

MINUTES

NORTH CAROLINA CRIMINAL JUSTICE EDUCATION AND TRAINING STANDARDS COMMISSION

EDUCATION AND TRAINING COMMITTEE

February 20, 2020

The Education and Training Committee of the North Carolina Criminal Justice Education and Training Standards Commission met in Room 1427 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, NC Criminal Justice Association
- *Tracy McPherson, NC Community College System - Ex-Officio Member
- *Randy Byrd, Appointment by the General Assembly – Speaker of the House
- *Nathan Mizell, Jr., NC Law Enforcement Training Officer's Association
- *Jeff McCracken, NC Police Executives Association
- *Jane Gilchrist, General Counsel, NC Department of Public Safety - Ex-Officio Member
- *Joseph Cotton, NCDPS, NC Highway Patrol – Ex Officio Member

Visitors

Perry Harris, Beaufort Community College
Thomas Forrest, Pitt Community College
Monica Shabo, NC Department of Public Safety
Chris Nesbit, Rowan Cabarrus Community College
Steve Belk, Rowan Cabarrus Community College
Amy Snider Wells, Central Carolina Community College
Eddie Caldwell, NC Law Enforcement Officers Association
P.M. Sullivan, Johnston Community College
Kenneth Smith, NC Department of Public Safety
David Rose, Winston Salem Police Department

Staff

Steven Combs, NC Criminal Justice Standards Division
Michelle Schilling, 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
Jessica Bullock, NC Justice Academy
Dan Worley, NC Justice Academy
Merrily Cheek, NC Justice Academy
Vicki Helms, NC Justice Academy

*Committee Members

WELCOME/SWEARING IN

Chairperson Stephanie Freeman welcomed members and guests. The meeting was called to order, and Ken Smith, the Chief of Security with Prisons with the Dept. of Public Safety was introduced. He is currently a student in the Correctional Leadership Development Program.

Major Joseph Cotton with the North Carolina State Highway Patrol was sworn-in, and Commissioner Stephanie Freeman introduced and welcomed the newest member of the Education and Training committee.

ROLL CALL

The roll was called, and a quorum was present.

MINUTES

Committee members reviewed the minutes from the November 21, 2019 meeting. With no changes requested, Commissioner Kenneth Mullen **motioned** to accept the meeting minutes as approved. Commissioner Lee Farnsworth **seconded** the motion, the **motion carried**.

COMMISSION ACTION

ADMINISTRATIVE CODE: PROPOSED RULE REVISION – SCHOOL DIRECTOR'S RESPONSIBILITIES

On behalf of the CJ Standards Division, Deputy Director Michelle Schilling requested a rule change that would require the BLET School Directors to provide and submit the Enrollment Roster for the Orientation class, along with the existing required Post-Delivery documentation.

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

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

Michelle Schilling shared that it is important for the Training and Standards Division to provide accurate data regarding training, training enrollment, and the success of the training programs to the Commission. The rule currently requires that a School Director submit within ten (10) days of the completed course a post-delivery including a list of the students enrolled at the conclusion of the course. When CJ Standards received these lists and compared them to the Post Delivery (F-10), and the State Exam (F-23), a discrepancy was found on the number of students who first attended the course and the number of completions. The Division also noticed that, when fewer than ten (10) students completed, the school files did not contain an authorization given by Director Steven Combs that gave permission for the course to begin with less than ten (10) students. When the School Directors were asked what had happened to the other students, they had advised the students were terminated for unsuccessfully completing the course. CJ Standards was unaware of the terminated students; therefore it is requested that the School Directors be required to submit a copy of the orientation roster along with the post-delivery to ensure their records are completed and accurately maintained on all BLET student attendance, terminations and successful completions.

The Committee approved the request 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 the rule, **12 NCAC 09B .0202 – Responsibilities of the School Director** as follows:

- Paragraph “(b)(10)(D)” shall be added to read as follows:

“Orientation class enrollment roster”

Commissioner Nathan Mizell **seconded** the motion, the **motion carried**.

Commissioner Stephanie Freeman advised that Appalachian State University has requested accreditation to deliver the Basic Law Enforcement Training program, which the Committee must grant before they can request pilot authority to propose a modified BLET schedule, which requires Commission action.

COMMITTEE ACTION

SCHOOL ACCREDITATION SUBCOMMITTEE – APPALACHIAN STATE UNIVERSITY BLET

On behalf of the School Accreditation Subcommittee, Deputy Director Michelle Schilling, CJ Standards Division, recommended the accreditation of the following institution 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:

- Appalachian State University - BLET

Michelle Schilling shared that Appalachian State University has requested accreditation to administer a modified BLET program at their university. The Training Division completed an audit showing that the university had met all requirements with their facilities, equipment, and instructors as outlined in 12 NCAC 09C .0401, for accreditation to administer the BLET course of instruction. They will request Pilot Authority if they're approved to conduct their modified BLET course.

Commissioner Kenneth Mullen **motioned** to approve the accreditation for Appalachian State; Commissioner Jeff McCracken **seconded** the motion.

Commissioner Tracy McPherson shared that in the future, there may be other entities that would like to request delivery status as well, and there may be a request for different delivery approaches. In the past, for-profit entities like Miller-Motte, public universities, and private universities have never formally asked to deliver the program, but this committee may be asked to grapple with more requests in the future. She noted that the Community College system understands that there may be innovative ways to offer BLET in the future, and the System President would like to be involved and supportive of discussions related to innovative partnerships in support of BLET across the state, since community colleges have historically been the state's mechanism for ensuring that BLET training is accessible and affordable in North Carolina.

Commissioner Jane Gilchrist suggested that legal counsel address these issues with the Executive Committee.

Director Steven Combs will address the Executive Committee regarding a recent request that was made from a private company.

Randy Stevens, the Director of Public Safety and Chief of Police at Appalachian State, shared that the university accomplishes far more than the police academy. He said that if entities are requesting the BLET program, to keep in mind that Appalachian State University's program is for two (2) years, their students are full time and they work for the college. The university is going above and beyond a regular program because their program is more in-depth. It is good business for the university; the program goes beyond the BLET program in the summer, and their program delivery method only allows full-time Appalachian students to attend the training. Their students are paid to work part-time for campus security, while they are enrolled in BLET as part of their summer program.

Commissioner Steve Johnson **motioned** to approve. Commissioner Randy Byrd **motioned** to approve for a period of five (5) years in accordance with 12 NCAC 09B .0200 and 12 NCAC 09C .0401 the accreditation for Appalachian State University. Commissioner Kenneth Mullen **seconded** the motion, the **motion carried**.

Commissioner Stephanie Freeman shared that the next agenda item is Commission Action, and once the request for Pilot Authority has been approved, it will be brought before the Full Commission tomorrow for a final decision.

COMMISSION ACTION

ADMINISTRATIVE CODE: PROPOSED RULE REVISION – REQUEST FOR PILOT AUTHORITY - APPALACHIAN STATE UNIVERSITY BLET

On behalf of the CJ Standards Division, Deputy Director Michelle Schilling reported that Appalachian State University requested Pilot Authority to administer the BLET course, at their location, with a modified presentation schedule that would allow cadets to receive the required BLET curriculum training as follows:

- August 3 through 13, 2020
- November 7, 2020 (Review)
- January 16, 2021
- April 10, 2021 (Review)
- May 10, 2021 through August 11, 2021
- August 13, 2021 State Exam

Michelle Schilling shared that the current rule allows the program to have revolving periods of breaks. Appalachian State has requested an increased period of time for the gaps in instruction to meet the needs of their students. Their students are full time and are employed part-time by the college, which has made it challenging and difficult for them to keep to the current schedule and to meet all of the program requirements. The proposed schedule for the course to be conducted by Appalachian State University meets all the course requirements as dictated by the Administrative Code. Additional time was built into the schedule that will allow students more time to review materials after each break before they are tested on the state exam.

The committee members further discussed the modified schedule, the break-in time periods, testing, and the review periods.

Commissioner Kenneth Mullen shared that Appalachian State has a unique opportunity to administer a modified BLET course for their students. The pilot authority process will help the university to evaluate the modified course to determine how well the schedule will work, and if the modified schedule can be continued. Appalachian's Chief and Captain will report back to the CJ Standards with the testing results, the outcome to the modified schedule, and what should be tweaked.

The committee members further discussed if a pilot authority would be needed for the BLET revision project to help with the schedule and content delivery. Further discussions were made if the results from Appalachian's pilot program would affect the Justice Academy, the BLET revision project, and the standards for a rule change.

Commissioner Stephanie Freeman shared that the committee does not have the authority to waive a rule, but that pilot authority, which is different from the administrative code, will allow the testing of any new curriculum to determine the validity. She suggested that Appalachian State could return at a later meeting to report the results from their pilot program and that the committee members can use the data to determine if a modified schedule should be approved and if a rule change would be necessary. The data may help to support a different delivery model for the BLET program, and help the Justice Academy during the BLET revision process when they establish the new curriculum.

Commissioner Steve Johnson shared at some point a rule may be implemented to include institutions like Appalachian State and other universities because of their full-time students. A rule could be constructed to apply to institutions that want to implement a program for full-time students.

Michelle Schilling suggested two points that may be important to Director Allen and the Justice Academy regarding the BLET revision project; if the modified schedule works and if students are retaining the information.

The Committee approved the request as presented; Commissioner Steve Johnson proposed a **motion** to grant Pilot Authority to Appalachian State University to administer a BLET course at their location with their modified course schedule.

Commissioner Kenneth Mullen **seconded** the motion, **motion carried**.

Commissioner Stephanie Freeman requested that Appalachian State University return at the February or May 2021 meeting to report their progress on the pilot program and to make any additional requests at that time.

COMMISSION ACTION

ADMINISTRATIVE CODE: PROPOSED RULE REVISIONS – INSTRUCTOR TRAINING

On behalf of the Instructor Training Advisory Group, Jessica Bullock, NC Justice Academy, requested major revisions and/or additions to the Instructor Training curriculum, as well as revisions to the academic checklist. The proposed changes are designed to provide students

with an additional understanding of resources to assist them in preparing a lesson plan, and to afford them additional time to present material during the Instructor Training course:

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

- 12 NCAC 09B .0410 – Criminal Justice Instructor Training Course
- 12 NCAC 09G .0313 – Corrections Instructor Training Course
- 12 NCAC 09B .0209 – Criminal Justice Instructor Training
- 12 NCAC 09G .0414 – Instructor Training
- Academic Checklist Revision

Jessica Bullock, the Chair of the Instructor Training Advisory Group, introduced two members; Dr. Greg Minton, the School Director for Instructor Training at Wilkes Community College, and Amy Snyder-Wells, the School Director for Instructor Training at Cape Fear Community College. The advisory group requested several different rule changes that were based on the feedback received from students that impacted two key components of the Instructor Training curriculum; writing lesson plans and presenting them. Based on research, students are known to do well with kinesthetic learning with demonstrations and practical exercises, which will be included to reinforce learning. The program will not be extended longer than a two (2) week time frame to help alleviate the burden upon agencies, and the advisory group suggested that three (3) classes be made as options for online training; 1-Criminal Justice Leadership, 2- Legal Resources, and 3- Professional Resources. The Justice Academy offered the online blocks to allow the School Directors to create their own format and the option for in-class training. Due to the research on blended learning, students that complete the online training before they attend the course will have built an early foundation to the course, therefore making the course easier to complete, and it would allow two additional hours to be used in the course elsewhere.

➤ **12 NCAC 09B .0410 – Criminal Justice Instructor Training Course**

Commissioner Stephanie Freeman shared that rule 12 NCAC 09B .0410 is paralleled to rule 12 NCAC 09B .0209 that does not deal with the curriculum but refers to using the Instructor Training Manual. It refers to the rule that laid out the curriculum in 12 NCAC 09B .0209, and it requested a few technical corrections, as well to remove the original phrase “of the two (2) week course” and make it into two weekends over fifteen (15) consecutive days.

Commissioner Steve Johnson shared that previously in the code, the training course manuals clarified the course contents in rules 12 NCAC 09B .0410, 12 NCAC 09G .0313, and 12 NCAC 09B .0209. Commissioner Stephanie Freeman shared that the manuals included the scoring sheet, the three (3) audiovisual aids, and references, which are not listed in the code because they are a part of the evaluation in the manual.

The Committee approved the request as presented; Commissioner Kenneth Mullen proposed a **motion** that the Commission authorize the Planning and Standards Committee to accept the changes and conduct a rule-making hearing to amend rule **12 NCAC 09B .0410 – Criminal Justice Instructor Training Course** as follows:

- Language in paragraph “a(1)” shall be modified to read as follows:
“satisfactorily complete all of the required course work pursuant to 12 NCAC 09B .0209. All trainee presentations shall have met the criteria and conditions specified in the course orientation of the "Instructor Training Manual as published by the North Carolina Justice Academy;”

- Language in paragraph “b” shall be modified to read as follows:
“Should a trainee fail to meet the minimum criteria on the final lesson plan or the final 70-minute presentation, he or she shall be authorized one opportunity to correct either of these deficiencies by the end of the course.”

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

➤ **12 NCAC 09G .0313 – Corrections Instructor Training Course**

Commissioner Freeman shared that rule 12 NCAC 09G .0313 is the parallel rule to 12 NCAC 09B .0209, and it is requested that the rule be consistent. Rule 12 NCAC 09G .0414 was revised and still referred to the eighty (80) minute presentation; therefore, it is the parallel rule as 12 NCAC 09B .0209.

Commissioner Jeff McCracken proposed a **motion**; Commissioner Lee Farnsworth **seconded** the motion.

Commissioner Stephanie Freeman shared that there were two options for 12 NCAC 09G .0414 and that the rule 12 NCAC 09G .0313 should be tabled. A decision should be made for rule 12 NCAC 09B .0209 and 12 NCAC 09G .0414, and then rule 12 NCAC 09G .0313 can be addressed.

Rule 12 NCAC 09G .0313 – Corrections Instructor Training Course was placed on hold, and the committee proceeded to address rule 12 NCAC 09B .0209- Criminal Justice Instructor Training Course and 12 NCAC 09G .0414 – Instructor Training.

(Rule 12 NCAC 09G .0313 was placed on hold and later addressed during part of the discussion on rule 12 NCAC 09G .0414.)

Commissioner Stephanie Freeman returned to the tabled item rule 12 NCAC 09G .0313, which addressed and clarified lines 4 & 5 under section 1 when the rule 12 NCAC 09B .0209 was referenced.

The Committee approved the request as presented and Commissioner Kenneth Mullen proposed a **motion** that the Commission authorize the Planning and Standards Committee to conduct a rulemaking hearing to amend the rule, **12 NCAC 09G .0313 – Corrections Instructor Training Course** as follows:

- Language in paragraph “a(1)” shall be modified to read as follows:
“satisfactorily complete all of the required course work pursuant to 12 NCAC 09B .0209. All trainee presentations shall have met the criteria and conditions specified in the course orientation of the "Instructor Training Manual as published by the North Carolina Justice Academy;” and”
- Language in paragraph “a(2)” shall be modified to read as follows:
“attain the minimum score on each performance area as specified in the course abstract of the “Instructor Training Manual” for the final written lesson plan and final 70-minute presentation; and”

- Language in paragraph “a(3)” shall be deleted.
- Language in paragraph “b” shall be modified to read as follows:
 “If a trainee fails to meet the minimum criteria on the final lesson plan or the final 70-minute presentation, he or she shall be authorized one opportunity to correct either of these deficiencies by the end of the course.”

Commissioner Steve Johnson **seconded** the motion. The **motion approved**.

The Committee proceeded back to complete and re-address rule 12 NCAC 09G .0414 – Instructor Training.

➤ **12 NCAC 09B .0209 – Criminal Justice Instructor Training Course**

Commissioner Stephanie Freeman shared that the guidelines will change, but the rule would be referenced since the topics and hours are laid out. She said the issue would be returned to the Planning and Standards Committee pre-view for rule-making authority. The rule 12 NCAC 09B .0209 has additional changes that include the new course hour total, as well as the different methods to complete the blocks with the option of doing it online or in person.

The Committee approved the request as presented; Commissioner Steve Johnson 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 .0209 – Criminal Justice Instructor Training. Commissioner Kenneth Mullen **seconded the motion**.

Commissioner Nathan Mizell questioned how the online competencies would be documented and that it should show who is responsible for the training. Jessica Bullock shared that students would receive a course completed certificate from the Justice Academy, or the form that is signed for competency could have a line added to include the three online classes.

Commissioner Steve Johnson suggested that staff prepare documentation that is consistent state-wide to include a signature to show that the documentation was received and could be placed in the student file and remain as their permanent record.

Commissioner Tracy McPherson suggested that in paragraph D, line 1 to remove the word consecutive and replace with “completion of all topics specified in the rule within a 15 day period.”

Commissioner Steve Johnson requested the proposed motion to be modified to say “the completion of all topics specified in the rule within a 15 day period.” He proposed a **modified motion** that the Commission authorize the Planning and Standards Committee to conduct a rulemaking hearing to amend the rule, **12 NCAC 09B .0209 – Criminal Justice Instructor Training** as follows:

- Language in paragraph “a” shall be modified to read as follows:
 “The Instructor Training course required for General Instructor certification shall consist of a minimum of 90 hours of instruction.”
- Language in paragraph “b” shall be modified to read as follows:

“Each Instructor Training course shall be designed to provide the trainee with the skills and knowledge to perform the functions of a criminal justice instructor.”

- Language in paragraph “c” shall be modified to read as follows:
“Each Instructor Training course shall include the following identified topic areas and minimum instructional hours for each area.”
- Language in paragraph “c(1)” shall be modified as follows:
Change the hours from “3” to “4.”
- Language in paragraph “c(2)” shall be modified as follows:
Change the hours from “6” to “8.”
- Language in paragraph “c(7)” shall be modified as follows:
Change the hours from “6” to “4.”
- Language in paragraph “c(8)” shall be modified as follows:
Change the hours from “5” to “8.”
- Language in paragraph “c(9)” shall be modified as follows:
Change the hours from “3” to “4.”
- Language in paragraph “c(10)” shall be modified as follows:
Change the hours from “6” to “8.”
- Language in paragraph “c(11)” shall be modified as follows:
Change the hours from “4” to “5.”
- Language in paragraph “c(12)” shall be modified as follows:
Change the hours from “4” to “6.”
- Language in paragraph “c(15)” shall be modified as follows:
Change the hours from “2” to “4.”
- Add a new paragraph “d” to read as follows:
“The Instructor Training Course shall be completed in one of the following two methods: (1) Completion of all topics specified in Paragraph (c) of this Rule within a fifteen-day period; or (2) individuals may complete topics contained in Paragraph (c)(3), (c)(4), and (c)(5) of this Rule by either in-person or online delivery via a Commission-accredited delivery site within 60 days prior to the delivery of topics specified in paragraph (c)(1), (c)(2), and (c)(6) thru (c)(15) of this Rule.”
- Reletter original paragraph “d” as paragraph “e.”

Commissioner Kenneth Mullen **seconded** the modified motion, the **modified motion carried**.

➤ **12 NCAC 09G .0414 – Instructor Training**

Commissioner Stephanie Freeman shared that this rule is paralleled to the rule for Corrections and that there are two options that were presented. Option 1 that lays out everything with the specificity in 12 NCAC 09B .0209 or Option 2 that references the rule 12 NCAC 09B .0209. She shared that if option two was decided, it would save Corrections an extra step in the future, and it would not have to be changed each time.

Commissioner Lee Farnsworth suggested to use Option 2, which would make the process simpler.

The Committee approved the request as presented and Commissioner Lee Farnsworth proposed a **motion** to use Option 2 for rule 12 NCAC 09G .0414 and that the Commission authorize the Planning and Standards Committee to conduct a rulemaking hearing to amend the rule, ***12 NCAC 09G .0414 – Instructor Training*** as follows:

- Language in paragraph “a” shall be modified to read as follows:
“The Instructor Training course required for General Instructor certification shall consist of a minimum of 90 hours of instruction.”
- Language in paragraph “b” shall be modified to read as follows:
“Each Instructor Training course shall be designed to provide the trainee with the skills and knowledge to perform the functions of a criminal justice instructor.”
- Language in paragraph “c” shall be modified to read as follows:
“Each Instructor Training course shall include the topic areas, delivery methods, and minimum instructional hours pursuant to 12 NCAC 09B .0209(c) and (d).”
- Language in paragraph “c(1) – c(15)” shall be deleted.

Commissioner Nathan Mizell **seconded** the motion, the **motion carried**.

Rule 12 NCAC 09G .0414 – Instructor Training was placed on hold, and the committee returned to address and complete the previous discussion to rule 12 NCAC 09G .0313 –Corrections Instructor Training Course.

(Rule 09G .0414 was returned to finalize after the rule 09G .0313 was addressed.)

Commissioner Stephanie Freeman returned to the tabled item rule 12 NCAC 09G .0414, to address the change to the seventy-eight (78) hours to ninety (90) hour course.

Commissioner Stephanie Freeman commended Jessica Bullock and the Instructor Training Advisory Group’s outstanding work that was contributed to revising the Instructor Training curriculum.

Committee members discussed the rule changes, the effects and timing to consider in factoring the meeting in May, the Planning and Standards Committee’s review process, and the status of the rule 12 NCAC 09B .0202 – School Directors Responsibilities.

Commissioner Steve Johnson suggested the committee consider the language that was previously approved for in the rule 12 NCAC 09B .0410- Criminal Justice Instructor Training Course and in the rule 12 NCAC 09B .0202 – School Directors Responsibilities which had

similar language. He stated in paragraph C, line 1, the section on delivery of instructor training that listed the hours, which were changed in the rule 12 NCAC 09B .0202 to seventy-eight (78) hours, he suggested those hours be changed to ninety (90) hours.

➤ **12 NCAC 09B .0202 – School Director’s Responsibilities – Rule Change**

After several in-depth discussions that were made by the committee members, Commissioner Steve Johnson suggested a rule change to 12 NCAC 09B .0202 to reflect the ninety (90) hours. The change would allow the rule to go before the Planning and Standards Committee in May for a vote, and it would also go before the Full Commission for a final decision. This would allow seven months for all of the changes to be made and be implemented on January 1, 2021. Commissioner Steve Johnson shared this was the easiest way for a rule change without derailing anything else, and it would affect the current BLET, the eighty (80) minute presentation, and forty (40) hours.

Commissioner Steve Johnson proposed a **motion** to change paragraph C, line 1 in the rule **12 NCAC 09B .0202 – School Director’s Responsibilities** to comply with the ninety (90) hour proposed course and for the Commission to authorize the Planning and Standards Committee to conduct a rulemaking hearing to amend the rule, 12 NCAC 09B .0202 to include the ninety (90) hours. Commissioner Randy Byrd **seconded** the motion, the **motion carried**.

COMMITTEE ACTION

➤ **Mandatory Instructor Training Update**

Commissioner Tracy McPherson asked, due to the substantial change, if an update on the new material should be provided to the instructors.

Jessica Bullock shared the advisory group discussed providing four (4) training sessions with the new updates at both campuses at the Justice Academy. The group also discussed whether the Qualified Assistants, School Directors, and anyone who is certified to teach the instructor training course should attend the updated training. Training can be provided in October to ensure everyone had time to remember the new information, and deliveries could be instructed soon after, or a second option was provided to offer the training online.

Perry Harris, the General Instructor Training School Director at Beauford County Community College, suggested that the update be mandated and that the new updates be incorporated into the Instructor Orientation block of Instructor Training.

Commissioner Stephanie Freeman shared that based upon the rule that supports mandatory instructor updates, the committee can request the updates be mandatory and to require all School Directors, Qualified Assistants, and all certified instructors to complete the updated training through the Justice Academy. Trevor Allen shared that the Administrative Rule 12 NCAC 09B .0301, states in paragraph C, “in addition to all other requirements of this section, each instructor certified by the Commission to teach in a Commission-certified course shall remain competent in his or her specialized areas. Such competence shall include remaining current in the instructors’ area of expertise, which shall be demonstrated by attending and completing all update instructor training courses required by the Commission.”

Commissioner Lee Farnworth proposed a **motion** that the Committee mandate that an instructor training update be prepared by the North Carolina Justice Academy, and that all

currently certified instructors be required to complete the update before teaching a new class. Commissioner Jeff McCracken **seconded** the motion, the **motion carried**.

COMMITTEE ACTION

➤ Academic Checklist-Revision

Jessica Bullock shared that Jennifer Fisher discussed with the BLET Revision Committee the request for the Academic Checklist to be revised. The advisory group would like the committee to review the new changes that will clarify the type of content that was changed and who made the revision. This will allow the content expert to know who made the grammatical change and revisions to the curriculum. The advisory group recommended to include the following in the yellow highlighted section to say, “structural revision by,” “legal review by,” and “content revision by.”

Commissioner Steve Johnson suggested that only the subject matter expert should revise the content and that an academy staff member or someone from outside of the academy that specialized in the content area and that was designated to revise the material would be considered a subject matter expert.

Commissioner Steve Johnson proposed a **motion** to accept the approved revised categories in the academic checklist to be used in all future lesson plans. Commissioner Lee Farnsworth **seconded** the motion, the **motion carried**.

A five (5) minute recess break was taken.

COMMITTEE ACTION

PROPOSED 2021 LAW ENFORCEMENT IN-SERVICE TRAINING OBJECTIVES

On behalf of the Joint In-Service Training Committee, Merrily Cheek, NC Justice Academy, presented the approved recommended training objectives for the 2021 Law Enforcement In-Service Training Topics. The Joint In-Service Training Committee met on January 28, 2020, and at that time, the training objectives were finalized and approved. Ms. Cheek proposed that the Education and Training Committee approve the training objectives as presented.

There are seven (7) out of the eight (8) law enforcement classes that will be conducted online to allow flexibility for agencies to schedule their in-service training.

PROPOSED LAW ENFORCEMENT 2021 IN-SERVICE TRAINING OBJECTIVES

REQUIRED TOPICS (*LAW ENFORCEMENT = 24 HRS/CREDITS REQUIRED – 14 HRS/CREDITS*)

2021 Firearms (4 hrs/credits)

1. *Discuss the provisions of N.C. General Statute §15A-401(d)(2) – Use of Deadly Force, as well as any departmental policy relating to the reasonable use of force to include possible de-escalation techniques.*
2. *Identify and practice the provisions of N.C. General Statute §14-269 and of Article 54 as*

- they apply to concealed carry by sworn law enforcement personnel.*
- 3. Describe and apply firearms safety on and off duty, on the range, and in the home.*
 - 4. Describe and demonstrate basic marksmanship fundamentals to include grip, stance, sight alignment, sight picture, and the draw.*
 - 5. Demonstrate the ability to attain a minimum qualification score of 70 percent or higher if the agency standards exceed state minimums on an approved course of fire for both day and night and also demonstrate the ability to pass a day and night decision-making course of fire. The officer will have three (3) attempts within a given day per course of fire.*

2021 Legal Update (4 hrs/credits)

- 1. Discuss relevant federal and state case law on _____ as it applies to North Carolina law enforcement officers.*
- 2. Discuss relevant North Carolina statutory changes and the practical implications for law enforcement officers.*

2021 Continue to Make a Difference: Positive Engagement Stories and Studies (2hrs/credits)

- 1. Name a minimum of three (3) communication strategies that officers can use when interacting with juveniles to help facilitate positive engagement.*
- 2. Name at least three (3) steps that officers and their agencies can take to strengthen relationships between officers and the community, including those of minor age.*
- 3. Using the videos and case studies provided, recognize at least one (1) approach the officers used to help build rapport and positive community interactions between the juveniles and the officers.*

2021 School Safety and Responding to School Incidents (4 hrs/credits)

- 1. Define School Resource Officer and discuss the requirements for certification.*
- 2. List and discuss the three key roles of a School Resource Officer.*
- 3. Identify and discuss the additional authority of a School Resource Officer.*
- 4. Discuss the Family Educational Rights and Privacy Act.*
- 5. Discuss specific issues as they relate to working special assignments at school functions.*
- 6. List key elements for conducting a site survey of an educational facility.*

TOPIC OF CHOICE (12 HRS/CREDITS)

Hemp Industry: Overview and Officer Roles (2 hrs/credits)

- 1. Discuss the legal complexities of hemp versus marijuana.*
- 2. Identify how to access and find registered hemp grow sites via the North Carolina Department of Agriculture and Consumer Services Portal.*
- 3. Describe common hemp licensing and transportation issues.*
- 4. Discuss and identify how to determine if probable cause exists during an investigatory stop.*
- 5. Identify persons and businesses who can legally sell and/or possess hemp or CBD products.*

Officer Awareness: Responding to Victims of Trauma (4 hrs/credits)

1. Define trauma.
2. Identify the physical and psychological reaction to trauma.
3. Describe the various indicators exhibited by trauma victims.
4. Discuss the elements impacting the severity of trauma.
5. Explain effective trauma-informed responses practiced by law enforcement officers.
6. Recognize when and how a law enforcement officer should refer a victim of trauma to available resources.

Patrol Vehicle Operations (4 hrs/credits)

1. Identify how to access and secure equipment and contents in a law enforcement vehicle.
2. List and summarize three (3) North Carolina statutes that regulate emergency vehicle operation.
3. Given an emergency response scenario, discuss the tactical use of a seatbelt in your law enforcement vehicle.
4. According to the Traffic Incident Management System, correctly identify four (4) duties of law enforcement officials on the scene of a traffic incident.
5. Describe safe and tactical responses to various calls for service.
6. Discuss options for positioning a law enforcement vehicle during a traffic stop.

Physical and Mental Wellness: Building & Implementing a Plan for Improvement (2 hrs/credits)

1. Describe emerging concepts of both physical and mental wellness that meet the needs of the law enforcement officer and what may happen to the officer over time when physical and mental wellness needs remain unmet.
2. After reviewing case studies, discuss the connection between various dietary and wellness changes as they relate to job performance and overall improvement.
3. Apply the information from this lesson to complete an improvement plan that identifies personal areas to focus on and includes corresponding wellness actions.

Commissioner Lee Farnsworth proposed a **motion** to accept the 2021 Law Enforcement In-Service Training Objectives. Commissioner Randy Byrd **seconded the motion**. The **motion carried**.

SCHOOL ACCREDITATION SUBCOMMITTEE

On behalf of the School Accreditation Subcommittee, Deputy Director Michelle Schilling, CJ Standards Division, recommended the 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 courses:

Re-Accreditations for five (5) years:

- Cary Police Department SMI
- Davidson Community College BLET, SMI, GI

- Haywood Community College BLET, SMI, GI
- Johnston Community College BLET, SMI, GI
- Randolph Community College BLET, SMI, GI
- Stanly Community College SMI, GI

Re-accreditation audits were completed on the listed institutions. A change was made to the agenda, the CJ Standards Division will not be asking for the re-accreditation for Stanly Community College's BLET course due to significant deficiencies found during their audit. Their deficiencies do not affect their SMI and GI programs. Michelle Schilling advised that the re-accreditation audit was conducted in January, but no effort was made to correct any deficiencies as of this date. Stanly Community College currently has a class in session, and the CJ Staff will work with the School Director to ensure the class completes the state exam in May, but after that, no further classes will be conducted until Standards Division staff conducts a site inspection after the college hires an administrative assistant for the program and the vehicles used in the course are rendered safe.

All these school accreditation periods expire in May, which allows agencies adequate time up to prepare (up to three (3) months) for their re-accreditation to be active in May.

Commissioner Nathan Mizell proposed a **motion** to accept the following institutions for re-accreditations for a period of five (5) years in accordance with 12 NCAC 09B .0200 and 12 NCAC 09C .0401; Commissioner Steve Johnson **seconded** the motion. The **motion carried**.

SPECIALIZED EXPLOSIVES & HAZARDOUS MATERIALS ADVISORY GROUP

On behalf of the Specialized Explosives & Hazardous Materials Advisory Group, Laurie Austen, NC Justice Academy, requested approval for major revisions made to the Specialized Explosives & Hazardous Materials Instructor Training Course:

- Adoption of the 5th Edition International Fire Service Training Association (IFSTA) Manual

Laurie Austen requested to adopt the 5th edition of the International Fire Service Training Association Hazardous Materials for First Responders book. The list below summarizes the changes that are requested to enhance the manual as part of their curriculum.

- The 4th Edition is no longer available.
- This book is utilized in the SEHMIT instructor program
- The primary difference is that the 5th Edition (2017), meets NFPA 1072, *Standard for Hazardous Materials/Weapons of Mass Destruction Emergency Response Personnel Professional Qualifications*. The 4th Edition (2010) does not.
- The 5th Edition goes into greater detail on most topics, particularly drug labs and terrorist/WMD attacks. Comparing the 4th and 5th Edition is kind of like comparing the abridged version of a book to the full novel.
- The 5th Edition includes more information on secondary attacks, booby traps, and general hazards at illicit labs. The 4th Edition has two pages on this. The 5th Edition

has eight pages.

- The 4th Edition section on Chemical Attack Indicators is only two pages (154 – 156). The 5th Edition section on Chemical Attack Indicators is twelve pages (390 – 402).
- The 5th Edition has more information on biological attack indicators; four pages (404– 408) versus only two pages (156 – 157) in the 4th Edition.
- The 5th Edition has a section on Identification of Terrorist Attacks that the 4th Edition doesn't have.
- The 5th Edition has a section on Psychological Issues that the 4th Edition does not. The 5th Edition also includes more information overall on reports and documentation as well as evidence preservation.

Commissioner Kenneth Mullen proposed a **motion** to accept the requested changes made to the Specialized Explosives & Hazardous Materials Instructor Training Course; and Commissioner Lee Farnsworth **seconded** the motion. The **motion carried**.

INFORMATIONAL ITEMS

BLET Revision Project Update (Job Task Analysis)

On behalf of the NC Justice Academy, Dan Worley briefed the committee on the status of the BLET Revision Project pursuant to the Job Task Analysis. He announced that the project was underway and that the current BLET curriculum was compared to the BLET incentives state-wide along with the opinions from North Carolina's stake-holders. The goal of the project is to have the BLET curriculum brought more into line with the 21st-century training applications and approach that is currently used around the country. The training will transition away from the non-sequential thirty-six (36) blocks of instruction to convert to a new delivery system of five (5) sequential deliveries in the Basic Training volumes. Each of the five (5) training volumes will address the skill sets and tasks that were identified by the job task analysis associated with the entry-level knowledge and skills of law enforcement officers. The new training will be a building blocks approach that is delivered with each volume consisting of a series of lesson plans that correspond and relate to the training objectives in the overall volume. All of the existing lesson plans will be blended to improve the topic flow, and each volume will build upon the characteristics and training that was presented in the previous volume. Practical exercises will also be implemented to provide an additional hands-on application in each volume, which will present a more accurate assessment of students, as well as further measure their understanding of the training. All of the new elements that will be applied to revising the curriculum were suggested by stake holders from around the state, as well as from sources from within and outside of the academy.

Dan Worley further shared that even though the volumes are taught and followed in sequential order, the individual lesson plans can be taught with discretion if they were taken out of order, but that the volume itself would need to be completed before moving to the next one.

Commissioner Stephanie Freeman shared the testing may follow a Bloom's Taxonomy approach, starting first with testing on fundamental levels that are simpler, then the building

blocks on to more complete levels. The questions will become more complex, with more scenario-based training as you move through the course.

Trevor Allen shared that there were new additions to the training curriculum. The material will be available in an electronic copy that will include hyperlinks for students to access. The links will direct students to locate the training material, which will make it easier to review, instruct, or test on the information, as well as to develop the test questions. Another addition to the curriculum is a revised academic checklist that will indicate the source change and credit the instructor for content changes. Everyone who contributed to the content will be listed as either a content developer or instructor like any reference.

Commissioner Steve Johnson advised that several sources will be included in the content changes, from both commissions and staff, as well as the chiefs, sheriffs, the job task analysis working group, the BLET, and School Director's Advisory Group. Trevor Allen shared that there will be even more involved with the revision process, the academy's internal subject experts, any specialty organizations like the Human Trafficking Commission, the Coalition Against Sexual Assault, the Community Colleges, represented by Commissioner Tracy McPherson and her group of School Director's.

Trevor Allen reminded the committee that the project is a working project and that each lesson plan will have very tight timelines for the revisions to be completed in a year. Instructors could not start from scratch revising all thirty-six (36) topics within a year, so the alternate plan was to present content to the commission every quarter for a review. A matrix spreadsheet was developed that identified the job tasks, where it was located in the volume, the topic it appeared in, the learning objective it was connected to, and the demonstrated technique that reinforced the content. A testing matrix will also be completed to indicate where the question relates to the learning objective, to the content, and a hyperlink that connects, which will assist the CJ Division staff.

Trevor Allen also requested help from Major Joe Cotton to review material on the Traffic Crash Investigation and help from Commissioner Steve Johnson to review material on the Firearms Training. He will contact stake-holders on a regular basis, and he welcomed the committee to share their feedback to assist with designing the new curriculum.

Dan Worley encouraged committee members to email or call with their feedback to help with the project. Trevor Allen shared that all content will be reviewed by the E&T Committee and the Sheriff's Commission staff, and an appearance will be made at the May meeting to present and show the topics.

DAC Mandatory In-Service Training Advisory Group

On behalf of the Criminal Justice Standards Division, Director Steven Combs provided the committee with information related to the establishment of the Division of Adult Corrections In-Service Training Advisory Group that was requested during the November 2019 meeting. A request was made to look into the mandatory in-service training for the Department of Adult Corrections. On Friday, February 14th, a meeting was held where in-depth discussion and progress were made. Another meeting will be scheduled in a few weeks, and a report will be made at the May meeting to share and present a planned outline and a list of in-service training topics that were conducted in the past five (5) years.

Stephanie Freeman shared that Director Steven Combs contacted Chief Deputy Secretary Moose, who selected the individuals that will represent DAC on the committee. These individuals were from prisons, OSDT, and probation. The committee includes the new Deputy Commissioner of Prisons, Ms. Brandeshawn Harris; Deputy Director Maggie Brewer and JDM Kim Williams from Community Corrections; Stephanie Freeman, Felicia Banks, and Michael Lamonds from OSDT; Director Steven Combs and Deputy Director Michelle Schilling with CJ Training Division; Russell Jackson from Special Operations and Intelligence, and Melissa Earp, Dee Carter, Michael Ditta, Zachary Kendall, and Bruce Hodges from Prisons.

Jane Gilchrist suggested to include someone from legal to be a part of the committee, and she would provide an attorney's name.

Mayland Community College Update

On behalf of the CJ Standards Division, Deputy Director Michelle Schilling provided a status report regarding Mayland Community College's recent audit request for BLET. At the August 2019 Commission meeting, Mayland Community College was not re-accredited to administer the BLET or Instructor Training due to a series of deficiencies identified during their re-accreditation audit. Mayland Community College has not made any movement toward re-accreditation, and the college is not running any current commission programs including SMI.

Instructor Statistics Update

On behalf of the Criminal Justice Standards Division, Deputy Director Michelle Schilling provided an update on the number of instructor completions for 2019 regarding the required one-hour online renewal training. There are currently four hundred and eight nine (489) instructors who have failed to complete the one-hour online course.

School Directors' 2020 Conference Update

On behalf of the Criminal Justice Standards Division, Deputy Director Michelle Schilling briefed the committee on the upcoming 2020 School Directors Conference scheduled for August 18-20th in Greensboro. A meeting will be held next week with the School Director's Working Group to review, establish a draft agenda, and address a few issues.

ADDITIONAL BUSINESS

Michelle Schilling shared that discussion was made regarding out-of-state instructors, and the first applicant was a Federal Instructor who has met all the requirements, passed the state exam, and received his probationary instructor certification.

The Qualified Assistants rule that recently passed has resulted in one-hundred thirty-four (134) certified Qualified Assistants who have submitted applications for certification.

Specialized Firearms Instructor Certification Issue

Attorney Jeff Gray and Mr. Timothy Russell appeared and presented information regarding Mr. Russell's loss of his Specialized Firearms Instructor Certification.

Attorney Jeff Gray shared that Mr. Russell's Specialized Firearms Instructor Certification expired in October 2018 and he did not become aware that it was expired until December 2019. When Mr. Russell was employed with the State Highway Patrol, the agency's Training Coordinator had submitted his instructor certification documentation to the CJ Standards Division. When Mr. Russell retired from the State Highway Patrol and was hired by Iredell County, their agency's Training Coordinator Randy Pierce did the same there. Mr. Pierce stated in an affidavit that was presented to the committee by Attorney Gray, that he submitted the paperwork for Mr. Russell's, but he had since retired and, for some unknown reason, does not know why Mr. Russell's certification was not renewed by the Commission.

Commissioner Steve Johnson requested to be recused from the discussion.

Mr. Russell shared that his agency's Training Coordinator advised him that the paperwork was submitted until he found out in 2019 that it was expired. At that time, he was scheduled to teach a class at the community college and needed a copy of his current firearms certification. He had contacted the CJ Training and Standards Division to get a copy, and that was when he discovered his certification had expired and was not renewed. Mr. Russell stated at no time did he receive any notification that it had expired; therefore, he and his Training Captain had thought his certification was still valid, and that is why he continued to instruct.

When Mr. Russell contacted the Training and Standards Division to check on the status of his certification, he was advised that no paperwork on file for his renewal. He shared that on three (3) separate occasions, he had contacted his Training Coordinator to remind him to submit the documentation before his certification expired, and he was assured that the paperwork was submitted. Mr. Russell shared that both of his evaluations were completed, he had instructed a rifle course which completed twenty-four (24) classroom hours, so that all of his hours were met. He also had his First Aid cards current, and he had qualified with the fifty (50) round BLET course. He had met his obligation with his current First Aid card, two current evaluations, and qualification. The only thing that needed to be sent in was a sheet of paper that confirmed that he had completed all the requirements for certification, and he had thought that his Training Coordinator did this. He had no knowledge of his expired certification since he was instructing at the time.

Mr. Russell understands it is his responsibility to submit the paperwork himself, but he had provided all the necessary documents to his Training Coordinator. He is now requesting an accommodation from the Committee to allow him to re-submit his paperwork given that he has a long-standing record as a Specialized and General Instructor. Mr. Russell understood that the only rebuttal he had was to appear before the Board of Commissioners to ask for forgiveness. Everything that he had needed is current, and he can show on the dates back in 2018, if it was sent in by certification, it would have been renewed, and he would have a current certification.

Michelle Schilling advised that the Standards Division sends a courtesy email to notify instructors three (3) months before their certification would expire. The email notifications are kept in a folder on file in their database that reflects when notifications are sent, and it can only be assumed that a notification was sent to him as well. The Standard Division has not received any documentation then, or at any time for his certification to be renewed. He expired in October 2018, and he contacted the Division in December of 2019 regarding his certification. At that time, his general certification was still valid, but his specialized certification was expired for 14 months.

Michelle Schilling stressed that all instructors, whether they are general, probationary, and/or specialized instructors are responsible themselves to submit their paperwork in a timely fashion. Even though some agencies and School Directors will provide a service and submit the paperwork as a courtesy, it is still the instructor's sole responsibility to ensure it was completed, regardless of an agency's practice. Per the administrative code, he alone is solely responsible for submitting the documentation for review, processing, and issuance of his certification before it expired.

Director Steven Combs also advised that it is a courtesy notification that the Standards Division sends for renewals, but it is not required by code. The Division often receives several phone calls in which an instructor would claim he has never received the reminders that were sent. He shared that the Division doesn't want anyone to lose their certification, but it's ultimately every instructor's responsibility, as they were told to submit their own paperwork to Standards on time.

Commissioner Stephanie Freeman shared her concern that this committee may not have the authority to decide on the matter, whether a waiver to a rule or grant certification. She said this would be a decision made by the Full Commission, and our decision today will have to be presented to the Full Commission. Just as with Probable Cause, when a decision is made to allow an individual a lesser sanction, the Full Commission will approve the situation, which will be similar to ours. She shared another concern that there are other incidents that have occurred with individuals. No exceptions were made for individuals in the past, which could cause potential conflicts later and inconsistencies.

Attorney Jeff Grey suggested that a process made that allows discretion for good caused situations regarding individuals that experience a similar issue with an agency that submits materials for instructor renewals.

Commissioner Jane Gilchrist shared that there are two (2) scenarios, strictly a paperwork issue where he completed all the requirements, which is a different situation compared to individuals who have failed to complete the requirements and have asked for their certification to be returned.

Steven Combs advised he is not unsure if the Commission can override one of their rules. He will further discuss this issue with the Executive Committee, Legal staff, and Mr. Russell. The only thing that could be done and was discussed was a rule change moving forward.

Commissioner Jane Gilchrist shared there is a way to draw the rule to give discretion when it is clear that the requirement has been met, but the paperwork is the problem. She is concerned that while he was teaching, did the school director verified his certification to ensure it was current.

Mr. Tim Russell & Attorney Jeff Gray both thanked the committee for their time and for being heard.

The certification issue will be further discussed at the CJETS Commission Executive Committee level to explore the possible options for Mr. Timothy Russell to regain his certification.

Commissioner Stephanie Freeman shared that the next E&T committee meeting will be May 13th unless there are a large number of Final Agency Decisions. A schedule of events will be shared as the May meeting gets closer.

Steven Combs acknowledged the current weather status and advised that the Full Commission meeting will still meet at 9:00 am tomorrow. He requested staff to arrive safely at tomorrow's meeting, and once a quorum has gathered, that business will proceed as usual.

Commissioner Nathan Mizell **motioned** to adjourn the meeting and Commissioner Steve Johnson **seconded** the motion.

The meeting adjourned at 4:08 pm.