

## MINUTES

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

#### EDUCATION AND TRAINING COMMITTEE

May 13, 2020

The Education and Training Committee of the North Carolina Criminal Justice Education and Training Standards Commission met via teleconference at the North Carolina Justice Academy in Salemburg, NC. Chair Stephanie Freeman called the meeting to order at 2:00 p.m. 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
- \*Tracy McPherson, NC Community College System - Ex-Officio Member
- \*Randy Byrd, Appointment by the General Assembly - Speaker of the House
- \*Nathan Mizell, NC Law Enforcement Training Officer's Association
- \*Bob Schurmeier, Director of NC State Bureau of Investigation - Ex-Officio Member
- \*Jane Gilchrist, General Counsel, NC Department of Public Safety - Ex-Officio Member
- \*Glenn McNeill, Jr, NC Department of Public Safety; Colonel, NC State Highway Patrol

#### Visitors

Leslie Cooley-Dismukes, NC Department of Justice  
Thomas Forrest, Pitt Community College  
Monica Shabo, NC Department of Public Safety  
Chris Nesbit, Rowan Cabarrus Community College  
Andrea Hyson, NC Community College System  
Eddie Caldwell, NC Law Enforcement Officers Association  
Felicia Banks, NC Department of Public Safety

#### Staff

Steven Combs, NC Criminal Justice Standards Division  
Richard Squires, NC Criminal Justice Standards Division  
Donna Byrd, 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  
Dan Worley, NC Justice Academy  
Jarrett McGowan, NC Justice Academy  
Alex Gazaway, NC Justice Academy  
Jessica Bullock, NC Justice Academy  
Jennifer Fisher, NC Justice Academy  
Vicki Helms, NC Justice Academy

\*Committee Members

## **WELCOME/ROLL CALL**

Chairperson Stephanie Freeman welcomed members and guests. The meeting was called to order, and the roll was called. A quorum was present.

Visitors emailed their name and agency information to Vicki Helms at [vhelms@ncdoj.gov](mailto:vhelms@ncdoj.gov) as a record for their attendance. Chair Stephanie Freeman discussed the meeting rules for speakers to state their name before speaking and for all votes to be made by via-roll call.

## **MINUTES**

Committee members reviewed the minutes, and with no changes, Commissioner Bob Schurmeier **motioned** to approve the minutes from the February 20, 2020 meeting. Commissioner Nathan Mizell **seconded** the motion; the **motion carried**.

## **COMMISSION ACTION**

### **ADMINISTRATIVE CODE: PROPOSED RULE REVISION – BLET STUDENT ATTENDANCE**

On behalf of the Criminal Justice Standards Division, Deputy Director Michelle Schilling presented the requested rule change that would clarify the attendance requirements for students that attended the BLET course. The request would require a rule change for the following rules:

- 12 NCAC 09B .0404 – Trainee Attendance
- 12 NCAC 09B .0405 – Completion of Basic Law Enforcement Training Course

The Training Division Staff reviewed the requirements to ensure that all BLET students were physically present to attend all basic training courses. This issue was brought before the BLET revision committee, and the School Directors expressed their view in the value of students being present in class. The Commission further discussed the issue last year, and additional discussions were made regarding the types of platform training that the Justice Academy currently administered. In light of the new BLET program that is being developed and the course requirement for practical exercises and physical skills, consideration was requested for changing the rule 09B .0404 and 09B .0405 to include the word “physically” by the word “attend.”

Commissioner Jane Gilchrist cautioned about requiring in-person training, due to the adjustments in moving training to virtual platforms because of the recent COVID19 epidemic. She suggested that training should move forward to adapt to the adjustments for web-based training due to the current situation and that the BLET program should allow certain courses suitable for web-based learning. Commissioner Gilchrist also suggested referring to and modeling the new training that the Highway Patrol has piloted.

Commissioner Stephanie Freeman shared that the request was initially addressed at a previous Committee meeting where circumstances were very different than how things are now. She

suggested that further discussion and research be completed with the delivery of various types of web-based learning that's available.

Commissioner Tracy McPherson suggested further discussing the logistics to solving the complex issues relating to training and the COVID19, as well as the delivery of web-based training this fall as a backup plan for the School Directors. She also suggested that in-depth discussions surround topics specific to the COVID19 situation, the new BLET project, and web-based training in the fall.

Michelle Schilling will further discuss with the Justice Academy the new BLET program, a virtual course format, and the success and pitfalls that the Highway Patrol has had with their pilot training. She will return to share more information with the Committee for them to consider at the next meeting in August.

The Committee agreed to table the item until the August meeting to allow the Training Division to address the training issues further. A working group of commissioners will assist Michelle Schilling with the training issues. Commissioner Stephanie Freeman, Tracy McPherson, Nathan Mizell, Glenn McNeil Jr, and Steve Johnson agreed to be a part of the working Committee.

Commissioner Lee Farnsworth **motioned** for the issue to be tabled until the August meeting and for a working group formed to assist Michelle Schilling in further discussing the training issues. Commissioner Steve Johnson **seconded** the motion.

Commissioners Stephanie Freeman, Steve Johnson, Lee Farnsworth, Tracy McPherson, Randy Byrd, Nathan Mizell, Bob Schurmeier, Jane Gilchrist, and Glenn McNeill Jr. all agreed, **motion carried**.

## **COMMITTEE ACTION**

### **SCHOOL ACCREDITATION**

On behalf of the Criminal Justice Standards Division, Deputy Director Michelle Schilling presented the recommendation that the following institutions be accredited for a period of five (5) years in accordance with *12 NCAC 09B .0200 and 12 NCAC 09C .0401* for the delivery of the Commission-accredited courses:

- Accreditation
  - \* Central Carolina Community College – Instructor Training
  - \* Cleveland Community College – SMI

Both community colleges were inspected and have met the requirements to administer the commission programs.

- Non-Reaccreditation
  - \* Forsyth County Sheriff's Office – Instructor Training

Forsyth County Sheriff's Office is no longer seeking re-accreditation for the Instructor Training program.

Commissioner Bob Schurmeier proposed a **motion** to accept the recommendation as presented, and Commissioner Randy Byrd **seconded** the motion.

Commissioners Stephanie Freeman, Steve Johnson, Lee Farnsworth, Tracy McPherson, Randy Byrd, Nathan Mizell, Bob Schurmeier, Jane Gilchrist, and Glenn McNeill Jr. all agreed; **motion carried**.

### **SPECIALIZED INSTRUCTOR TRAINING COURSE RULES REQUEST**

In conjunction with the North Carolina Justice Academy, Commissioner Steve Johnson presented the proposed rule revisions to the General Instructor and Specialized Instructor Training Courses to reflect the correct course hours and to clarify the specific course requirements. Commissioner Johnson requested that legal staff review the proposed changes and return at the August meeting for the Committee to consider for approval. The affected rules are as follows:

- 12 NCAC 09B .0202 – Responsibilities of the School Director
- 12 NCAC 09B .0209 – Criminal Justice Instructor Training
- 12 NCAC 09G .0414 – Instructor Training
- 12 NCAC 09B .0226 – Specialized Firearms Instructor Training
- 12 NCAC 09B .0227 – Specialized Driver Instructor Training
- 12 NCAC 09B .0232 – Specialized Subject Control Arrest Techniques Instructor Training
- 12 NCAC 09B .0233 – Specialized Physical Fitness Instructor Training
- 12 NCAC 09B .0417 – Specialized Explosives and Hazardous Materials Instructor Training

Commissioner Steve Johnson discussed the need for these revised rules and the North Carolina Justice Academy's development of the Course Management Guides for the Specialized Instructor Training Courses. Due to the significant changes made to the proposed rules, he requested Brenda Rivera and Jeff Welty's guidance with a legal review before returning to the August meeting for the Committee's final approval. The revisions include the reduction of course hours, which does not affect the course content, but will make the course more student-driven. These changes allow standardization for all specialized instructor courses, and the course management guide provided by the Justice Academy will match.

Commissioner Steve Johnson proposed a **motion** to approve the revisions for a legal review. Commissioner Lee Farnsworth **seconded** the motion.

Commissioners Stephanie Freeman, Steve Johnson, Lee Farnsworth, Tracy McPherson, Randy Byrd, Nathan Mizell, Bob Schurmeier, Jane Gilchrist, and Glenn McNeill Jr. all agreed, **motion carried**.

*Commissioner Bob Schurmeier left the meeting.*

### **FIELD REQUEST RULE CHANGE: MANDATORY IN-SERVICE TRAINING - POLICE CHIEF'S/AGENCY HEAD EXECUTIVE TRAINING**

Criminal Justice Standards Division Director Steven Combs presented the Committee with a request from Police Chief David Donaldson, University of North Carolina at Wilmington, that referenced the Mandatory In-Service Training. The Standards Division was asked to research the possibility for Chiefs and Agency Heads to be allowed credit for the “Chiefs Choice” portion of the Mandatory In-Service Training for “executive training” completed within the calendar year. Only the “Chiefs Choice” was requested to be considered as part of the request, and not the mandated topics every year. The Joint Mandatory In-Service Training Subcommittee met in February and discussed allowing police chiefs credit towards mandatory in-service training for “executive level” training.

At the last committee meeting, the Training Division staff was asked to bring any suggested field requests before the Committee to receive direction on how to proceed prior to expending limited staff resources on researching various topics. Director Combs asked if his staff should further research the request on mandatory training credit received that would count towards in-service training for the police chiefs.

Commissioner Steve Johnson suggested that further discussion be made with Bill Hollingsed, Executive Director of the North Carolina Association of Chiefs of Police for assistance in obtaining a list of potential courses they would propose being approved. He also suggested that courses that are approved can be listed in Justice Academy’s Course Management Guide if the law or the in-service rule changes. The Course Management Guide is produced on an annual basis, and a list of the approved courses could be included for the chiefs to choose from to receive credit.

Committee members shared their concerns for the chief’s request and suggested assistance to provide more specific requests for particular courses or topics that would meet the criteria and requirements for approval.

The Committee requested that Director Combs discuss with the Executive Director of the North Carolina Association of Chiefs of Police, Bill Hollingsed for his assistance and return to the August meeting with additional information for the Committee to consider.

*5 Minute break.*

*Meeting returned to order.*

## **INSTRUCTOR TRAINING ADVISORY GROUP**

On behalf of the Instructor Training Advisory Group, Jessica Bullock, North Carolina Justice Academy, presented the recommended four (4) major revisions and additions to the Instructor Training curriculum lesson plans. Once the plans are approved, they will become effective in January 2021.

- Instructor Training Lesson Plan Revisions
  - \* Law Enforcement Instructor Liabilities and Legal Responsibilities
  - \* Student 8-Minute Introductions and Video Critique
  - \* Active Learning: Demonstration and Practical Exercises
  - \* Audio-Visual Aids

\* Curriculum Evaluations

Previously, the curriculum consisted of seventy-eight (78) hours, and the new curriculum will now consist of ninety (90) hours. The recommended revisions are:

- Law Enforcement Instructor Liabilities and Legal Responsibilities
  - Updated the objectives to match the lesson plan content.
  - Modified the lesson plan to be taught in class or online.
  - The addition of three new handouts:
    - A Condensed Outline of Copyright and Fair Use for Educators and Librarians
    - Probationary, General, and Specialized Instruction Certifications Quick Reference Guide
    - North Carolina Department of Justice Attorney General's Office Law Enforcement Training and Standards Section
  - Practical Exercises to include scenario-based training in the following subjects:
    - Copyright and Fair Use
    - Negligence
    - Deliberate Indifference

The lesson plan was one (1) of three (3) that will be offered as either online and in the in-person format.

- Student 8-Minute Introductions and Video Critique
  - Gave school directors the option to break class into two or three groups based on class size or keep the students in a group to complete their presentations.
  - Changed the ratio from 1:6 to 1:18 since class time allows, and less burdensome to the students or the instructor.
  - Gave students the option to receive a copy of their videotaped presentations to view at a later time.
  - Updated the process that feedback was given, to allow the other students to provide feedback rather than receiving feedback from the instructor.
  - Revised the evaluation form for the block.
- Active Learning: Demonstration and Practical Exercises
  - Updated and added objectives.
  - Revised the practical to be approximately 15 minutes per student.
  - Added and/or updated the following handouts:
    - Practical Exercise Instructions Template
    - How to Build Your Paper Airplane
    - 15-Minute Evaluation Form
  - Added a demonstration created by the Smithsonian Institute to show the proper way to conduct a demonstration.
- Audio-Visual Aids
  - Added an objective and supporting materials.
  - Removed outdated handouts.

- Added an icebreaker exercise to show students the proper way to create and conduct an exercise with time added in for instructor direction and feedback.
  - Added a flip chart practical exercise that can be done as a group exercise or as an individual practice – instructor choice.
  - Added videos to describe new programs that are available to assist with student engagement.
  - Updated the Electronic Presentations exercise and moved to the end of the block to coincide with the objective that it portrays.
- Curriculum Evaluations
- Added a voluntary curriculum evaluation.
  - The voluntary curriculum evaluation will be distributed to provide school directors the below link to provide to their students.  
Curriculum Evaluation Link – <https://www.surveymonkey.com/r/IT - ProgramEvaluation>
  - The purpose of the curriculum evaluation would be to ensure that the curriculum met the needs of the students.

The survey link is live, and the questions can be reviewed by interested parties. Students, Instructors, and School Directors can complete and submit valuable feedback to assist the Program Developer.

Commissioner Tracy McPherson proposed a **motion** to accept the revisions as proposed to the instructor training lesson plans. Commissioner Lee Farnsworth **seconded** the motion.

Commissioners Stephanie Freeman, Steve Johnson, Lee Farnsworth, Tracy McPherson, Randy Byrd, Nathan Mizell, Jane Gilchrist, and Glenn McNeill Jr. all agreed, **motion carried**.

Jessica Bullock and the Advisory Group were commended for their outstanding work.

## **EYEWITNESS IDENTIFICATION REFORM ACT**

On behalf of the North Carolina Department of Justice, Jarrett McGowan presented for approval the revised Eyewitness Identification Reform Act pamphlet and curriculum for the Justice Academy. The documents were updated to reflect the recent changes made to the Act, and the changes were presented to the Committee for final approval.

### ➤ **Eyewitness Identification Pamphlet and Lesson Plan Revisions**

The General Assembly passed the Eyewitness Identification Reform Act in 2007 regarding the eyewitness line-ups and new educational materials and training programs that were created by the Commission. In 2008, the Standards Division and the Justice Academy prepared an informational pamphlet to educate law enforcement officers on the new requirements. In 2015, the Act was amended to include Show-ups, and the Standard Procedures were placed in subsection C2. The Eyewitness Identification Instructions for Show-Ups Form and Case Management Form for Show-ups include instructions for the eyewitness show-ups, eyewitness confidence statements, eyewitness vision information, event witness circumstances, eyewitness communication, and specific law enforcement officers training to conduct show-ups. Additional changes were made to the Justice Academy's online curriculum for the Reform Act, which was

updated and approved in May 2016. In 2019, the Act was amended to include photographing certain juveniles that were subjected to show-ups, and a new pamphlet was produced for the Eyewitness Identification Reform Act to incorporate show-up forms and language to reflect the current version of the Act.

Jarrett McGowan presented for approval by the Committee the newly revised Eyewitness Pamphlet, two forms, the academy's curriculum on the Eyewitness Identification Reform Act, and a Spanish form that was previously reviewed by Brenda Rivera. The Spanish Form will need to be certified by a translator to ensure that the language is vetted.

Commissioner Lee Farnsworth proposed a **motion** to accept the materials as presented to the eyewitness pamphlet and the revisions to the lesson plan. Commissioner Nathan Mizell **seconded** the motion.

Commissioners Stephanie Freeman, Steve Johnson, Lee Farnsworth, Tracy McPherson, Randy Byrd, Nathan Mizell, Jane Gilchrist, and Glenn McNeill Jr. all agreed, **motion carried**.

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

On behalf of the North Carolina Department of Public Safety, Office of Staff Development and Training (OSDT), Felicia Banks presented a request for approval to extend their Pilot Authority until March 2021. The pilot program was initially granted in February 2019 to allow additional time to evaluate the necessary policy revisions due to Raise the Age Legislation for the following programs:

- 12 NCAC 09B .0235 - Juvenile Court Counselors and Chief Court Counselors Basic Training Curriculum
- 12 NCAC 09B .0236 - Juvenile Justice Officers Basic Training Curriculum

Juvenile Justice is still refining the curriculum changes due to the implementations of Raise the Age legislation that took effect in 2019. Curriculum modifications will be made in response to the COVID-19 pandemic.

- 12 NCAC 09G .0415 - Corrections Specialized Instructor Training Curriculum – Firearms Training Curriculum

OSDT is still incorporating curriculum changes into the practicum and needs additional time to test the changes. Resources have been diverted, and Instructor Schools have been canceled due to closures from the COVID-19 pandemic.

Commissioner Steve Johnson proposed a **motion** to extend the Pilot Authority for the Basic Training Juvenile Court Counselors and Chief Court Counselors, the Juvenile Justice Officers, as well as the Corrections Specialized Instructor Training Firearms Training through to March 2021. Commissioner Nathan Mizell **seconded** the motion.

Commissioners Stephanie Freeman, Steve Johnson, Lee Farnsworth, Tracy McPherson, Randy Byrd, Nathan Mizell, Jane Gilchrist, and Glenn McNeill Jr. all agreed, **motion carried**.

## **INFORMATIONAL ITEMS**

### **BLET Advisory Group**

On behalf of the BLET Advisory Group, Jennifer Fisher, North Carolina Justice Academy, briefed the Committee on minor revisions to the BLET curriculum that the BLET Advisory Group proposed. The advisory group met through teleconference on Friday, April 3, 2020, and revised the following ten (10) lesson plans:

- Arrest, Search, and Seizure / Constitutional Law (BLET: 04Z)
  - Minor revised content to juvenile rights, interviewing a defendant outside of custody, and the Information Reform Act.
  - Removed the Rothgery case from handouts.
- Elements of Criminal Law (BLET: 05U)
  - Minor revised content to First-Degree Murder lesson plan.
- Law Enforcement Communication and Information Systems (BLET: 07L)
  - Minor revised content to include information on the Law Enforcement Exchange (LInX) Database.
- Subject Control Arrest Techniques (BLET: 10X) –
  - Minor revised content to the added statement on the use of lethal force during a disarming attempt of an officer consistent to the added statement in the Firearms block.
- Firearms (BLET: 14V)
  - Minor revised content to the added statement on the use of lethal force during a disarming attempt of an officer consistent to the added statement in the Subject Control Arrest Techniques block.
- Alcohol Beverage Control (ABC) Laws and Procedures (BLET: 16R)
  - Minor revised content to update the mission of the North Carolina Alcohol Law Enforcement and the statutory definition of “premise.”
- Motor Vehicle Laws (BLET: 17AF)
  - Minor revised content on railroad crossings.
- Controlled Substance (BLET: 22X)
  - Minor revised content in the instructor notes section to allow instructors to use simulated controlled substances. Genuine controlled substances was highly recommended to use when feasible.
- Crowd Management (BLET: 28O)
  - Minor revised content throughout the lesson.
- Sheriffs’ Responsibilities (BLET: 32O)
  - Minor revised content throughout the lesson.

### **BLET Revision Project Update (Job Task Analysis)**

On behalf of the North Carolina Justice Academy, Alex Gazaway briefed the Committee on the status of the ongoing BLET Revision Project in accordance to the Job Task Analysis. The project is at Phase 5 in its development of six (6) lesson plans: Problem Solving and Communication Skills; Constitutional Law; Field Notetaking and Report Writing; Officer Wellness; Interview and Interrogations and Motor Vehicle Law.

There have been over six hundred (600) pages of content, one hundred and thirty (130) references, and other materials contributed so far. Twenty-six (26) subject matter experts and instructors from various community colleges and twelve (12) local state law enforcement agencies have assisted. The project is on a schedule concluding with the vendor, Standard and Associates, completing the state exam validation.

## **ADDITIONAL BUSINESS**

Michelle Schilling shared that the Training Division had concerns for two (2) community colleges and their accreditations. These concerns were brought before the Committee for guidance.

### **School Accreditation – Blue Ridge Community College**

On behalf of the Criminal Justice Standards Division, Deputy Director Michelle Schilling informed the Committee that the Standards Division would not accept or approve Blue Ridge Community College requests for conducting any future pre-deliveries for Commission-mandated training. The Training Division requires the college to address all staffing concerns related to their Commission-mandated training appropriately.

Blue Ridge Community College's School Director has retired, and there is currently an interim. The interim is also the school's Dean of Public Safety, who also coordinates all of the Criminal Justice and curriculum programs. They currently have a part-time Qualified Assistant on staff for their BLET program, but there is no administrative staff available.

### **School Accreditation – Stanly Community College**

On behalf of the Criminal Justice Standards Division, Deputy Director Michelle Schilling informed the Committee of their intent to refer Stanly Community College to the Probable Cause Committee. The Training Division will not approve any new pre-delivery requests for Commission-mandated training for the college.

Stanly Community College's BLET program was not reaccredited due to significant deficiencies found in its program. The college has not made progress in improving it; therefore, the Standards Division will not approve any pre-deliveries and have requested Stanly's re-accreditation for their SMI program suspended at this time.

Commissioner Steve Johnson **motioned** to send the issue to the Probable Cause Committee for an investigation and a decision. The Administrative Rule 12 NCAC 09B .0503 state, that the school can be brought before the Probable Cause Committee to address recommendations for not approving pre-deliveries anymore. Commissioner Steven Johnson **rescinded the motion** based on the rule and staff's authority to turn the issue over to the Probable Cause Committee.

Committee members also discussed the administrative rules 12 NCAC 09C .0401, and 12 NCAC 09A .0201. Brenda Rivera advised the legal procedure, and the Committee decided that the issue should be brought before the Probable Cause Committee.

## **Additional Business**

Steven Combs shared that Mr. Khang wanted to present to the Committee today, but was unavailable at the time.

Commissioner Stephanie Freeman shared the next Education and Training Committee meeting will be held on August 12<sup>th</sup> or 13<sup>th</sup> and will depend upon the number of final agency decision cases.

With no further business, Commissioner Steve Johnson proposed a **motion** to adjourn the meeting and Commissioner Stephanie Freeman **seconded** the motion.

Commissioners Stephanie Freeman, Steve Johnson, Tracy McPherson, Nathan Mizell, Jane Gilchrist, and Glenn McNeill Jr. all agreed to adjourn. **Motion carried.**

The meeting adjourned at 4:19 p.m.