

MINUTES

NORTH CAROLINA CRIMINAL JUSTICE EDUCATION AND TRAINING STANDARDS COMMISSION

EDUCATION AND TRAINING COMMITTEE

May 22, 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. Vice-Chair Steve Johnson called the meeting to order at 1:18 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, NC Criminal Justice Association
- *Tracy McPherson, NC Community College System - Ex-Officio Member
- *Chris Blue, NC Police Executives Association
- *Nathan Mizell, Jr., NC Law Enforcement Training Officers' Association
- *Glenn McNeill Jr., Commander of the North Carolina Highway Patrol – Ex Officio Member
- *Jeff McCracken, NC Police Executives Association
- *David Rose, Appointment by the Attorney General - Citizen
- *Bob Schurmeier, Director of NC State Bureau of Investigation - Ex-Officio Member
- *Jane Gilchrist, General Counsel, NC Department of Public Safety - Ex-Officio Member

Visitors

Chris Nesbitt, School Director, Rowan Cabarrus Community College
Steve Belk, Qualified Assistant, Rowan Cabarrus Community College
Mickey Biggs, School Director, Robeson Community College
Thomas Forrest, School Director, Pitt Community College
Jeff Robinson, Wake Tech Community College
Len Condry, School Director, Coastal Carolina Community College
Andrea Hyson, Criminal Justice Training Specialist, NC Community College System
Andrea Poole, Deputy Chief of Staff, NC Community College System
Dwayne Goodwin, Sheriff, Chowan County Sheriff's Office
James Clemmons, Sheriff, Richmond County Sheriff's Office
Monica Shabo, NC Department of Public Safety, Division of Juvenile Justice
Jenna Donald, NC Department of Public Safety
Janet Dunn, Roseboro Town Hall
Diane Konopka, Director, Sheriff's Standards
Richard Squires, Deputy Director, NC Criminal Justice Standards Division
Eddie Caldwell, NC Law Enforcement Officers Association
Shane Manual, Major, NC Department of Public Safety, NC State Highway Patrol
Michael Cardwell, Captain, Winston-Salem Police Department

Staff

Steven Combs, Director, NC Criminal Justice Standards Division
Michelle Schilling, Deputy Director, NC Criminal Justice Standards Division
Jason McIntyre, NC Criminal Justice Standards Division
Trevor Allen, Director, NC Justice Academy
Stacy Holloman, Deputy Director, NC Justice Academy
Laurie Austen, NC Justice Academy
Terry Miller, NC Justice Academy
Chris Cantrell, NC Justice Academy
Jennifer Fisher, NC Justice Academy
Vicki Helms, NC Justice Academy

WELCOME/ROLL CALL

Vice-Chair Steve Johnson welcomed members and guests. The meeting was called to order, and the roll was called. A quorum was present.

MINUTES

Committee members reviewed the minutes, and Commissioner Tracy McPherson requested the sixth paragraph on Page 5, stricken, "~~Commissioner Tracy McPherson suggested proposed language to establish and accomplish what the committee desires.~~" (*A Duplicated sentence, the same sentence was covered in a previous paragraph*). She also requested stricken the second to the last sentence, "~~The legislature will not know if everyone is taking the entire class and will need to understand it is possible that students may not take the entire class.~~" (*A Duplicated sentence, the previous sentence mentions the same.*)

Commissioner Tracy McPherson requested in the third paragraph on Page 9, the word "be" inserted before the word "established," and the words "proposed wording" inserted after the word "discuss." She also requested the words stricken in the same sentence, "~~this issue and wording crafted to fit the request.~~" and the sentence shall read, **Commissioner Tracy McPherson suggested a working group, subcommittee, study committee, or a joint committee be established to further discuss proposed wording.**

On page 10, the sixth paragraph, Commissioner Tracy McPherson requested the word "that" inserted before the word "language" and for the words "could be developed" inserted after the word "language." The sentence shall read, **Commissioner Tracy McPherson suggested that language could be developed that will facilitate the hybrid relationship, clarify the School Director's responsibilities, and determine who will run the program.**

Commissioner Kenneth Mullen made a **motion** to accept the changes to the February 13, 2019 meeting minutes. Commissioner Chris Blue **seconded** the motion, **motion carried.**

(Commissioner David Rose requested a change after the minutes were addressed due to his absence during the discussion.)

Commissioner David Rose requested on Page 3, in the second indented sentence, add the word "that" to "receive BLET" and strike "~~they teach the Sheriffs portion to in Winston Salem.~~" The sentence shall read, **"About twenty (20%) percent of the people that receive BLET go on to serve civil papers."**

Director Allen introduced and recognized Ms. Janet Dunn as the Justice Academy's Program Assistant for the past eight (8) years who was responsible for the BLET Revision Committee meeting minutes, which is now called the BLET Advisory Group. Ms. Dunn had the responsibility for the volume of revisions that were completed to the BLET Curriculum to include all the work that was required behind the scenes. Ms. Jennifer Fisher, the BLET School Director, thanked Ms. Dunn for her hard work and dedication to the BLET program. Ms. Dunn shared a personal interest in the program and that she enjoyed her work.

He also introduced the Justice Academy's newest staff member, Mr. Christopher Cantrell, who is a certified SCAT Instructor and will be presenting curriculum changes to the Physical Fitness Instructor Training Program, as well as the Subject Control and Arrest Techniques Instructor Training Program. Mr. Cantrell brings a wealth of experience from the Clinton Police Department and Sampson County Sheriff's Office.

The agenda items were rearranged to address the Committee Action items first.

COMMITTEE ACTION

SCHOOL ACCREDITATION SUBCOMMITTEE

On behalf of the School Accreditation Subcommittee, Jason McIntyre, with the Criminal Justice Standards Division recommended the accreditation and re-accreditation of the following institutions 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 training courses:

Accreditation:

- North Carolina Justice Academy - Diversion
- South Piedmont Community College - GI

Re-Accreditation:

- North Carolina Justice Academy - GI, SMI, Firearms, PT, SCAT, HazMat, Driving
- College of the Albemarle - BLET, GI, SMI
- McDowell Technical Community College - BLET & GI
- Cleveland Community College - BLET & GI

The following institutions have met the standards for accreditation and reaccreditation. It is requested that these institutions be accredited for five (5) years for the delivery of Commission accredited courses.

Commissioner Lee Farnsworth **motioned** to accept the recommendations as presented, with a **second** by Commissioner Nathan Mizell. **Motion carried.**

BLET ADVISORY GROUP

On behalf of the BLET Advisory Group, Jennifer Fisher, North Carolina Justice Academy, Requested the approval for major revisions made to the following lesson plans:

- Criminal Investigation (BLET: 15T) – (Added a practical exercise, practical skills evaluation form and an equipment/supplies sheet)
- Elements of Criminal Law (BLET: 05T) – (Removed outdated video)

- Motor Vehicle Laws (BLET: 17AE) – (Added a new video “The Ignition Interlock Program in North Carolina.”)
- Responding to Victims and the Public (BLET: 13V) – (Removed content no longer available in the “The Communication Book” and added a new video “Law Enforcement Interactions with People Who Are Low Vision or Blind.”)
- Sheriff’s Responsibilities: Court Duties (BLET: 32L) – (Removed video that is no longer available.)

The revisions added to the blocks of instruction include the addition of new forms, the production of a new video, and the removal of outdated videos and content that is no longer available. Revisions made to the Criminal Investigations block would be implemented in January 2020 instead of July 2019, since School Directors have specific equipment that would need to be purchased for the practical exercises.

Commissioner Kenneth Mullen proposed a **motion** to accept the recommendations as presented, with a **second** from Commissioner Lee Farnsworth. **Motion carried.**

Informational Item

On behalf of the BLET Advisory Group, Jennifer Fisher, with the North Carolina Justice Academy, briefed the committee on minor revisions to the BLET curriculum as approved by the BLET Advisory Group.

- Alcohol Beverage Control (ABC) Laws and Procedures (BLET 16Q) – (Added a practical skills evaluation form and an instructor note)
- Civil Process (BLET: 33Y) – (Added an instructor note regarding the Juvenile Summons AOC-J-142 form)
- Explosives and Hazardous Materials Emergencies (BLET: 26V) – (Deleted repeated content on escorting hazardous materials)
- Field Note-taking and Report Writing (BLET: 08M) – (Added a practical skills evaluation form and an instructor note)
- Fingerprinting and Photographing Arrestee (BLET: 12R) – (Added a practical skills evaluation form and an instructor note)
- Firearms (BLET: 14U) – (Revised instructor notes)
- In-Custody Transportation (BLET: 24M) – (Added a practical skills evaluation form and an instructor note)
- Preparing for Court and Testifying in Court (BLET: 29K) – (Added a practical skills evaluation form and an instructor note)
- Techniques of Traffic Law Enforcement (BLET: 23W) – (Revised for certain individuals authorized by law to carry a concealed weapon without a permit)

SMI ADVISORY GROUP

On behalf of the SMI Advisory Group, SMI Program Administrator Jason McIntyre, with the Criminal Justice Standards Division, presented information from the SMI Advisory Group on the evaluation of new technology proposed by various manufacturers for the addition to the North Carolina Approved List of Speed Measuring Instruments that is published in Appendix A of the Supplement for Speed Measuring Instrument Training Courses. Three (3) speed measuring instruments were submitted for review during the September 2018 through March 2019

evaluation cycle. Based on the evaluation and consideration of these instruments, the SMI Advisory Group requests the following:

- Approval of the Applied Concepts, Inc. “Stalker DSR-EC” RADAR
- Denial of the Kustom Signals, Inc. “Eagle 3” RADAR
- Denial of the MPH Industries, Inc. “SURESHOT” LIDAR

The SMI Committee field-tested three (3) units for evaluation. There were three (3) companies that sent four (4) units each, totaling twelve (12) pieces to be field-tested. The Applied Concepts Inc., Stalker DSR EC Radar Unit was first evaluated and was found to be user-friendly and was voted unanimously to be added to the list. Kustom Signals, Inc. Eagle 3 Doppler Radar Unit was denied due to technology issues and violation in guidelines and rules that the unit did not meet. The manufacturer will explain the features at the next SMI Advisory Group meeting scheduled in June. MPH Industries, Inc. Sure Shot Laser Lidar Unit was denied for the second time due to reliability issues that did not meet for field operations as required by the rule. Commissioner Lee Farnsworth proposed a **motion** to approve the recommendations presented and Commissioner Nathan Mizell **seconded** the motion. **Motion carried.**

Chair Stephanie Freeman joined the meeting to handle the remaining agenda items. The Commission Action Items were addressed next.

Commissioner Davis Rose requested an amendment to the February 13th meeting minutes. (Refer to the above section on the minutes for the requested changes.)

Agenda item #1 SRO Certification Training and agenda item #2 BLEET Unit 6 were set aside for discussion after agenda item #3 on Concealed Carry Handgun Training on the Topical Areas and Instructor Responsibilities.

COMMISSION ACTION

ADMINISTRATIVE CODE: PROPOSED RULE REVISION – CONCEALED CARRY HANDGUN TRAINING

Commissioner Steve Johnson presented the proposed rule changes regarding the Concealed Carry Handgun Training. The request was to address and clarify the previous approved revisions and questions posed by the Planning and Standards Committee.

The request would require a rule change for the following rules:

- 12 NCAC 09F .0102 – Topical Areas
- 12 NCAC 09F .0105 – Instructor Responsibilities

The E&T Committee approved two (2) rule revisions at the November 28, 2018 meeting in which the Planning and Standards Committee remanded the original motion for an additional review. In the Administrative Rule 12 NCAC 09F .0102, new language was proposed in line eight (8) to clarify the responsibility for an instructor based on their certification. Students cannot realistically be expected to complete the requirements and the eight (8) hour program. Line nine (9) was removed since the issue was covered in another administrative rule.

In the Administrative Rule 12 NCAC 09F .0105, new language was proposed in line eight (8) to state that students must pass the state exam and not just show knowledge or to have

competency. A new line item, letter (d) was added to line (9) to include additional rounds that were fired to support the minimum passing score.

Commissioner Steve Johnson recommended the suggested revisions be made to both administrative rules for the Planning and Standards Committee's request for clarification.

The Committee approved the recommendation as presented; Commissioner Nathan Mizell proposed a **motion** that the Commission authorize the Planning and Standards Committee to conduct a rule-making hearing to amend the following:

Amend rule, **12 NCAC 09F .0102 – Topical Areas** as follows:

- Modify language in paragraph “8” to read as follows:
“Ammunition: The instructor shall list and explain the four components of ammunition.”
- Paragraph “9” shall be deleted.

And to amend the rule, **12 NCAC 09F .0105 – Instructor Responsibilities** as follows:

- Modify language in paragraph “8” to read as follows:
“administer a written examination that includes, at a minimum, questions provided by the Commission which the student shall pass with a minimum score of 70% on the questions provided by the Commission.
- Add letter (d) to paragraph “9” to read as follows:
“if the proficiency examination includes the parameters in (9) (a) and (b) above, and additional rounds are fired, the student shall pass with a minimum score of 70% on that course of fire.”

Commissioner Chris Blue **seconded** the motion, **motion carried**.

Returned to agenda item #1, SRO Certification Training.

ADMINISTRATIVE CODE: PROPOSED RULE REVISION – SRO CERTIFICATION AND TRAINING

On behalf of the Criminal Justice Standards Division, Director Steven Combs requested a rule change regarding Certification and Training for School Resource Officers.

The request would require a rule change for the following rules:

- 12 NCAC 09B .0313 – Certification Training for School Resource Officers

House Bill 76 addressed new requirements for School Resource Officers. Representatives from both the Criminal Justice Standards and Sheriff's Standards met to discuss the rule and the new requirements. An Advisory Group of Police Chiefs, Sheriffs, and staff also examined the issues and recommended the necessary changes to clarify these rules for both Commissions.

Commissioner Johnson asked if private schools have School Resource Officers and if contracts have been established with local law enforcement agencies to provide that service. The

question was asked, if a school is private, would an officer be exempt from the training requirement.

Steven Combs shared it may be a legal issue to address and was uncertain if officers would have authority in private schools. He suggested the issue may need to be further researched.

Trevor Allen shared all the legislative drafts he is familiar with deals with public schools only.

Steven Combs stated the change would only be for School Resource Officers who would need to receive the required training.

The Committee approved the recommendations as presented; Commissioner Chris Blue 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 .0313 – Certification Training for School Resource Officer*** as follows:

- Title shall be modified to read as follows: “Certification and Training for School Resource Officers.”
- Language in paragraph “a” shall read as follows: “School Resource Officer (SRO) is defined as any law enforcement officer assigned to one or more public schools within a public school unit, who works in a school at least 20 hours per week for more than 12 weeks per calendar year to assist with all of the following :
 1. School safety.
 2. School security.
 3. Emergency preparedness.
 4. Emergency response.
 5. Any additional responsibilities related to school safety or security assigned by the officer's employer while the officer is acting as a School Resource Officer.

These requirements shall be consistent with any written memorandum of understanding between the public school unit and the law enforcement agency governing the School Resource Officer.”

- Language in paragraph “b” shall read as follows: “Law Enforcement officers assigned by their agency to perform duties as a School Resource Officer shall:
 - (1) have been issued general certification by the North Carolina Criminal Justice Education and Training Standards Commission as a law enforcement officer; and
 - (2) have until 12/31/2020 to complete the Basic School Resource Officer training course, if they are acting in the capacity of a School Resource Officer between 10/1/2018 and 12/31/2019. Any officer assigned as a School Resource Officer effective 10/1/2020 or later shall complete the "School Resource Officer Training" course pursuant to Paragraph (f) of this Rule, within one year after being assigned as a School Resource Officer. Law enforcement officers who previously completed the training pursuant to Paragraph (f) of this Rule and who have been continually assigned as an SRO pursuant to Paragraph (a) of this Rule shall be credited with completion of the “Basic School Resource Officer Training.”

- Language in paragraph “c” shall read as follows: “A law enforcement officer assigned to one or more public schools within a public school unit, who works in a school at least 20 hours per week for more than 12 weeks per calendar year and who has not completed the initial training as established by subsection (f) of this section shall not work in a school as a School Resource Officer until the officer has completed the initial training as established by subsection (f) of this section.”
- Language in paragraph “d” shall read as follows: “The agency head shall submit to the Criminal Justice Standards Division a Form F-20 Commission School Resource Officer Assignment Form for the person(s) selected to act as a School Resource Officer for the agency. The Form F-20 is located on the agency's website: <https://ncdoj.gov/getdoc/576d353c-0dcb-4c84-8cc4-c9d17985541f/SRO-form.aspx> and must be completed in its entirety.”
- Language in paragraph “e” shall read as follows: “The term of certification as a School Resource Officer is indefinite, provided the School Resource Officer completes during each calendar year a minimum of one (1) hour of School Resource Officer refresher training authored by North Carolina Justice Academy. For School Resource Officers who complete the basic SRO training requirement in 2020 or earlier, this requirement becomes effective 1/1/2021. Otherwise, this requirement becomes effective the year following the officer's successful completion of the Basic School Resource Officer Training course. A certified School Resource Officer who has not completed the refresher training during a calendar year as established by this section shall not work in a school as a School Resource Officer until the officer has completed the required refresher training as established by this section.”
- Language in paragraph “f” shall read as follows: “The School Resource Officer training course for law enforcement officers shall provide the trainee with the skills and knowledge to perform in the capacity of a School Resource Officer. The "School Resource Officer Training" course authored by the North Carolina Justice Academy shall be used as the curriculum for this training course. Copies of this publication may be inspected at the office of the agency:

Criminal Justice Standards Division
 North Carolina Department of Justice
 1700 Tryon Park Drive
 Post Office Drawer 149
 Raleigh, North Carolina 27602

and may be obtained at the cost of printing and postage from the North Carolina Justice Academy at the following address:
 North Carolina Justice Academy
 Post Office Drawer 99
 Salemburg, North Carolina 28385”

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

ADMINISTRATIVE CODE: PROPOSED RULE REVISION – BLET UNIT 6 (SHERIFF’S UNIT)

On behalf of the Criminal Justice Standards Division, Director Steven Combs presented four (4) options for consideration to allow accredited delivery agencies (community colleges, municipal and state agencies) to voluntarily remove the Sheriff-Specific Unit (Unit 6) from the **Basic Law**

Enforcement Training course in Administrative Rule 12 NCAC 09B .0205. The options presented were a result of an earlier discussion by the Education and Training Committee and a recent survey of law enforcement agency heads (including Sheriffs). The Sheriff Specific Unit consists of the following topics:

- (A) Civil Process (24 Hours)
- (B) Sheriffs' Responsibilities – Detention Duties (4 Hours)
- (C) Sheriffs' Responsibilities – Court Duties (6 Hours)

Unit Total: 34 Hours

At the previous Education and Training Committee meeting in February, the staff was directed to return to the May meeting with suggestions for a rule revision. The following options were brought before the Committee:

- **Option 1** - Include all accredited delivery sites include Unit 6 (current rule) The rule will remain the same with no changes.
- **Option 2** - Only accredited delivery agencies may exclude Unit 6. This will only allow law enforcement agencies that deliver (in-house) their own BLET academies to exclude Unit 6 if they choose.
- **Option 3** - Accredited delivery agencies and community colleges may exclude Unit 6 (all BLET delivery programs) This option will allow law enforcement agencies and community colleges to exclude Unit 6 if they choose.
- **Option 4** - There was concern this wasn't addressed correctly by staff, so option 4 came about. Accredited delivery agency with an established partnership and memorandum of understanding with a community college to facilitate that agency's BLET.

The affected rule to be revised would be **12 NCAC 09B .0205 – Basic Law Enforcement Training**

Option 1: Leave current rule as written – make no change.

Option 2: Language in new paragraph “c” would read as follows: “Accredited delivery criminal justice agencies may elect to exclude (b)(6) the Sheriff-Specific Unit. The course entitled “Basic Law Enforcement Training” shall consist of a minimum of 606 hours of instruction (b)(1-5), (7-8), for those agencies who elect to exclude (b)(6) the Sheriff-Specific Unit.”

Previous paragraph “c” would be lettered paragraph “d.”

Option 3: Language in new paragraph “c” would read as follows: “Accredited delivery criminal justice agencies and community colleges may elect to exclude (b)(6) the Sheriff-Specific Unit. The course entitled “Basic Law Enforcement Training” shall consist of a minimum of 606 hours of instruction (b)(1-5), (7-8), for those accredited delivery agencies who elect to exclude (b)(6) Sheriff-Specific Unit.”

Previous paragraph “c” would be lettered paragraph “d.”

Option 4: Language in new paragraph “c” would read as follows: “Accredited delivery criminal justice agencies that facilitate their own Basic Law Enforcement Training Course and accredited delivery criminal justice agencies with an established partnership and memorandum of understanding with a community college to

facilitate that agency's Basic Law Enforcement Training course may elect to exclude (b)(6) the Sheriff-Specific Unit. The course entitled "Basic Law Enforcement Training" shall consist of a minimum of 606 hours of instruction (b) (1-5), (7-8), for that agency who elect to exclude (b)(6) the Sheriff-Specific Unit. Previous paragraph "c" would be lettered paragraph "d."

The Criminal Justice Training Division staff conducted a survey that was distributed to all the Criminal Justice Standards and Sheriff Standards agencies regarding the removal of Unit 6 from the BLET curriculum. The survey was completed through Survey Monkey and began on April 8th and ended on April 12th. Option 4 was added after the completion of the survey to address additional concerns that were later shared. The survey resulted with Option 1 that had one hundred and twenty-three (123) responses, Option 2 had thirty-eight (38) responses, and Option 3 had one hundred and seven (107) responses. There were a total of two hundred sixty-eight (268) responses, which was close to half the number of individuals who received the survey. Commissioner Stephanie Freeman shared the results were from a mix of agencies with no apparent trend among police departments or Sheriffs' offices.

Director Steven Combs estimated there are about fifty-six (56) to fifty-eight (58) agencies that conduct the BLET program, and he provided an update on the progress of the task analysis. He shared a survey will be distributed to agencies possibly by July 1, 2019, and the advisory group will review a list of tasks and will remove the tasks that are not representative to North Carolina.

Commissioner Steve Johnson clarified his uncertainty considering making changes, since a survey was completed and the task analysis is underway.

Commissioner Kenneth Mullen asked if it is proposed to allow in-house and agencies like Durham that uses the community college, should agencies be specifically listed in the proposals. He further suggested if an agency decides to run their own program, they can petition to be added onto the list or rule. All agencies except the in-house and agencies like Durham, SHP, SBI, Winston, Charlotte Mecklenburg will teach Unit 6.

Director Steven Combs shared a rule revision would be necessary every time an agency was added, and a rule change can take up to eight (8) to ten (10) months before it's effective and implemented.

Commissioner Steve Johnson asked if an accreditation could be set up to allow schools to run two (2) separate programs and if a rule change would be required?

Commissioner David Rose suggested Option 4 would allow the community college to run its course and the hybrid Winston Salem to run one simultaneously. This option would address both issues and will allow anyone that was missed.

Commissioner Steve Johnson asked if the MOU addressed option 4 by stating the "accredited delivery criminal justice agencies that facilitate their own BLET Course and accredited delivery criminal justice agencies with an established partnership and memorandum of understanding with a community college to facilitate that agency's BLET training course may elect to exclude the Sheriff Specific Unit. The course entitled BLET shall consist of a minimum of 588 hours of instruction for that agency who elect to exclude the Sheriff Specific Unit."

Commissioner Tracy McPherson questioned what is being accomplished in Option 4. She asked will a medium be established between a few agencies and everyone, or will agencies be isolated that need a hybrid approval?

Commissioner David Rose shared Option 3 accomplishes essentially that. The memorandum of understanding would address the jurisdiction concern between the sheriff and chief if a dispute occurred on how the class should run.

Commissioner Tracy McPherson shared if that is the case, the memorandum of understanding stated that the accredited criminal justice agencies that are already approved to run their own BLET are the accredited delivery agencies. She understands it to mean that the agency entering in the agreement has to have been already approved to do their own training. Winston Salem is currently not approved and would need to be before any agreement could be made.

Commissioner David Rose suggested removing the words “accredited delivery.”

Commissioner Stephanie Freeman suggested wording to say “criminal justice agencies with an established partnership with an MOU with an accredited delivery community college.”

Commissioner Tracy McPherson asked how the test would be administered. The rule committee will require the conditions of the MOU to be clearly defined. She further asked will the agreement state an agency will include enough students to fill an entire class, will the agency be prepared to facilitate the course, will the college be allowed to remove the unit from a particular group and not be allowed to remove it for anyone else?

Commissioner Steve Johnson shared he originally wanted the issue limited to certain agencies that would have the ability to omit the unit. He is concerned that the MOU is too broad and that colleges would be able to decide to omit the unit to reduce any high failure rates. This effect would limit certain individuals from course enrollment and cause them to relocate to another agency to attend class.

Commissioner Tracy McPherson questioned, shouldn't this apply to everyone and why are efforts made to develop a process that would allow a hybrid for a small group?

Commissioner Steve Johnson shared that in a small group, students are only employed by a single agency. He further shared that agencies like Durham and Winston Salem are capable of filling an entire class even though they work in conjunction with the community college. The participation in those particular classes will be from officers from those individual agencies.

Commissioner Kenneth Mullen proposed a change to Option 4, to strike at the end of the first line “and accredited delivery” and to add “or a,” to say “accredited delivery criminal justice agency that facilitate their own BLET Training Course and/or criminal justice agency with an established partnership and MOU.”

Commissioner Tracy McPherson suggested the wording shifted in this particular case, since the approval of the BLET was placed on the college. She shared the entity that offers the BLET is the one that has to have the MOU with the other agency, rather the entity having the MOU with the college. It's the approved college with the BLET program that has the MOU.

Commissioner Steve Johnson suggested wording to say “or an accredited community college” with an established partnership and MOU with a “criminal justice agency.”

Commissioner Tracy McPherson questioned how the implementation would be since the rule has to be about the agency that runs the BLET program.

Commissioner Jane Gilchrist suggested narrowing the MOU, if not, the agreement would include everyone. It should say only when the training is done for a particular agency like Winston Salem and not to include all the courses they provide.

Commissioner Tracy McPherson spoke with several school directors who shared ideas of what conditions an MOU should have and under what circumstances an agency can provide a minimum number of individuals from an agency. A college can accommodate an agency to administer a short course and continue the large course for students who need the remaining unit. If the Commission allows, a new type of partial enrollee could be established for this situation which is already done with limited enrollees.

Director Steven Combs shared that Unit 6 of the BLET exam was re-written and now has a passing rate of 98 %, and at this time, students are passing without missing any questions.

Commissioner Nathan Mizell questioned the reason for the change and if the change is only for thirty-two (32) hours out of a total of six hundred and forty (640) hours. He questioned why a change should be made when the task analysis results will recommend the needed changes to the BLET curriculum. He shared his hesitation for any changes for a solution that may cause future problems which could be eliminated by waiting on what the task analysis reveals.

Commissioner David Rose shared even if the rule was implemented, all the changes required by the task analysis will be completed by the schools, and it would show that Winston Salem will spend 19K in the BLET program to train a required class that officers can't enforce. The extra training hours could be used for critical incident and de-escalating training. He spoke to Commissioner Johnson about waiting on the job task analysis and for the rules process which could take up to two (2) years. Winston Salem would conduct another three (3) rookie schools and another three (3) schools for another agency. Commissioner Rose personally would like a decision to be made to keep things moving along.

Commissioner Nathan Mizell shared that changes could possibly be made again in two (2) years after the completion of the task analysis.

Commissioner David Rose shared that was a valid point.

Commissioner Nathan Mizell asked should a standard be set and maintained for officers to have a basic knowledge of law enforcement training. He shared that municipal officers will ask civil questions.

Commissioner David Rose questioned if municipal officers need to be trained at the level of deputies?

Commissioner Nathan Mizell shared that determination cannot be made across the board.

Commissioner David Rose shared a basic civil process course can be accomplished in a couple of hours and that Winston Salem currently trains their officers within thirty-four (34) hours and the Sheriff's portion spends twenty-eight (28) hours on Arrest, Search and Seizure training.

Commissioner Nathan Mizell suggested waiting on what is revealed by the task analysis since it will determine where the focus should be for an inexperienced officer who completes the BLET program with a basic knowledge of law enforcement in North Carolina. He shared that if changes are implemented now, that even more changes will soon follow without a clear direction to fixing the programs.

Commissioner David Rose shared at some point a decision will need to be made and that the committee knows currently where the BLET program is and where it was in 2000. He would like the committee's approval to the change that identifies the inefficient area and to proceed with the job task analysis and rulemaking process over the next thirty-six (36) months.

Commissioner Nathan Mizell shared there are a lot of inefficiencies in the BLET curriculum, which the task analysis will address.

Commissioner Chris Blue asked, how would option 4 apply to sponsored enrollees?

Commissioner Tracey McPherson shared without the proper wording, the community colleges that have an MOU with an agency would only be allowed to have students enrolled who could omit unit 6. The agreement has not been defined, and the details will need to be determined for a group.

Commissioner Lee Farnsworth shared that standards have a minimum required number of students enrolled per course.

Commissioner Tracy McPherson commented on the suggestion that Commissioner Gilchrist made about allowing students the option to choose. Discussion were made about eliminating the MOU and allowing any delivery agency to run the entire BLET course. Colleges can set up the course for the six hundred and forty (640) hours, and group the sheriff's portion at the end. The change would allow the student to choose based upon who the employer will be or on personal preference, which will allow colleges to administer the entire course. Large agencies will be accommodated, and smaller agencies be will be given the option if the current rule is limited.

Commissioner Steve Johnson shared that the MOU should include 100% of students from a specific agency and to consider fairness for the agencies that hire. The MOU is very limited and will need to be narrowed.

Commissioner Kenneth Mullen agrees for 100% if it's an agency that instructs its own BLET.

Commissioner Tracy McPherson discussed the confusion regarding the language that referred to approved agencies. The three (3) approved agencies that run the BLET program are the municipal, state, and community colleges, and they will need to be clearly identified when rules are written. It is assumed the accredited delivery criminal justice agency is a term that includes municipal and state agencies and that the community colleges are as is. She asked if there was a term for all approved delivery entities or accredited delivery sites; and if municipal and state agencies, as well as community colleges, could be the accredited delivery sites? She assumed that the community colleges would be accredited and not any community college would be allowed. She also suggested the language for subgroups should be clarified. The second issue Commissioner McPherson addressed was the issue on the course names for both the long and short version of the BLET training programs were the same. Both courses are entitled the "Basic Law Enforcement Training" with one consisting of a minimum of 606 hours, and the other

consisting of 640 hours. She asked, if the courses were tracked, what could distinguish them from one another on a transcript? The rule review commission would have a problem with both courses having the same name.

Commissioner Steve Johnson shared one course could be entitled BLET 606 and the other listed as BLET 640.

Commissioner Stephanie Freeman suggested the BLET 606 course shall consist of a minimum of 606 hours of instruction, and the BLET 640 course shall consist of a minimum of 640 hours.

Commissioner Steve Johnson suggested to add “accredited criminal delivery criminal justice agencies either municipal, county or state that facilitate their own BLET course and an accredited community college with an established partnership with MOU with a criminal justice agency to facilitate their agency’s BLET course and be elected to exclude (b)(6) the Sheriff’s – Specific Unit the course entitled BLET shall consist of a minimum of 606 hours.”

Commissioner Tracy McPherson shared it may not be necessary if everyone understood that an accredited criminal justice agency includes a municipal and state agency. She suggested staff be allowed to review the suggestions and the other rules for consistency.

Director Steven Combs shared he was not aware that an issue existed when the unit was excluded and recalled it was easily tracked in the system they maintained.

Director Diane Konopka shared that prior to 2000, Unit 6 was not required in all BLET deliveries and was tracked separately in their records, which can be a tedious process.

Commissioner Stephanie Freeman shared in addition to the comment made by Commissioner McPherson, Director Allen noted the potential issue with the Administrative Rule 12 NCAC 09B .0405 which defines the completion of the BLET course which is a related issue. Under paragraph (a) “each delivery of an accredited basic training course includes all units as specified in rule 09B .0205 the subchapter. Each trainee shall attend and satisfactorily complete the full course as specified in paragraph (b) of this rule during a scheduled delivery.” The rule 09B .0405 specifies that each trainee must complete everything in chapter (b) and this will need to be modified to state “shall attend and satisfactorily complete the full course specified in subparagraph (b) or (c) of this rule during the scheduled delivery.” The change may address the issue, and the rule will need to be revised.

Commissioner Steven Johnson suggested adding the titles to the rule to solve the issue.

Commissioner Stephanie Freeman shared both rules would need to be revised at the same time.

Audience members were given an opportunity to share their thoughts.

Mike Cardwell, Captain - Winston Salem Police Department (on behalf of Chief Thompson)

Captain Cardwell shared that Winston Salem invests greatly into the BLET program and has a full-time program with twelve (12) full-time staff members and over fifty (50) active instructors. Winston Salem has a partnership with the community college and has a facility to train. Outside of the state requirements, Winston Salem conducts four hundred and twenty-one (421) additional hours of training that is specifically focused on force scenario and de-escalation

training with practical skills and tools that officers would need daily. According to Lt. Rose, Winston Salem invests around 19K to teach the course in salaries alone to those who are recruited. This amount is low and does not consider factors such as pay increase and the number of recruits per class. Their program independently train individuals to work for Winston Salem, and they would like their officers to be equipped and trained on the use of force, de-escalation and scenario-based training to help them function better in the field. He requested officers not to be burdened with learning information that will not benefit their law enforcement careers, as well as for the agency not to be burden with the cost of training them.

Dwayne Goodwin, Sheriff Chowan County Sheriff's Office (Vice-Chair of the Sheriffs' Training and Standards Commission)

Sheriff Goodwin spoken to several sheriffs, police chiefs and school directors across the state and would like to request that no action be taken, but to allow the BLET Task Analysis in its process to reveal the changes needed to the program. He shared, it is evident that changes are needed and everyone can agree, but will it help to change something today that will possibly be changed again in a few months? There can never be enough training and education for an officer to receive.

Jeff Robinson, Wake Technical Community College (Campus Police, High Point Police Department, Pitt County Sheriff's Office, currently sworn and teaching BLET since 1996)

Mr. Robinson shared that the training standards for North Carolina are high in comparison to Georgia, and he cautions opening a door that may bring about future problems. He understands the issues and concerns that have been shared, but feel that removing the unit would become a liability issue since officers are killed and without the adequate training in civil and criminal issues, they would be set up for failure. As an officer, he used the civil process daily to assess each scene to determine if it was a civil or criminal situation. Having that knowledge has helped him to determine how to proceed and what decision to make for each situation he encountered. He requests everyone's patience to wait on the results from the task analysis to determine what curriculum changes need to be made. If changes are made today, officers will miss the necessary training needed, and it would become a liability issue for someone to address.

Thomas Forrest, School Director, Pitt Community College

Mr. Forrest understands the perspective of a large partnering agency and has partnered well with the Greensville Police Department whose agency can send ten (10) students to a course. He shared if an MOU is established and his chief requests the removal of the unit, two classes would have to run, therefore increasing the responsibilities of managing twice the number of students, classes, and instructors, as well as keeping up with all certifications. As a School Director, he has struggled to find instructors, especially for specific skilled areas of training to assist with his courses. He will be challenged to meeting one particular agency's need, but understand the dynamics for the highway patrol who have their own program and for the larger academies. At the same time, he feels there are far-reaching implications to suit an agency's need. He requested consideration made on the impact this will place on the other agencies, the sheriff's, and in the future? He agreed with Mr. Robinson and shared that he has been to national conferences and that North Carolina is far above what the other states offer in training. There will be long-reaching implications if that is jeopardized.

Commissioner Jane Gilchrist asked why two (2) courses would have to run separately simultaneously and not together as one (1) course.

Mr. Thomas Forrest shared the courses are run as a curriculum program and have partial enrollees who pick up the extra hours. Their course paperwork would be separated to distinguish between the different courses.

Commissioner Tracy McPherson shared if there was an MOU, it would only apply to agencies that had enough students to run their own program as a class of their own. The way it was worded, it would require a college to run the program, and now there is talk about having the college run two separate BLET's.

Mr. Thomas Forrest shared it's difficult to turn away anyone from a class when a need exists, and people depend on the training. Colleges try to service individuals within the community.

Chris Nesbitt, School Director, Rowan Cabarrus Community College

Mr. Nesbitt shared that Rowan Cabarrus serves two counties and several of their partnering agencies are large enough to provide students for an independent class. Cabarrus County Sheriff's Office, Salisbury, and Kannapolis can provide ten (10) students. If agency heads disagree about the unit, the school is placed in a challenging position. He cautioned the restriction on the number of students to run a course and that a full class of ten (10) students would better benefit the community college on its investment without limitations. The college doesn't have the workforce, equipment, or number of instructors to run two independent classes and will be placed in a difficult position. He further shared that Winston Salem's Captain mentioned the monetary 19k that is spent and that their hours were increased by 400 over the 640 hours. In his opinion, 19K compared to the additional 400 hours is minuscule and he questioned how much more would that cost them. Thirty-two (32) or thirty-four (34) hours is a small amount compared to the 640 hours. He suggested since the job task analysis is incomplete, it would be reasonable to allow its completion in determining the changes needed and then to progress forward. At this time, it is best not to remove the unit.

Commissioner David Rose asked why two (2) classes would have to be run.

Commissioner Tracy McPherson shared the way the rule is written, it allows two courses to run. The college can accommodate running the entire course, and part of the class would take all, and the other part can omit the unit. She shared that was not inconsistent with the committee's previous discussion, and it was said to run at 100% and for a closed academy in that group.

Commissioner David Rose shared it was intended for agencies like Winston Salem, who had their own facility.

Commissioner Tracy McPherson shared the rule to accommodate that would be applied to all situations, and if applied, it will become more complex. If not applicable to all situations, then why is there a limited rule? She understands what they want to accomplish, but suggested there is an issue with the wording.

Commissioner Steve Johnson shared the original motion was meant for entities that conducted their own training to be exempted from the unit. In this case, it would allow Winston Salem, SHP, SBI, Raleigh and Durham Police Department to elect to do their own training not in conjunction with the community colleges. The motion has expanded now to include community colleges, and Pandora's Box will be opened if this continues.

Commission Tracy McPherson asked if everyone should be allowed the option and if opened to everyone, then a class can be run with limited enrollees.

Commissioner Stephanie Freeman shared it's not that officers don't need the unit or that it's a curriculum or training need, but as Director Combs shared, if specific agencies are listed in the rule, frequent changes would be needed. The frequent changes will not proceed further than the rules review process. She asked if option 4 would meet the requested need.

Commissioner Steve Johnson shared his uncertainty that this will address the issues on multiple agencies. He asked if the mass will have the option to choose now or will the burden be placed on the student as a partial enrollee to decide which BLET program they want, whether it's Colum A or Colum B they choose from.

Commissioner David Rose suggested striking "delivery" and state "accredited criminal justice agencies that facilitate their own BLET course." The change will narrow the agencies to Winston Salem, Durham, and Greensboro since they provide the facility and instructors. The MOU with the community college would be addressed, and it removes the scenario of having dual classes. He requested an opportunity to propose a motion and be allowed time to review and structure language for his proposal.

At 2:54 pm, Committee members took a 10-20 minute recess break; the meeting resumed at 3:13 pm.

Commissioner Freeman continued the discussion on Rule 12 NCAC 09B .0205 BLET Training on Unit 6.

Commissioner Tracy McPherson shared that her vote was general because of the Community Colleges System's role in meeting the local and state workforce needs that meet or exceed the industry's standards. She further stated that the community colleges would continue to meet any mandated standards as instructed by the Commission, and will work with colleges, the Commission and the Criminal Justice Standards Division to assist with implementation. The Community College System will serve the public and the Commission, and as the Community College System President's designee, at this time she is prepared only to support Option #1 which will be for no changes made. She further shared it is believed that the current standardized BLET program is best aligned to meet the workforce training needs as a whole, and best serves the needs of the cadet, most of whom are not employed prior to graduation, to be ready to work for any prospective employer across the state.

Commissioner Lee Farnsworth shared someone had made a comment that resonated with him, which brought concern regarding the impact a decision would have on the six (6) to eight (8) agencies. He noted that discussions weren't made regarding the impact the change would have on the industry, profession, or individual officer. Furthermore, he emphasized that law enforcement officers in North Carolina should have the mobility to easily move between agencies and opposes any option, except for Option #1.

James Clemmons, Sheriff, Richmond County Sheriff's Office (President of the NC Sheriff's Association)

Sheriff Clemmons shared he is concerned that experts have gathered to make a decision, yet all of the necessary tools are not currently available for consideration. Discussions have been made about changes, and possible language, but the results of the analysis had not been

addressed. He cautioned everyone in fixing a problem that could easily be settled from the analysis's result.

Based on the various comments made by school directors, committee members and the results of the survey, Commissioner Steve Johnson proposed a **motion** to leave the program currently as it is until considerations are made from the review of the task analysis results. All programs can be re-evaluated after that time. Commissioner Chris Blue **seconded the motion.**

Commissioner David Rose shared he doesn't want the committee to regret making a decision now, considering the issue came from the committee a year ago unanimously. The issue is about an individual being trained in thirty-four (34) hours within a statutory position they are prohibited to enforce. This involves state agencies, SHP, SBI, and a couple of municipal agencies that facilitate the program, which is a financial burden. As Chief Davis shared, she would love to replace the training for de-escalation or CIT in which officers can use daily. No one supports prohibiting the training on civil or criminal issues, but every reasonable person can see that municipal officers are trained in thirty-four (34) hours of civil processes, and twenty-eight (28) hours of arrest, search and seizures. Commissioner David Rose **opposed the motion.**

Commissioner Tracy McPherson shared when she voted the first time to move the issue along, she had considered the committee's role in the process and the impact the unanimous vote would have. She assumed the discussion on the unit was at the beginning of its process, and further discussions would be made prior to a rule revision. Also, she suggested that a unanimous vote from the committee would mean the issue was vetted enough to be reviewed by all stakeholders to gather additional input during the process.

Commissioner Steve Johnson supported the issue from the beginning with limits and felt the issue has expanded larger than he expected because Chief Blue mentioned there were provisions included. He is assured the issue will return because officers do a lot of traffic accident investigations and Chapter 20's which a lot of deputies don't enforce, and the issue can be applied both ways. Commissioner Johnson still supports removing the unit for agencies that instructor their own BLET and until the appropriate time his motion remains.

Commissioner Steve Johnson restated his proposed **motion** to continue the BLET program with no changes based on the survey and until the completion of the task analysis and its results for a re-evaluation of the programs.

Commissioner Glenn McNeill Jr questioned the difference in the failure rates from the original 69-70% rate to the new passing rate of 98% and how many officers had to retake the test on Unit 6.

Director Steven Combs shared there were two (2) BLET exams currently out, an old exam and revised exam. He further shared, the old exam had an overall passing rate of 90.6%. The rate included the first, second time takers and re-testers. The initial percentage may have been at 72%, but he is uncertain

Michelle Schilling shared over 400 students were tested on the second exam. The initial pass rate was almost 88%, and the retest rate was up to 98%. The second test has fifteen (15) perfect unit 6 scores to date.

There were two (2) votes against the motion, both Commissioner Glenn McNeill Jr and Commissioner David Rose **opposed the motion**. The vote was ten (10) in favor, and two (2) opposed.

The Committee approved to leave the current rule as written for Option 1 and for no changes to be made until the completion of the BLET Job Task Analysis.

INFORMATIONAL ITEMS

SMI Advisory Group Field Concerns and Staff Actions Update

On behalf of the SMI Advisory Group, Terry Miller with the North Carolina Justice Academy provided an update on actions taken by staff and the SMI Advisory Group in regards to SMI concerns raised by a select number of individuals from the SMI field. The concerns were initially addressed at the August 2018 School Director's Conference and at the September 2018 SMI Advisory Group Committee meeting.

The Advisory Group addressed the concerns at the SMI December 2018 meeting and March 2019 meeting. During the December 2018 meeting, a vote was made by the group on the SMI Instructor Pre-Qual Course, to allow an instructor to keep his operator certification even if failing after entering the course. The change will become effective on June 1, 2019.

Detailed discussions were made regarding the lack of instructors across the state, the SMI pre-qualification requirements, ways to increase attendance for instructor courses, instructor sign-offs, the required sixteen (16) hours of supervisor field practice for operators, and the need for diversity on the SMI Advisory Group. Additional discussions were made on the instructor's tuning fork testing requirements, the instrument sign-offs and students use of electronics on sign-off testing days. The Advisory Group will continue to address the concerns that were shared from the field.

The Advisory Group voted on a few issues and decided to present these items for approval at the August Education & Training Committee Meeting. A decision was made to wait to prevent hardships on the community colleges and for the production of multiple manuals with several revisions. If the Committee approves the revisions at the August meeting, a request can be made for implementations to begin on January 1, 2020.

September and December's 2018 SMI meeting minutes were provided for the committee's review, and the March 2019 meeting minutes have not been approved. A copy of the approved minutes will be provided at the next Committee meeting in August.

The next SMI Advisory Group will be meeting on June 5, 2019, at 9:00 am at the Burlington Police Department. Everyone is welcome to attend to hear the progress on the concerns that were addressed.

On behalf of the Education and Training Committee, Commissioner Freeman thanked Mr. Miller and the Advisory Group for their hard work addressing the concerns that were made from the field.

2018 General Instructor Update

On behalf of the Criminal Justice Standards Division, Deputy Director Michelle Schilling provided an update on the instructor completion of the one (1) hour online renewal training and instructor certification revocation for 2018. Officially there were three hundred and sixty-seven (367) instructors who failed to complete the renewal course and have since been revoked.

Unfortunately, several instructors whose certifications were revoked were in specialized training and the Justice Academy has been notified of their status change.

Job Task Analysis Update

On behalf of the Criminal Justice Standards Division, Deputy Director Michelle Schilling provided an update on the current BLET Job Task Analysis process. A meeting was held in May with the vendor who provided the working group members an electronic copy of the generic skills tasks knowledge that applies to North Carolina. The vendor will compile a master list and return it to the working group for their review and approval the first week in June. On November 1, 2019, the Justice Academy will receive the approved list for curriculum review and revisions.

Director Steven Combs shared the Job Task Analysis survey will be distributed July 1, 2019. In June, the list of knowledge and skills tasks will be finalized with the working groups approve for what should appear in the BLET curriculum training.

Diversion Investigators Test Update

On behalf of the Criminal Justice Standards Division, Deputy Director Michelle Schilling provided an update on the status of the current Diversion Investigators Test. The Justice Academy graduated the first class for the Diversion Investigators Course and is working with the Training and Standards Division to establish a four (4) hour online Diversion Investigator Supervisor Course. The course will be the only one to have the state exam administered online, and the certificates will be provided to include a seal and certificate number. The next class will be scheduled in Edneyville in June. Mr. William Loucks was thanked for his assistance with the program and for working with the SBI.

With no further business, Commissioner Steve Johnson **motioned** to adjourn the meeting, with a **second** from Commissioner Glen McNeill Jr.

The meeting was adjourned at 3:34 pm.