in line with LEOs in terms of consideration of prior commission or conviction of a crime for certification. The Committee approved staff revisions to each rule along with the following changes: 09G .0206- Paragraph (10) court case citation "in" changed to "In"; 09G .0504 - Subsections (d)(3) and (d)(4) - "has" to "have" and Subsection (d) (4) - remove reference to (10).

MOTION was made by Commissioner Dismukes that the Commission grant rule making authority to the Planning and Standards Committee regarding the above-described revisions to the following rules: 12 NCAC 09A .0206 & 12 NCAC 09G .0506 (Summary Suspensions); 12 NCAC 09B .0101 (Minimum Standards for Criminal Justice Officers) and 12 NCAC 09G .0205 (Physical and Mental Standards); and 12 NCAC 09G .0206 (Moral Character) & 12 NCAC 09G .0504 (Suspension: Revocation: or Denial of Certification) seconded by Commissioner Robert Hassell. The MOTION carried unanimously.

The Committee conducted a public rulemaking hearing on five (5) rules. The Committee considered the following rules: 12 NCAC 09B .0202 (Responsibilities of the School Director) - The Committee adopted the changes proposed by staff, which would remove the 1 to 6 teacher to student ratio, consistent with other rules. The Committee voted to recommend adoption of the proposed changes to the rule as set out in the packet. 12 NCAC 09B .0209 (Criminal Justice Instructor Training) - The Committee considered revisions to this rule to remove the practical skills hours from each topic and replace it in subsection (14) as a catch-all provision. Commissioner McPherson noted that this will not relieve instructors of their requirements under contract with the community colleges and so it may need to be something that we cover with instructors in their training. The Committee voted to recommend adoption of the proposed changes to the rule as set out in the packet. 12 NCAC 09E .0105 (Minimum Training Specifications: Annual In-Service Training) - The Committee considered proposed changes to this rule to update the mandatory in-service training topics for 2022. The Committee voted to recommend adoption of the proposed changes to the rule as set out in the packet. 12 NCAC 09G .0414 (Instructor Training) -The Committee considered revisions to this rule to make the rule refer back to other NCAC provisions so that it does not have to be amended every time there is a change in the code. The Committee voted to recommend adoption of the proposed changes to the rule as set out in the packet. 12 NCAC 09B .0403 (Evaluation for Training Waiver) -the Committee considered revisions to this rule to establish the criteria by which individuals who have been separated from a sworn position for more than a year but less than five years can re-activate their certification, as set out in the packet. The Committee voted to recommend adoption of the proposed changes to the rule.

MOTION was made by Commissioner Dismukes that the Commission adopt the changes as set out in the packet, to the following rules: 12 NCAC 09B .0202 (Responsibilities of the School Director); 12 NCAC 09B .0209 (Criminal Justice Instructor Training); 12 NCAC 09E .0105 (Minimum Training Specifications: Annual In-Service Training); 12 NCAC 09G .0414 (Instructor Training); 12 NCAC 09B. 0403 (Evaluation for Training Waiver); seconded by Commissioner Kilgore. The MOTION carried unanimously.

Lastly, Chair Dismukes said the Committee reviewed the Goals and Objectives of the 9th System Plan. In particular, they discussed Goal #1, in that it is the only Goal for which we have not made substantial progress. Commissioner Freeman explained the budgetary setbacks surrounding the North Carolina Department of Public Safety's ability to conduct a formal Job Task Analysis but then further explained the extensive steps that the North Carolina Department of Public Safety has taken to address each of the Objectives irrespective of their ability to conduct a formal Job Task Analysis. The Committee was satisfied with the steps that the North Carolina Department of Public Safety has taken.

D. Probable Cause Committee - Vice-Chair Mike Slagle

Vice-Chair Slagle reported that on behalf of the Probable Cause Committee, the Committee did not meet in February. Vice-Chair Slagle reported other meetings were held to discuss how to proceed with Probable Cause meetings. The meetings have been postponed until April and will be held at 12:00 pm on April 26, 2021-April 28, 2021 at Wake Tech Community College.

E. Criminal Justice Fellows Program Committee - Chair Nathan Mizell

Chair Mizell reported that the Committee met via teleconference on Tuesday, February 23, 2021. A quorum was declared.

Next, Chair Mizell noted that Erica Reid, Program Manager, updated the Committee on the status of the current Fellows for the Criminal Justice Fellows Program.

Lastly, Chair Mizell stated that Discussion was held on funding and continuing to promote the program. Chair Mizell reported that the budget has still not been signed; therefore, funding could not be guaranteed for any future classes. The decision was made to continue promoting the program with the disclaimer that funding cannot be guaranteed at this time.

IV. OTHER BUSINESS

None

V. OLD BUSINESS

Ms. Brenda Rivera reported the Pending Administrative cases for the coming months.

VI. DATE OF NEXT MEETING

Commission Chair Blue advised that the next Commission meeting is scheduled for May 19-21, 2021.

VII. MOTION TO ADJOURN

MOTION was made by Commissioner David Hess that the Commission adjourn; seconded by Commissioner Stan Hicks. The MOTION carried unanimously.