

## MINUTES

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

#### EDUCATION AND TRAINING COMMITTEE

November 21, 2019

The Education and Training Committee of the North Carolina Criminal Justice Education and Training Standards Commission met in Room 1826 of the Public Safety Training Center, Wake Technical Community College, Raleigh, NC. Chair Stephanie Freeman called the meeting to order at 1:05 pm. Those in attendance were:

- \*Stephanie Freeman, Appointment by the Governor- Correctional Officer-OSDT
- \*Steve Johnson, Appointment by the General Assembly- Speaker of the House
- \*Lee Farnsworth, NC Law Enforcement Officers' Association
- \*Kenneth Mullen, Representative of the N.C. Criminal Justice Association
- \*Tracy McPherson, NC Community College System - Ex-Officio Member
- \*Randy Byrd, Appointment by the General Assembly - Speaker of the House
- \*Bob Schurmeier, Director of the NC State Bureau of Investigation - Ex-Officio Member
- \*Jeff McCracken, NC Police Executives Association
- \*Jane Gilchrist, General Counsel, NC Department of Public Safety - Ex-Officio Member
- \*Glenn McNeil Jr, Commander of the North Carolina Highway Patrol - Ex Officio Member

#### Visitors

Felicia Banks, NC Dept. of Public Safety, Division of Adult Corrections and Juvenile Justice  
Thomas Forrest, Pitt Community College  
Chris Nesbit, Rowan Cabarrus Community College  
Steve Belk, Rowan Cabarrus Community College  
Lt. Perkins, NC Division of Motor Vehicles  
Darby Enoch, NC Wildlife Resources Commission  
David Rose, Winston Salem Police Department  
Andrea Hyson, NC Community College System  
Tara Richardson, NC Dept. of Public Safety, Division of Adult Corrections and Juvenile Justice  
Monica Shabo, NC Department of Public Safety, Division of Juvenile Justice  
Chief Robert Hassell, Reidsville Police Department

#### Staff

Steven Combs, NC Criminal Justice Standards Division  
Michelle Schilling, NC Criminal Justice Standards Division  
Jason McIntyre, NC Criminal Justice Standards Division  
Trevor Allen, NC Justice Academy  
Stacy Holloman, NC Justice Academy  
Laurie Austen, NC Justice Academy  
Tony Losada, NC Justice Academy  
Jennifer Fisher, NC Justice Academy  
Merrily Cheek, NC Justice Academy  
Jesse Kittrell, NC Justice Academy

Vicki Helms, NC Justice Academy

### **WELCOME/ROLL CALL**

Chair Stephanie Freeman welcomed members and guests. The meeting was called to order, Trevor Allen called the roll, and a quorum was present.

Commissioner Stephanie Freeman introduced Tara Richardson, the Judicial District Manager in District 20 of Community Corrections, who is a student in the Correctional Leadership Development Program with the Division of Adult Correction and Juvenile Justice, and was spending the day mentoring with Commissioner Freeman.

Commissioner Stephanie Freeman welcomed Merrily Cheek as the new In-Service Training Coordinator at the NC Justice Academy and Jesse Kittrell as the School Director over the Justice Academy's SCAT and PT Programs.

### **MINUTES**

The Committee members reviewed the August 21, 2019 meeting minutes, with no requested changes, Commissioner Randy Byrd proposed a **motion** to accept the minutes. Commission Glenn McNeil Jr. **seconded** the motion, **motion carried**.

### **ELECTION OF VICE-CHAIR**

Chairperson Stephanie Freeman opened the floor for Vice-Chair nominations. Commissioner Lee Farnsworth nominated Commissioner Steve Johnson, with a second from Commissioner Kenneth Mullen. With no other nominations, Commissioner Kenneth Mullen **motioned** to close the floor for nominations, and Commissioner Glen McNeil Jr. **seconded** the motion. The **motion carried** and Chairperson Stephanie Freeman announced that Commissioner Steve Johnson was elected as the Vice-Chair of the Education and Training Standards Committee.

### **COMMITTEE ACTION**

#### ***NEW AGENDA ITEM***

### **NC ASSOCIATION OF CHIEFS OF POLICE- 2020 ANNUAL CONFERENCE**

On behalf of the NC Association of Chiefs of Police (NCACP), Chief Robert Hassell appeared before the Committee and requested pilot authority for the NC Association of Chiefs of Police to allow in-service credit for delivering the two (2) hour training topic, "Emotional Survival." The topic was developed by Dr. Kevin Gilmartin, and Retired Chief Robert White will deliver the course at the upcoming 2020 NCACP Annual Training Conference. The course credit will count towards the 2020 Mandated In-Service Training requirement pursuant to 12 NCAC 09E .0105.

Commissioner Steve Johnson proposed a **motion** to grant pilot authority to the Chief's Association to allow In-Service Training credit for the completion of the "Emotional Survival" course at the 2020 NC Association of Chiefs of Police Conference.

Commissioner Jeff McCracken **seconded** the motion, **motion carried**.

### **COMMISSION ACTION**

## **ADMINISTRATIVE CODE: PROPOSED 2021 IN-SERVICE TRAINING TOPICS**

On behalf of the Joint In-Service Committee, Merrily Cheek, the In-Service Training Coordinator for the NC Justice Academy, appeared and presented the proposed recommended 2021 Law Enforcement In-Service Training Topics from the Joint In-Service Training Committee. The Committee met on September 25, 2019, and recommended the following topics for approval:

### Required Topics (14 credits):

Firearms ..... (minimum 4 credits)  
Legal Update ..... (minimum 4 credits)  
Continue to Make a Difference: Positive Engagement Stories and Studies ... (minimum 2 credits)  
School Safety and Responding to School Incidents ..... (minimum 4 credits)

### Topics of Choice (12 credits):

Officer Awareness: Responding to Victims of Trauma..... (minimum 4 credits)  
Patrol Vehicle Operations ..... (minimum 4 credits)  
Hemp Industry: Overview and Officer Roles..... (minimum 2 credits)  
Physical and Mental Wellness: Building & Implementing a Plan for Improvement ..... (minimum 2 credits)

The proposed topics and hours were reviewed by the Committee and approved as presented. Commissioner Lee Farnsworth proposed a **motion** that the Commission authorize the Planning and Standards Committee to conduct a rule-making hearing to amend rule **12 NCAC 09E. 0102** to reflect the following required in-service training topics and hours for the **2021 Law Enforcement In-Service Training**. Commissioner Jeff McCracken **seconded** the motion, **motion carried**.

## **ADMINISTRATIVE CODE: PROPOSED RULE REVISION – GENERAL INSTRUCTOR CERTIFICATION**

On behalf of the Instructor Training Advisory Group, Tony Losada with the NC Justice Academy, presented a request to modify the rule, *12 NCAC 09B .0303 – Terms and Conditions of General Instructor Certification* to eliminate the waiting period for full certification and update the website URL. Currently, the rule requires students who complete the instructor training program to receive probationary certification, instruct a minimum of eight (8) hours of training, and wait a one year to obtain full certification. The proposed rule change will remove the one year waiting period and allow a student to receive full certification as soon as they instruct eight (8) hours of training and submit documentation to the Criminal Justice Standards Division.

The request required a rule change for the following:

- 12 NCAC 09B .0303 – Terms and Conditions of General Instructor Certification
- 12 NCAC 09G .0309 – Terms and Conditions of General Instructor Certification

Commissioner Stephanie Freeman shared the parallel rule 12 NCAC 09G .0309 for the Division of Adult Corrections and requested that the revisions also be made to both rules that govern instructors. The Committee members further discussed the rule, the required eight (8) hours of instruction, and the wording of the rule. Commissioner Jane Gilchrist suggested that training be clarified within the rule.

Trevor Allen suggested that new wording be added to paragraph (a) to state “status until satisfying the requirements of paragraph (b) of this rule.”

The committee reviewed and approved the proposed word change. Commissioner Tracy McPherson proposed a **motion** that the Commission authorize the Planning and Standards Committee to conduct a rule-making hearing to amend rule **12 NCAC 09B .0303 – General Instructor Certification** to reflect the word change in paragraph (a) to state “An applicant meeting the requirements for certification as a general instructor shall, within the first 12 months of certification, be in a probationary “status until satisfying the requirements of paragraph (b) of this rule” and include the parallel rule in **12 NCAC 09G .0309 – General Instructor Certification**.

- Language in paragraph “a” shall be modified to read as follows:

“An applicant meeting the requirements for certification as a general instructor shall, within the first 12 months of certification, be in a probationary status until satisfying the requirements of Paragraph (b) of this Rule. The General Instructor Certification, Probationary Status, shall automatically expire 12 months from the date of issuance.”

- Language in paragraph “b” shall be modified to read as follows:

“The probationary instructor shall be eligible for General Instructor status if the instructor, submits to the Commission a favorable recommendation from a certified School Director or In-Service Training Coordinator via Form F-12A, Renewal of Instructor or Professional Lecturer Certification, located on the agency’s website: <https://ncdoj.gov/law-enforcement-training/criminal-justice/forms-and-publications/#102-wpfd-instructor>. Form F-12A shall be accompanied by a certification on a Commission Instructor Evaluation Form F-16 that the instructor taught a minimum of eight hours of Commission-accredited basic training, Commission-recognized in-service training, or training pursuant to 12 NCAC 10B .0601, 10B .1302, or 10B .2005 during the probationary period. The instructor shall achieve a minimum of 64 points on all instruction evaluations submitted to the Commission. The Commission Instructor Evaluation Form F-16 is located on the agency’s website: <https://ncdoj.gov/law-enforcement-training/criminal-justice/forms-and-publications/#102-wpfd-instructor>.”

Commissioner Lee Farnsworth **seconded** the motion. **Motion carried.**

### **ADMINISTRATIVE CODE: PROPOSED RULE REVISION – INSTRUCTOR TRAINING COURSE MANUAL**

*12 NCAC 09B .0209 – Instructor Training Course Manual*

This agenda item was removed.

### **ADMINISTRATIVE CODE: PROPOSED RULE REVISION – SCHOOL DIRECTOR RESPONSIBILITIES**

On behalf of the CJ Standards Division, Deputy Director Michelle Schilling requested a rule change to *12 NCAC 09B .0202(b) – Responsibilities of the School Director*, that would allow consistency and adequate time for School Directors to submit the required pre-delivery documents for Commission courses.

The request required a rule change for the following:

- 12 NCAC 09B .0202 – Responsibilities of The School Director

Michele Schilling shared the first requested change would be to achieve consistency in the pre-deliveries for BLET, SMI Training, Instructor Training, and Specialized Instructor Training courses. In all courses except BLET, School Directors are required to submit the pre-deliveries to CJ Standards no later than thirty (30) days before the course start date. In the BLET course, the School Director must submit the pre-delivery fifteen (15) days before the start of a course. The BLET pre-delivery requires more time for CJ Standards Division staff to approve. The request to reflect thirty (30) days rather than fifteen (15) days before the start of the course as the deadline for submission of BLET pre-deliveries was made for consistency.

The second request would correct the eighty (80) hours of instruction in the instructor training course presentation. Michelle Schilling shared a revised memo with the language change to say “to include a minimum of 78 hours of instruction during the time period the class is taught until the course requirements are completed.” The Justice Academy requested the change to ensure the language and rule was consistent with what is currently taught. The hours should reflect seventy-eight (78) hours of training to match what is taught in the Instructor Training program.

The committee approved both requests. Commissioner Kenneth Mullen proposed a **motion** that the Commission authorize the Planning and Standards Committee to conduct a rule-making hearing to amend the rule, **12 NCAC 09B .0202 – Responsibilities of The School Director** to reflect the following:

- Language in paragraph “(b)(7)” shall be modified to read as follows:

“Not less than 30 days before commencing delivery of the Basic Law Enforcement Training Course, submit to the Commission a Pre-Delivery Report of Training Course Presentation pursuant to 12 NCAC 09C .0211. The Pre-Delivery Report (Form F-10A) shall indicate a requested date and location for the administration of the state comprehensive exam, and include the following attachments:

- Language in paragraph “(c)(1)” shall be modified to read as follows:

“Schedule course presentation to include a minimum of 78 hours of instruction during the time period the class is taught until course requirements are completed.”

- Language in paragraph “(c)(4)(C)” shall be modified to read as follows:

“scores recorded for each trainee on the 70-minute skill presentation; and”

- Paragraph “(d)” and “(d)(3)” shall be modified to change “radar, radar and time-distance, time-distance, or lidar” to “RADAR, RADAR, and Time-Distance, Time-Distance, or LIDAR.”

Commissioner Glen McNeil Jr. **seconded** the motion, **motion carried**.

## **ADMINISTRATIVE CODE: PROPOSED RULE REVISION – TRAINING SPECIFICATIONS (RETIRED LAW ENFORCEMENT OFFICERS)**

Commissioner Steve Johnson requested a change to rule *12 NCAC 09H .0102 – Minimum Training Specification* to clarify the carry concealed requirements for qualified retired law enforcement officers.

The request required a rule change for the following:

- 12 NCAC 09H .0102 - Minimum Training Specifications

Steve Johnson shared that this was an issue previously discussed but has not been resolved. The current rule states that a retiree is required to meet the state standard which is a federal requirement. The program mandated the retiree to complete the same training as full-time officers in addition to two (2) hours of training that dealt with citizens that was also taught in the CCH class.

The rule was rewritten to include the federal government mandates for retirees that would also be able to meet the in-service requirements so the same standards could be utilized.

The Committee reviewed the proposed language and approved the changes. Commissioner Randy Byrd proposed a **motion** that the Commission authorize the Planning and Standards Committee to conduct a **rulemaking** hearing to amend the rule, **12 NCAC 09H .0102 – Minimum Training Specifications** as follows:

- Language in paragraph “a” shall read as follows:  
“Firearms Training and Qualification-four hours.”
- Language in paragraph “b” shall read as follows:  
“Each qualified retired law enforcement officer shall qualify with each handgun he or she carries in accordance to the guidelines as published in the In-Service Firearms Qualification Manual as published by the North Carolina Justice Academy relating to rounds fired, distances, the ratio of shots fired from each yard line and positions of fire.”
- Language in paragraph “c” shall read as follows:  
“Qualification shall include a day and night qualification course with each handgun he or she carries, and a single day and night combat course with one handgun that he or she carries.”
- Language in paragraph “d” shall read as follows:  
“Each qualified retired law enforcement officers shall receive a minimum of two hours of instruction on the North Carolina laws of self-defense, the use of force by private citizens, detention of persons by private persons, and assistance to law enforcement officers by private citizens.”
- Language in paragraph “e” shall read as follows:  
“Instruction shall include a review of firearms safety and basic marksmanship fundamentals.”
- Language in paragraph “f” shall read as follows:

“The qualification requirements shall be achieved at least once in a single day in no more than three attempts in a single day for each course of fire and for each weapon for which qualification is required. Officers not qualifying in a single day for each course of fire shall be deemed as a failure, and the retired qualified law enforcement officers shall not be allowed to carry that weapon.”

- Language in paragraph “g” shall read as follows:

“Qualified retired law enforcement officers shall be certified for a period of 12 months from the date the application is approved by the Commission. Upon application for renewal, the certification shall be renewed by the Commission for 12-month periods provided the qualified retired law enforcement officer meets the rules specified in this Subchapter.”

- Language in paragraph “h” shall read as follows:

“Qualified retired law enforcement officers shall qualify each certification period with each handgun that he or she carries.”

Commissioner Jeff McCracken **seconded** the motion, the **motion carried**.

## ***NEW AGENDA ITEM***

### **ADMINISTRATIVE CODE: PROPOSED RULE REVISION – ANNUAL IN-SERVICE TRAINING**

On behalf of the NC Justice Academy, Director Trevor Allen requested a rule change that would provide in-service training credit to individuals who attend the In-Service Instructor Update course that is conducted by the Justice Academy.

The request would require a rule change for the following:

- 12 NCAC 09E .0104 - Instructors: Annual In-Service Training

Trevor Allen shared the request was decided during the academy’s coordination of the in-service instructor updates for the 2020 mandated topics. The FAQ’s in the in-service manual, state that if instructors complete the entire topic, and pass the test, they would receive credit for the topic the following year. This change was not updated and placed in the administrative code. Deputy Director Stacy Holloman found the addressed issue notated in the 2016 Joint-In-Service Training Committee Meeting minutes.

Commissioner Steve Johnson said instructors should only receive credit if they attended the entire mandated training pursuant to the rule as presented by the Justice Academy as part of the instructor training update program, and completed the training no more than sixty (60) days prior to the calendar year (in November or December of the previous years). Based upon the way the proposed rule was written, Commissioner Johnson was concerned that an instructor could count the class for both the 2019 and 2020 training. He suggested revisions to the proposed rule to ensure it applies only to instructors that take the updates sixty (60) days prior to the beginning of the calendar year and recommended the rule to state “Instructors completing mandated in-service topics in their entirety pursuant to rule 12 NCAC 09E .0105 as presented by the NCJA as a part of the instructor training update program no more than sixty (60) days prior to the calendar year shall have satisfied the requirement of 12 NCAC 09E .0105.”

Commissioner Johnson stated his suggestion would restrict the credit being received to one

series of events, during one time period, for instructors that take the entire training which is tested at the academy.

Trevor Allen shared the updates are offered in November and requested it to remain the same to allow the academy the maximum time for development before offering the updated training.

Director Steven Combs confirmed the suggestion made by Commissioner Johnson would be enough.

Commissioner Steve Johnson proposed a **motion** to accept the modification to the proposed rule and that the Commission authorize the Planning and Standards Committee to conduct a rulemaking hearing to amend the rule, **12 NCAC 09E .0104 – Instructors Annual In-Service Training** as follows:

- Add a new paragraph “(3)” to read as follows:

“Instructors completing mandated in-service topics in their entirety pursuant to 12 NCAC 09E .0105 as presented by the North Carolina Justice Academy as part of the Instructor Training Update program no more than 60 days prior to the calendar year, shall have satisfied the requirements of 12 NCAC 09E .0105.”

- Renumber remaining paragraphs as necessary.

Commissioner Kenneth Mullen **seconded** the motion.

Commissioner Steve Johnson reiterated that the Instructor Training updates deal with training for the next year, and it would only be offered at one time, one place, and count toward the upcoming year. The rule would have no impact other than to allow instructors to receive in-service credit for learning the updated material.

The Committee agreed, and with no further discussion, **motion carried.**

## **COMMITTEE ACTION**

### **SCHOOL ACCREDITATION SUBCOMMITTEE**

On behalf of the School Accreditation Subcommittee, Deputy Director Michelle Schilling with the CJ Standards Division recommended the accreditation and re-accreditation of the following institutions for a period of five (5) years in accordance with rule *12 NCAC 09B .0200* and *12 NCAC 09C .0401* for the delivery of the Commission-accredited courses:

#### **Accreditation:**

- McDowell Technical Community College      SMI
- Rockingham Community College              SMI
- North Carolina Justice Academy              Diversion Investigator/Supervisor Course

#### **Re-Accreditation:**

- Blue Ridge Community College              BLET, SMI
- Edgecombe Community College              BLET
- Forsyth Technical Community College        BLET, SMI



- Richmond Community College                      BLET, SMI, Instructor
- Rockingham Community College                  BLET

Not Seeking Re-Accreditation:

- Brunswick County Sheriff's Office              BLET (will maintain SMI)

Michelle Schilling shared that the Brunswick County Sheriff's Office has established a partnership with Brunswick Community College and no longer desires to deliver its own BLET program.

Commissioner Lee Farnsworth **motioned** to approve the recommendations, and Commissioner Randy Byrd **seconded** the motion. **Motion carried.**

**BLET ADVISORY GROUP**

On behalf of the BLET Advisory Group, Jennifer Fisher with the NC Justice Academy, requested approval for major revisions made to the Subject Control Arrest Techniques lesson plan.

- Subject Control Arrest Techniques (BLET: 10W) - Major revisions were made in the lesson plan to include providing safety rules while conducting the practical exercises. New videos were produced to demonstrate the new terminology used in the lesson plan and removal of the SPEAR technique, and the practical exercise evaluation form was revised to be consistent with the revisions.

Jennifer Fisher, the Chair of the BLET Advisory Group, introduced Jesse Kittrell, the Chair of the SCAT Advisory Group. Mr. Kittrell introduced two of his advisory members, Lt. Perkins with the Division of Motor Vehicles, License and Theft Bureau, and Darby Enoch with the NC Wildlife Resources Commission.

Ms. Fisher shared the modifications within the lesson plans were made to meet the raised concerns and instructor certification issues. The SCAT Advisory Group will conduct thorough and comprehensive research to further develop the SCAT material, which will be presented at a future revision cycle. She will return and provide an update when the development process has been completed.

Commissioner Lee Farnsworth proposed a **motion** to approve the recommendations as presented to the SCAT lesson plan. Commissioner Steve Johnson **seconded** the motion, the **motion carried.**

**INFORMATIONAL ITEM**

**BLET Advisory Group**

On behalf of the BLET Advisory Group, Jennifer Fisher with the North Carolina Justice Academy, presented a request for minor revisions to thirty (35) lesson plans to the BLET curriculum for the format, word, and terminology changes. She briefed the committee on minor revisions as approved by the BLET Advisory Group:

- Orientation (BLET: 01S) – Format and minor revisions.

- Physical Fitness (BLET: 02V) – Format and minor revisions to include providing safety rules when conducting practical exercises.
- Ethics for Law Enforcement Professionals (BLET: 03G) – Format revisions.
- Arrest, Search, and Seizure/ Constitutional Law (BLET: 04Y) –Format revisions.
- Elements of Criminal Law (BLET: 05T) – Format revisions.
- Communication Skills for Law Enforcement Officers (BLET: 06I) – Format and minor revisions to include replacing “implicit association test” with “excessive force practical exercise” and associated practical exercise handout.
- Law Enforcement Communication and Information Systems (BLET: 07K) – Format revisions.
- Field Note-Taking and Report Writing (BLET: 08M) - Format revisions.
- Interviews (BLET: 09I) - Format revisions.
- Juvenile Laws and Procedures (BLET: 11X) – Format and minor revisions regarding “Raise the Age” laws.
- Fingerprinting and Photographing Arrestee (BLET: 12R) – Format and minor revisions. Revised the practical exercise handout to include evaluation criteria and legislative updates.
- Responding to Victims and the Public (BLET: 13V) – Format and minor revisions.
- Firearms (BLET: 14U) – Format and minor revisions to include providing safety rules when conducting practical exercises.
- Criminal Investigations (BLET: 15U) – Format revisions.
- Alcohol Beverage Control (ABC) Laws and Procedures (BLET 16Q) – Format and minor revisions. Revised the practical exercise handout to include evaluation criteria.
- Motor Vehicle Laws (BLET: 17AE) - Format and minor revisions to the lesson plan.
- Law Enforcement Driver Training (BLET: 18R) – Format revisions and revised instructor notes.
- Crime Prevention (BLET: 19H) – Format and minor revisions.
- First Responder (BLET: 20S) – Format and minor revisions to include providing safety rules when conducting the practical exercises.
- Domestic Violence Response (BLET: 21V) – Format and minor revisions. Updated handout with newer statistics.
- Controlled Substance (BLET: 22W) – Format revisions.
- Techniques of Traffic Law Enforcement (BLET: 23W) – Format and revisions to consent searches of a vehicle.
- In-Custody Transportation (BLET: 24N) – Format revisions, removed a 1991 video titled, “High-Risk Transport” due inaccessibility. Revised the practical exercise handout.
- Traffic Crash Investigation (BLET: 25K) – Format revisions.
- Explosives and Hazardous Materials Emergencies (BLET: 26V) – Format and minor revisions to include providing safety rules when conducting the practical exercise.
- Individuals with Mental Illness and Developmental Disabilities (BLET: 27N) – Format and minor revisions.
- Crowd Management (BLET: 28N) – Format and minor revisions to include providing safety rules when conducting the practical exercise.
- Preparing for Court and Testifying in Court (BLET: 29K) – Format and minor revisions.
- Patrol Techniques (BLET: 30P) – Format and minor revisions. Minor revision to the content relating to reactionary positioning.
- Sheriffs’ Responsibilities: Detention Duties (BLET: 31I) – Format revisions.
- Sheriffs’ Responsibilities: Court Duties (BLET: 32M) – Format and minor revisions to include providing safety rules when conducting the practical exercise.
- Civil Process (BLET: 33Y) – Format revisions and updated handouts.
- Anti-Terrorism (BLET: 34N) – Format revisions.

- Rapid Deployment (BLET: 35H) – Format and minor revisions. Minor revision to the instructor notes section.
- Human Trafficking (BLET: 36E) – Format and minor revisions.

### *FIRST REQUEST*

Commissioner Steve Johnson inquired about the BLET curriculum revision process and legal review. He suggested the Academy's revisions should be titled more specifically, and not only identify who changed the material, but also the type of change that was made (whether content or grammatical). Further discussion was had by the Committee on the distinction between the types of changes. Commissioner Johnson also suggested that the content expert should be the only individual and the last individual to review and revise the material before the Commission gives its approval.

Commissioner Stephanie Freeman shared that the Office of Staff Development and Training (OSDT) notates their changes specifically, and their academic checklist reflects if someone only reviewed the material or if they made substantive revisions to the material. She agreed that there is a difference between formatting and grammatical revisions versus a full-scale revision on content. Commissioner Lee Farnsworth suggested the Justice Academy should follow how OSDT notates their revisions to protect academy staff and its liability.

Committee members thoroughly discussed the entire revision process, the involvement of the advisory groups, and the maintenance of meeting minutes. Jennifer Fisher shared that the lesson plans are tracked and archived through the Academy's library, and she shared the concern for only being able to testify to revisions that were completed during a particular revision cycle.

Commissioner Stephanie Freeman encouraged the review of the curriculum revision process to alleviate the concerns shared by the Committee.

## **COMMITTEE ACTION**

### *SECOND REQUEST*

Commissioner Johnson also suggested that the instructor notes that were placed in the introductory section of any lesson plan be removed since they are directives for an instructor that are located in the body of the lesson plan, and not intended as information for the student. He shared that the instructor notes were incorrectly placed, and that has altered the Academy's curriculum format.

Jennifer Fisher shared that at the last two (2) BLET Advisory Group meetings, the group further discussed CJ Standard's request for the BLET blocks that included the practical safety briefing forms, and with role plays found in the practical exercises, should include safety rules added and incorporated for both students and instructors to view. DOJ Legal Representatives recommended a handout be placed in the body of the student lesson plan to ensure that the student received the safety documentation, or that the notes should be added to the introductory section of the lesson plan considering the material isn't testable for the state exam. Ms. Fisher clarified that no rules were removed from the instructor notes, but they were just added to the introductory section. Laurie Austen shared that the advisory group discussed how the rules can support the curriculum side legally and the need for the student to view them before any physical involvement, which will protect the academy from liability.

Commissioner Tracy McPherson noted that she was at the BLET Advisory Group meeting and had observed the careful deliberations of the group on this issue and the recommendation. She recommended that the issue be returned to the Advisory Group for additional review, and if there was no rush, due to the role of the advisory group.

Commissioner Steve Johnson advised a form can be created to solve the legal and liability concerns and be placed in the student lesson plan for acknowledgment with a brief on safety issues. He also suggested that the instructor notes be placed on PowerPoint slides, and to be provided to students to review and sign after an instruction that will show their understanding of the concepts and safety rules.

Commissioner Stephanie Freeman shared she understands the legal perspective from her experience as a curriculum developer and the importance for the instructor to provide and cover the notes at the appropriate time.

Commissioner Randy Byrd **motioned** that the issue be returned to the advisory group for further discussion.

Jennifer Fisher suggested the issue be returned to the advisory group for further discussion since seven (7) lesson plans would be impacted. She suggested that the seven (7) lesson plans that had the safety rules added to the introductory section be retracted and the other revisions be made for the informational items. The lesson plans to retract are Subject Control Arrest Techniques, Physical Fitness, Firearms, First Responders, Explosives and Hazardous Materials Emergencies, Crowd Management, and Sheriff's Responsibilities: Court Duties. She also suggested the revisions for the safety rules and lesson plans be completed in conjunction with the Job Task Analysis.

Commissioner Steve Johnson advised consideration should also be made for any lesson plan that included safety rules, training for simulation, the use of guns, law enforcement ammo, weapon checks, and where injuries occur.

Commissioner Steve Johnson proposed a **motion** to request that the Safety Rules be removed from the opening statements and placed in the instructor notes portion of the lesson plans.

Jennifer Fisher clarified that no rules were pulled from the instructor notes and placed in the body of the lesson plans, and the lesson plans did not have any safety rules, except what was already contained in the lesson. She requested that the motion be amended since the committee voted on the major revisions to SCAT, and it included the safety rules.

Commissioner Steve Johnson **amended the motion** to request that the Safety Rules within the following lesson plans be removed from the opening statement and placed in the instructor notes portion of the lesson plans.

- Subject Control Arrest Techniques (BLET: 10W)
- Physical Fitness (BLET: 02V)
- Firearms (BLET: 14U)
- First Responder (BLET: 20S)
- Explosives and Hazardous Materials Emergencies (BLET: 26V)
- Crowd Management (BLET: 28N)
- Sheriffs' Responsibilities: Court Duties (BLET: 32M)

Commissioner Lee Farnsworth **seconded** the motion.

Commissioner Steve Johnson shared that the instructor notes section is a better place for the safety rules to help guide the instructor on the lesson plan and for them not to be placed in the opening statement with no relation to being there.

**Motion approved.**

### ***ADDITIONAL REQUEST FOR REVISION***

Jennifer Fisher requested an additional revision made to the Fingerprinting and Photographing Arrestee (BLET:12R) curriculum due to the Raise the Age legislative requirements, which resulted in minor content changes. The legislative requirements impacted several lesson plans in the BLET curriculum: Fingerprinting and Photographing Arrestee; Juvenile Laws and Procedures; Elements of Criminal Law; Arrest, Search, and Seizure/ Constitutional Law; and Controlled Substances.

- Fingerprinting and Photographing Arrestee (BLET:12R)

Commissioner Jane Gilchrist questioned the changes that were completed by the legal review regarding the timing for court orders and fingerprinting juveniles, and specifically asked if the content had been reviewed by William Lassiter's Juvenile Justice Office in the NC Department of Public Safety. The Committee further discussed a solution for legal staff to make an additional review of the material and to provide any recommended changes that would be consistent with the law and for the impacted lesson plans to be revised. Committee members will make the final approval based on legal staff's review and recommendations once the information is submitted.

Commissioner Stephanie Freeman suggested that after Mr. Lassiter or any juvenile attorney's review of the material, the results should be emailed to the committee for final approval to prevent any impact to the printing deadline of December 1, 2019, and with the effective implementation date of January 1, 2020.

Commissioner Jane Gilchrist proposed a **motion** to request an additional legal review be made by a Juvenile Law Expert to the Fingerprinting and Photographing Arrestee lesson plan before implementation and the impacted lesson plans updated before the Committee approves.

Commissioner Freeman suggested a final legal review be completed, and a report on any recommendations be returned to the Committee by the next morning, to provide the committee with the adequate information to proceed.

Commissioner Steve Johnson **second** the motion. **Motion carried.**

### **NC DEPARTMENT OF PUBLIC SAFETY – OSDT**

On behalf of the NC Department of Public Safety - Office of Staff Development and Training, Felicia Banks requested approval for major revisions to the following programs and lesson plans:

- 12 NCAC 09G .0411 – Basic Training - Basic Correctional Officer Training Curriculum

- Request for Pilot Authority

Felicia Banks shared that the Division of Prisons is working with various sources to improve hiring and retention strategies. Various recommendations have been made for improvement of these processes which has significantly impacted the training needs. A request was made for the Correctional Officer Basic Training Program to conduct this training under pilot authority beginning January 1, 2020. Ms. Banks will return at the end of the 2020 year with an updated report, and she hopes to implement more permanent changes at that time.

Commissioner Lee Farnsworth proposed a **motion** to grant pilot authority to the Correctional Officer Basic Training. Commissioner Randy Byrd **seconded** the motion, **motion carried**.

- 12 NCAC 09G .0412 – Basic Training - Probation and Parole Officer Training
  - Handgun Safety (PPO:100-1B) - (Objective Changes)
  - Controls, Restraints and Defensive Techniques (PP0:133-1) - (Increase Hours from 18 to 22)
  - CRDT – Advanced Techniques (PP0:133-2) - (Decrease Hours from 22 to 18)

Committee members further discussed Handgun Safety, the percentage of accidents that occurred on ranges, the reason for range accidents, and what appropriate wording to use. Commissioner Stephanie Freeman shared that in the majority of firearm incidents on the range, the individuals are not aware that they do not have their finger outside the trigger guard.

Commissioner Jane Gilchrist suggested leaving the language to state “identify how to prevent all firearm accidents,” instead of using the ninety-nine (99%) percentage rate. Commissioner Steve Johnson suggested avoid using a percentage.

Felicia Banks suggested Commissioner Jane Gilchrist’s recommendation to state, “Identify how to prevent all firearm accidents.”

The Committee approved the request with the modification to Objective #5 in the Handgun Safety (PPO:100-1B) lesson plan to state, “Identify how to prevent all firearm accidents.” Commissioner Steve Johnson proposed a **motion** to accept the proposed changes. Commissioner Lee Farnsworth **seconded** the motion, **motion carried**.

## **INFORMATIONAL ITEMS**

### **NC Department of Public Safety – OSDT**

On behalf of the NC Department of Public Safety - Office of Staff Development and Training, Felicia Banks provided the committee with information regarding minor revisions to lesson plans from the Basic Correctional Officer Training (BCO) and Probation Parole Officer Basic Training (PPO) programs. The minor changes to the lesson plans consist of updates needed to be consistent with policy changes or correcting verbiage in the lesson plan.

### **Mayland Community College SMI Program**

On behalf of the CJ Standards Division, Deputy Director Michelle Schilling provided information on the Mayland Community College SMI Program. At the August 2019 Commission Meeting, the community college was not re-accredited to administer the Basic Law Enforcement Training

or Instructor Training since several deficiencies were identified during their re-accreditation audit. Their SMI Program was placed on a one-year "oversight," and was granted a one year re-accreditation period, with the understanding that Division staff would conduct numerous unannounced inspections of SMI files and current class documents.

Michelle Schilling shared that the college is not currently running any SMI courses in their program, and there are none scheduled. Moving forward, the college will discuss plans for their BLET program and she will provide a future update on both programs.

### **Entry-Level Law Enforcement Job Task Analysis**

On behalf of the CJ Standards Division, Deputy Director Michelle Schilling provided information regarding the Entry Level Law Enforcement Job Task Analysis. There were nine-thousand, seven hundred and sixty (9,760) surveys sent to one-hundred (100) Sheriff's Offices, one (1) City-County Bureau, and five hundred and fifteen (515) Local Law Enforcement Agencies. The number of surveys sent was based on the number of certified law enforcement officers at each agency. As of October 13, 2019, two thousand and eighty (2080) surveys were completed, with an additional three hundred and thirty-eight (338) in progress. The completion rate was twenty-one point three (21.3) percent %. The survey ended at midnight on October 15, 2019, and the vendor has thirty (30) days to compile, analyze, and summarize the data. During the first week of December, the Job Task Analysis Advisory Group and vendor will meet to discuss the next steps which include transitioning the information to the NC Justice Academy for updating the BLET curriculum.

Michelle Schilling shared the survey has been completed, and she will obtain an advanced copy of the results and will provide them to the Justice Academy. The academy will have a pre-briefing meeting with the vendor and the entire advisory group on December 4<sup>th</sup> at the NC Highway Patrol Training Center in Raleigh. She will present the survey result to the advisory group and the Justice Academy will present the next steps.

### **BLET Trainee Attendance**

On behalf of the CJ Standards Division, Deputy Director Michelle Schilling provided information on the review of the BLET Trainee Attendance rules. During the August 2019 Commission meeting, it was recommended to adjust the absentee rules for excused absences for BLET from five (5%) percent to ten (10%) percent, per a request made by a School Director. The CJ Division staff spoke at the 2019 School Director's Conference and gathered feedback from the School Directors on how the proposed change would impact the delivery of their programs. At the conference, School Directors recommended maintaining the rule as currently written, which states that excused absences may not exceed five (5%) percent of total class hours. The School Directors discussed that all Commission courses allow for absences of up to ten (10%); however, the overwhelming majority of the School Directors agreed to a recommendation to leave the rule at five (5%) percent for BLET.

### **Appalachian State BLET Course Timeline Update**

On behalf of the CJ Standards Division, Director Steven Combs provided an update on the BLET Course Timeline that was previously requested by Appalachian State University. At the August 2019 committee meeting, Appalachian State shared how they coordinated the BLET program and requested an exception for their program. The CJ Staff was asked if the

Commission had the authority to grant an exception to the Administrative Code to allow Appalachian State to deliver their BLET program. Legal Staff determined that the Commission does not have authority to grant such, and Director Combs shared the change would require a rule change. The Standards Division will assist Appalachian State and return with a request for a pilot program at the February 2020 committee meeting. The pilot program will allow the university to run its BLET program without changing the code, and it will assist in helping with a rule revision.

### **ADDITIONAL BUSINESS**

Commissioner Steve Johnson shared that the August 2019 meeting minutes reflected his request for the committee to consider implementing mandatory in-service training for the Division of Adult Correction and Juvenile Justice (DACJJ). He previously requested the topic be placed on the agenda for the November 2019 meeting, but he was unable to follow up on the issue and has requested the item returned to the February 2020 agenda for discussion. Stakeholders are encouraged to be involved and for the Department of Adult Correction and Juvenile Justice to select the topics. The current in-service rule status will be shared at the February meeting and will help to develop the rules for DACJJ. Commissioner Johnson requested the Academy to submit the in-service topics that were completed in the last five (5) years to allow the committee to become familiar with them.

Commissioner Stephanie Freeman shared her assurance that she, Director Combs, and DACJJ's leadership, can develop a plan to move forward.

The next Education and Training Committee meeting is scheduled for February 19, 2020, unless there is a modified schedule, due to the number of agency decisions to be made in February. The meeting will be either Wednesday, February 19<sup>th</sup> or Thursday, February 20<sup>th</sup>. With no further business, Commissioner Steve Johnson motioned to close the meeting, Commissioner Jeff McCracken seconded the motion.

The meeting was adjourned at 3:08 pm.