

## MINUTES

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

#### EDUCATION AND TRAINING COMMITTEE May 19, 2021

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 2:04 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
- \*Tracy McPherson, NC Community College System - Ex-Officio Member
- \*Nathan Mizell, NC Law Enforcement Training Officers' Association
- \*Bob Schurmeier, Director of the NC State Bureau of Investigation - Ex-Officio Member
- \*Jane Gilchrist, General Counsel, NC Department of Public Safety - Ex-Officio Member
- \*Freddy Johnson, NC Department of Public Safety; Colonel, NC State Highway Patrol
- \*Jamie Vaske, Representative of the NC Criminal Justice Association
- \*Eddie Buffalo, Representatives of the NC Association of Chiefs of Police

#### Visitors

Mickey Biggs, NC Community College System  
Melanie Thomas, NC Sheriffs' Association  
Rhonda Raney, Raleigh Police Dept.  
Eddie Caldwell, NC Law Enforcement Officers' Association  
Felicia Banks, NC Dept. of Public Safety- OSDT  
Catherine Anderson, NC Dept. of Public Safety -Juvenile Justice  
Thomas Forrest, Pitt Community College  
Joe Cotton, NC State Highway Patrol  
Chief Chris Blue, Chapel Hill Police Department

#### Staff

Richard Squires, NC Criminal Justice Standards Division  
Michelle Schilling, NC Criminal Justice Standards Division  
Charminique Williams, NC Criminal Justice Standards Division  
Bob Overton, NC Criminal Justice Standards Division  
Jason McIntyre, NC Criminal Justice Standards Division  
Erica Reid, NC Criminal Justice Standards Division  
Brenda Rivera, NC Criminal Justice Standards Division  
Trevor Allen, NC Justice Academy  
Stacy Holloman, NC Justice Academy  
Tony Losada, NC Justice Academy  
Jessica Bullock Cook, NC Justice Academy  
Laurie Austen, NC Justice Academy  
Jennifer Fisher, NC Justice Academy

Terry Miller, NC Justice Academy  
Dan Worley, NC Justice Academy  
Alex Gazaway, NC Justice Academy  
Jon Blum, NC Justice Academy  
Vicki Helms, NC Justice Academy

\*Committee Members

## **WELCOME**

Chair Stephanie Freeman called the meeting to order and welcomed everyone. Colonel Freddy Johnson with the State Highway Patrol was sworn in as a new Commissioner on the Committee.

## **ROLL CALL**

The roll was called, and a quorum was present.

## **MINUTES**

Committee members reviewed the minutes from the February 24, 2021 meeting. Commissioner Nathan Mizell **motioned** to accept and approve the meeting minutes. Commissioner Lee Farnsworth **seconded** the motion, the **motion carried**.

## **COMMISSION ACTION**

### **ADMINISTRATIVE CODE: PROPOSED RULE REVISION – SPECIALIZED INSTRUCTOR CERTIFICATION (RE-ISSUANCE OF EXPIRED CERTIFICATION)**

On behalf of the Criminal Justice Standards Division, Deputy Director Michelle Schilling requested a rule change to allow the re-issuance of an expired Specialized Instructor Certification when an individual has met all of the re-issuance requirements. All corresponding revisions would be made to the Renewal of Instructor or Professional Lecture Certification, F-12A Form, and would reflect an option of re-issuance.

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

- 12 NCAC 09B .0305 – Terms and Conditions of Specialized Instructor Certification

Ms. Michelle Schilling shared that a request was made to give individuals who retired with a Specialized Instructor certification the ability to renew their certification within three (3) years of expiration under certain guidelines. This does not apply to revoked instructors, instructors with certificates with an expiration greater than three (3) years, and instructors that have not completed the one (1) hour course required for General Instructor certification renewal. The proposed rule change would allow the following guidelines:

- Paragraph "f" shall be changed to read as follows:

"Those individuals who have previously held Specialized Instructor Certification and have not exceeded a three year time period from when his or her Specialized Instructor Certification expired are eligible to reapply for re-issuance of the previously held Specialized Instructor Certification. An application for re-issuance shall contain documented evidence that the applicant:

- (1) holds a current General Instructor certification;
- (2) has completed all pre-qualification requirements for that specialty;
- (3) has passed the state examination for that specialty with a minimum score of 75;
- (4) has completed 8 hours of evaluated instruction in the specialty where re-issuance of certification is taught, as documented on an F-16 located on the agency's website: [https://ncdoj.gov/law-enforcement\\_training/criminal-justice/forms-and-publications/](https://ncdoj.gov/law-enforcement_training/criminal-justice/forms-and-publications/). The 8 hours of instruction shall be taught within 60 days of the Specialized Instructor Certification being reissued and evaluated by a Specialized Instructor certified in that specialty. Failure to complete the required 8 hours of evaluated instruction will result in the reissued Specialized Instructor Certification being revoked.
- (5) documented proof that all non-Commission certificates required in Rule .0304(d)(1), (g)(2), (i)(1), and (j)(1) for Specialized Instructor certification in the First Responder, Physical Fitness, Explosive and Hazardous Materials, and Juvenile Justice Medical Emergencies topical areas shall be maintained; and
- (6) Applicants for re-issuance of the Specialized Instructor Certification shall have one opportunity to pass the pre-qualification skills assessment and the state examination for that specialty. Should an applicant not achieve a passing score on either the pre-qualification skills assessment or the state examination for that specialty, the applicant will be required to successfully complete the specific Specialized Instructor Course in its entirety.
- (7) Applicants whose Specialized Instructor Certification is suspended or revoked does not qualify for re-issuance. The applicant shall complete the specific Specialized Instructor Course in its entirety."

➤ The original Paragraph "(f)" shall be changed to reflect Paragraph "(g)."

The Committee approved the following guidelines as presented, and Commissioner Steve Johnson proposed a **motion** that the Commission authorize the Planning and Standards Committee to conduct a rulemaking hearing to amend the rule, ***12 NCAC 09B .0305 – Terms and Conditions of Specialized Instructor Certification***. Commissioner Nathan Mizell **seconded** the motion. The **motion carried**.

### **PROPOSED FINAL APPROVAL FOR ANNUAL MANDATORY IN-SERVICE TRAINING OBJECTIVES**

Commissioner Steve Johnson, Chair of the Joint In-Service Committee, requested that the Education & Training Committee allow the Joint In-Service Training Committee to have the final decision-making authority in determining the training objectives that are prepared for the annual Mandated In-Service Training (MIST) topics. He shared that at the Commission meeting in February, the Executive Committee asked Director Allen about the Academy's mandatory in-service training programs and the time it takes to develop those lesson plans, as well as the development of storyboards for online training modules.

Commissioner Steve Johnson suggested how his Committee could work with the Academy to provide them with additional time in the development of the online training. He shared that the Committee could adjust their meeting schedule and meet a month earlier to provide the Justice Academy additional time to determine who the developers were for the training blocks. This option would give the Academy seven (7) weeks to develop the lesson plans.

Commissioner Johnson shared that currently, the Education and Training Committee approves the topics at the November meeting, and the Full Commission approves the topics at the same meeting. The Joint In-Service Committee would then meet in January of the next year to determine the objectives, and they would be submitted to the Full Commission for approval in February. He proposed that the Education and Training Committee allow the Joint In-Service Training Committee to make the final approval of the training objectives that are required for the Mandatory In-Service Training (MIST) topics. Commissioner Johnson suggested this request so the Joint In-Service Committee could handle the final approval of the objectives, and it would allow the Justice Academy additional time for the development of their lesson plans and have the topics online.

He shared that since 2012, the Commission has never changed the objectives when they have been brought to them for approval. His request will allow the Academy three (3) additional months to develop the online programs and at least have all of the mandated topics online by January 1, 2022. Commissioner Johnson understood that not all of the lesson plans would be online by January 1<sup>st</sup>.

Commissioner Steve Johnson proposed a **motion** that the Joint In-Service Committee be allowed to approve the objectives. Commissioner Lee Farnsworth **seconded** the motion.

Commissioner Johnson advised that customarily when E&T approves the topics in November that the Joint In-Service Committee would only make semantic and minor changes to the objectives when they meet in January to review and develop them further. His proposed change would mean that the Education & Training Committee and the Commission will still approve the topics in November and that the Joint In-Service Committee will approve the objectives for those topics, and that those objectives will not be presented before the full Commission for final approval.

Commissioner Jane Gilchrist questioned if there was a way that the training topics and objectives could be approved at the same time.

Commissioner Steve Johnson shared that the Joint In-Service Committee meeting timeline could be adjusted for the topics to be available at the end of August for the Academy to begin developing the objectives for them. This would mean that the Academy would present the topics and objectives at the November Education and Training Committee meeting, but not the lesson plans yet.

Commissioner Tracy McPherson advised that the original request was not to change the timeline but to allow the Academy additional time for development. It would only require that the Joint In-Service Committee would determine the objectives of the approved topics that the Commission previously approved. She asked how important it was for the Full Commission to approve the specific training objectives since the Full Commission already approves the training topics, and she asked if the review and approval of the objectives could be delegated to the Education and Training Committee.

Commissioner Stephanie Freeman shared that the other lesson plans like BLET, the Full Commission does not approve every training objective but provides a general approval. She does not necessarily think that the training objectives would need the Full Commission's approval because the Education & Training Committee has the responsibility to approve the objectives.

Commissioner Steve Johnson shared that if the Academy can meet the new request and new timeline process, the same goal would be accomplished, and it would not require a rule change. He asked Director Allen if the Academy could complete MIST course development effectively if the timeline was shifted as discussed.

Mr. Trevor Allen advised that if the 2023 topics are identified at the Joint In-Service meeting in August and then approved at the Education and Training Committee meeting in November, then the 2023 topics and objectives would be approved for the 2023 training year.

Commissioner Steve Johnson agreed with the new request and shared that if the Academy can meet that timeline, the Joint In-Service Committee would meet twice in a two-month period to support this new process; specifically, they would meet the first week in October to approve the objectives and present them at the November meeting of the Education and Training Committee.

Commissioner Lee Farnsworth withdrew his **second**, and Commissioner Steve Johnson **withdrew** his motion.

The Committee agreed that the Joint In-Service Training Committee's timeline would be adjusted to allow the approval of the topics and objectives at the Commission's November meeting.

## **COMMITTEE ACTION**

### **SCHOOL ACCREDITATION**

On behalf of the Criminal Justice Standards Division, Deputy Director Michelle Schilling shared that six (6) institutions were inspected and met all accreditation and reaccreditation requirements. She recommended that they be accredited and reaccredited 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, as follows:

- **Accreditation(s):**
  - \* Forsyth Technical Community College – Instructor Training
- **Re-Accreditation(s):**
  - \* Granville County Sheriffs' Office – SMI
  - \* Central Carolina Community College – BLET, SMI, Instructor Training
  - \* Brunswick County Sheriffs' Office – SMI
  - \* Guilford Technical Community College – BLET, SMI, Instructor Training
  - \* Rowan-Cabarrus Community College – BLET, SMI, Instructor Training

The Committee approved the recommendations as presented, and Commissioner Nathan Mizell proposed a **motion** that all of the requested delivery sites be ***accredited and reaccredited for a period of five (5) years in accordance with 12 NCAC 09B .022 and 12 NCAC 09C. 0401*** for the delivery of the Commission-accredited courses. Commissioner Lee Farnsworth **seconded** the motion. **Motion carried.**

## **PROPOSED RELIEF FOR BLET AMMUNITION SHORTAGE**

On behalf of the Criminal Justice Standards Division, Deputy Director Michelle Schilling requested that some type of relief be provided for the guidelines on student firearms qualifications in the BLET curriculum due to the current ammunition shortage, based on a request from a BLET School Director. The 2021 BLET Course Management Guide currently indicates that students are required to qualify on the qualification course for both the Handgun Day and Night course, as well as the Combat Shooting course. They would have to qualify in two attempts with three consecutive tries, and once the attempts begin, no practice is allowed. It is requested that this requirement be changed to require students to qualify once with two consecutive attempts and that the relief be given at the BELT School Director's discretion with a relief period that is extended until June 30, 2022.

School Director Marty McNeely contacted the Standards Division requesting relief for the ammunition shortage that they have had with their BLET program. Ms. Michelle Schilling discussed the concern with Commissioner Steve Johnson and Instructor Chad Thompson at the Justice Academy for their opinion on how to resolve the issue. It was determined that the firearms qualification could be reduced to one try with two attempts for a period of time until June 30, 2020, to allow the ammunition supply to be corrected. The change would save a round of ammunition per person if a student did not qualify two out of three times.

Ms. Michelle Schilling suggested that the Course Management Guide be updated to reflect any changes that are made. She also suggested that the School Director would have the discretion to allow the qualification change based on who experienced a shortage in ammunition; otherwise, the qualification requirement would remain the same. Ms. Schilling also shared that several School Directors shared their difficulty and struggle in finding ammunition, but no one shared they were unable to meet the BLET requirement.

Commissioner Tracy McPherson asked if this would cause any issues for officers or agencies in the future.

Commissioner Steve Johnson spoke with the Senior Ammunition Sales Representative with Vista Outdoors, the largest manufacture in the US. Their agency does not anticipate seeing an improvement with the shortage of supply. Commissioner Johnson suggested that the ammunition shortage should be re-evaluated six (6) months from now. He also shared that the in-service firearms requirement would not change from the mandated thirty (30) round course and that individuals will need to be reminded that the fifty (50) round course would just be an option.

Mr. Eddie Caldwell shared his concern about the public's perception of any changes to the qualification requirement, which may affect the firearms efficiency, qualification, and training, and that it could also bring public scrutiny to officers and law enforcement agencies. He asked if there were other schools, in addition to the ones that contacted Ms. Schilling, that had difficulty in obtaining the supplies to complete the requirements and if reducing the standard was necessary. Mr. Caldwell also questioned if some of the agencies were able to exchange ammunition with the other agencies that had a need.

Commissioner Bob Schurmeier shared that their agency found ways to ask, borrow and share ammunition amongst one another. Commissioner Nathan Mizell shared that staff members may need to network with other agencies and individuals to obtain ammunition from places that have a greater supply until the issue is resolved. The Committee further questioned how widespread the shortage issue was and if agencies could share their supplies with one another.

Commissioner Steve Johnson shared that fifty (50) rounds on a day and night course would be all that is saved.

Commissioner Stephanie Freeman shared the concern for the new BLEET students who may not be comfortable and familiar with handling a firearm and who may struggle to meet the new requirement.

Ms. Michelle Schilling suggested that she would contact the School Directors to determine if a regional problem exists or if it was an isolated issue. She will return at the August meeting with an update on whether the ammunition issue is an ongoing problem, if it can be resolved with networking, or if there is another issue that is identified.

The Committee decided to table the request. They asked that further discussion and research be conducted on the shortage issue to determine the necessity of changing the student qualification requirement and that the Standards Division returns to the August meeting with an update on their findings.

Commissioner Tracy McPherson proposed a **motion** to table the issue, with an update to be provided at the August meeting. Commissioner Steve Johnson **seconded** the motion. **Motion carried.**

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

On behalf of the North Carolina Department of Public Safety – Adult Corrections and Juvenile Justice, the Office of Staff Development and Training (OSDT), Ms. Felicia Banks, requested to end the Pilot Authority for the Firearms Instructor Training program and approval for the following major revisions to 12 NCAC 09G .0415 - Corrections Specialized Instructor Training – Firearms. The changes include revisions to the Firearms lesson plans with revisions, deletions, or additions of objectives, hours, and/or changes to the course lesson purpose and titles.

- Course Overview (600-01) – (Title change, new and revised objective)
- Legal Considerations for Firearms Instructors (600-2) – (New and revised objective, 2 deleted objectives)
- Dept. of Public Safety, Division of Adult Corrections Firearms Training Courses (600-3) – (Title change and a revised objective)
- Firearms Safety (600-4) – (7 revised objectives)
- Range Operations (600-5) – (Deleted objective)
- Medical Emergencies on the Range (600-6) – (Title change, 2 new objectives)
- Handgun Training (600-7) – (New objective)
- Handgun Low/Limited Fire (600-8) – (Revised objective)
- Handgun Care and Maintenance (600-9) – (Revised lesson purpose, hour increase from 2 to 4, 3 revised and 2 deleted objectives)
- Advanced Handgun Training (600-10) – (Hour increase from 8 to 12, 4 new objectives)
- Advanced Handgun Training Courses of Fire (600-11) – (Deleted lesson plan and objectives moved to Advanced Handgun Training)
- Shotgun Training (600-11) – (9 revised and 2 new objectives)
- Shotgun Care and Maintenance (600-13) – (Title change, revised objective and 3 new objectives)
- Situational Use of Firearms (600-16) – (2 revised and 3 new objectives)

- Situational Exercises: Daytime and Low Limited Light (600-17) – (Lesson was combined, title change, hour increase from 6 to 9, lesson purpose revised, 2 revised objectives, 2 new and 3 deleted objectives)

Commissioner Steve Johnson suggested that in the Shotgun Care and Maintenance lesson plan, the model Remington 870 shotgun be replaced with the “division issued shotgun” since the Remington company has been sold, and it is uncertain how long the Remington 870 brand will remain.

The Committee approved the request to end pilot authority and to allow major revisions to **12 NCAC 09G .0415 - Corrections Specialized Firearms Instructor Training**. Commissioner Steve Johnson **motioned** to end pilot authority and accept the proposed changes. Commissioner Nathan Mizell **seconded** the motion. **Motion carried.**

### Informational Item

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

On behalf of the North Carolina Department of Public Safety – Adult Corrections and Juvenile Justice, the Office of Staff Development and Training (OSDT), Ms. Felicia Banks briefed the Committee on minor revisions made to 12 NCAC 09G .0415 - Corrections Specialized Instructor Training – Firearms. She explained that the minor changes consisted of updates needed to make the lesson plans consistent with policy changes or to correct non-substantive wording, punctuation, or grammar.

### **SPEED MEASURING INSTRUMENT (SMI) ADVISORY GROUP**

On behalf of the SMI Advisory Group, Mr. Jason McIntyre, Criminal Justice Standards Division, requested the approval of the following speed measuring instrument for inclusion on the approved list of speed measuring instruments:

- Applied Concepts Inc., Stalker LIDAR RLR

Mr. McIntyre reported that the vendors with the Speed Measuring Instrument equipment were invited to submit their new units for evaluation during the September 2020 through March 2021 approval period. Applied Concepts submitted the Stalker Lidar RLR unit for evaluation and provided four units that were distributed to members across the state for testing on reliability, durability, ease in operation, and accuracy. Applied Concepts Inc. currently has units listed on the state’s approval list, and the company is well known for the quality of its equipment.

In March 2021, the SMI Advisory Group met by teleconference to discuss the pros and cons of the unit, and there were positive comments that were made. The advisory group agreed that the unit would be a good fit for North Carolina, and a unanimous vote was made to submit the proposed unit before the Committee for approval.

The Committee approved the recommendation and with an effective date of June 1, 2021. Commissioner Nathan Mizell proposed a **motion** to accept the request; Commissioner Lee Farnsworth **seconded** the motion. **Motion carried.**

### **SPEED MEASURING INSTRUMENT (SMI) ADVISORY GROUP**



On behalf of the SMI Advisory Group, Mr. Terry Miller, North Carolina Justice Academy, requested revisions to Appendix A and C of the Supplement for SMI Training and various SMI manuals to include the approved unit, Stalker LIDAR RLR from Applied Concepts Inc. The requested changes would reflect the necessary updates made for the approved unit, in addition to several minor changes that include grammatical corrections.

- Revisions to the Supplement for SMI Training Manual
  - \* Appendix A
  - \* Appendix C

Based upon the approved unit, Appendix A and C of the SMI manuals would be revised. Appendix A, the approved list of SMI units for use in NC, will include the new unit with an effective date for use as of June 1, 2021. Appendix C, the daily tests for accuracy requirements and operating procedures, would include the revised date and list the newly approved unit, as well as have it listed on pages 145-147. These pages provide the rules for the daily accuracy test and operating procedures that are a daily requirement for officers to complete. All websites that have Appendix A and C will be updated to include the new unit.

The Committee approved the request as presented with an effective date of June 1, 2021. Commissioner Freddy Johnson proposed a **motion** to accept the recommendation, and Commissioner Steve Johnson **seconded** the motion. **Motion carried.**

#### Informational Item

Mr. Terry Miller, North Carolina Justice Academy, also reported that revisions would be made to any SMI forms to include the new unit and that no curriculum or administrative code change would be required.

### **INSTRUCTOR TRAINING ADVISORY GROUP**

On behalf of the Instructor Training Advisory Group, Ms. Jessica Cook, North Carolina Justice Academy, requested the approval of a major revision to Instructor Training to remove the required video recording of instructor candidates from the "Student 8-Minute Introductions and Video Critique" lesson plan.

- Student 8 Minute Introduction and Video Critique Lesson Plan

Ms. Cook shared that it was brought to her attention that the Instructor Training 8 minute introduction videos were considered public record. The Instructor Training Advisory Group met and discussed the issue further and was concerned that the training video could reveal an officer's Personal Identifiable Information (PII) and that it disclosed the identity of undercover officers who attended the course. Ms. Cook requested that the video portion be stricken as a requirement to protect an officer's identity and personal information. She shared that historically, the 8-minute video was used to record students teaching their lesson plan so their errors could be reviewed, and the request is to remove just the requirement to video the assignment, not the assignment itself.

The Committee discussed what is considered public records and the maintenance of those records. They approved the request as presented, and Commissioner Bob Schurmeier proposed a **motion** to accept the request. Commissioner Steve Johnson **seconded** the motion. **Motion carried.**

## **INFORMATIONAL ITEMS**

### **Instructor Training Advisory Group – Update New Rule 12 NCAC 09B .0209**

On behalf of the Instructor Training Advisory Group, Ms. Jessica Cook, North Carolina Justice Academy, briefed the Committee on the minor lesson plan and handout revisions made to the Instructor Training curriculum. The lesson plan revisions reflected minor changes that are necessary to move forward with the newly passed Criminal Justice Instructor Training rule (12 NCAC 09B .0209). This new rule becomes effective on July 1, 2021.

Ms. Jessica Cook shared that the Instructor Training rule was recently updated to include the number of instructional hours to be determined based upon the student enrollment. The updated material would include minor revisions to some of the lesson plans for the School Director to know how long each practical should last based on the number of students that are enrolled in the course. Ms. Cook shared that additional hours could be added to the program if additional students are later enrolled, but the hours could not be reduced beyond the minimum required by the Administrative Code.

### **Instructor Training Advisory Group – 2021 Mandated IT Orientation Update**

On behalf of the Instructor Training Advisory Group, Ms. Jessica Cook, North Carolina Justice Academy, briefed the Committee on the status of the 2021 Mandated Instructor Training Orientation Refresher sessions that were conducted across the state.

There were sixteen (16) sessions completed state-wide that provide updates to instructors who teach the Instructor Training program. A total of three hundred and nineteen (319) individuals completed the course out of a total of five hundred and three (503) instructors. School Directors across the state will provide Ms. Cook with feedback on the completed course and any possible revisions that the program will need.

### **BLET Advisory Group**

On behalf of the BLET Advisory Group, Ms. Jennifer Fisher, North Carolina Justice Academy, briefed the Committee on minor revisions to the BLET curriculum as approved by the BLET Advisory Group. The group met through a teleconference on March 15, 2021, and requested minor revisions to the following BLET blocks of instruction.

- Arrest, Search and Seizure (BLET: 04AA) – Minor content revisions were made in the lesson plan regarding clarification on search warrants seeking to take blood from an adult suspect.
- Subject Control Arrest Techniques (BLET: 10Z) – Minor content revisions were made in the lesson plan regarding an instructor note that discusses the Morgan v. Spivey case, as well as the removal of a lethal attack on Megan Lee Callahan, a correctional officer at the Bertie Correctional Institution.

### **2021 School Directors' Conference Update**

On behalf of the School Directors' Advisory Group and Criminal Justice Standards Division, Deputy Director Michelle Schilling briefed the Committee on the status of the 2021 School Directors' Conference. The conference is scheduled for October 19-21, 2021 in Greensboro.

The agenda for the upcoming meeting was shared and discussed. Commissioner Steve Johnson will welcome attendees and open the event on Tuesday evening with a planned networking event. Wednesday morning, Chief Brian James, Greensboro Police Department, will welcome the conference attendees to Greensboro, followed by Sheriff Bobby Kimbrough Jr., of Forsyth County, who will share an encouraging and motivational speech. Attorney General Josh Stein will be present to provide an update on Criminal Justice training, and that afternoon there will be regional breakout sessions to include the Department of Public Safety, Office of Staff Development and Training, and Commissioner Tracy McPherson and Mr. Mickey Biggs from the NC Community College System. Wednesday afternoon, the School Directors' Advisory Group and the Criminal Justice Standards Division Staff will do a presentation. Thursday, Police Chief and Criminal Justice Commission Chair Chris Blue of the Chapel Hill Police Department, will share a motivational speech that will be followed by OSDT Director Commissioner Stephanie Freeman, who will be presenting on the construction of test questions. The Justice Academy will also be providing an update on the status of the BLET 2023 revision project. There will also be several vendors that will be present, including Western Piedmont Community College that will be displaying a high-tech driving simulator that they recently purchased.

Currently, the main hotel is sold out at the conference, but there are additional rooms that are available in the overflow hotel next door. Registration for the conference begins on July 1, 2021, and the fee still remains at \$95.00.

### **Wake Technical Community College – Virtual BLET Update**

On behalf of the Criminal Justice Standards Division, Deputy Director Michelle Schilling briefed the Committee on the Wake Technical Community College Virtual BLET pilot. The program began on February 2, 2021, and their students are scheduled to complete the state exam on June 4, 2021.

The original request came from Wake Technical Community College's BLET School Director, who wanted to conduct a partial virtual BLET program based on their concerns with COVID. The Commission allowed the college to run one hundred and ten (110) hours of the BLET course, consisting of blocks containing no practical skills assessments, in a synchronous, highly monitored, virtual classroom format. In February 2021, Wake Technical Community College initiated its virtual BLET pilot and had sixteen (16) full-time students and eight (8) limited enrollees. At the end of the virtual training portion of the course, before the students returned to the classroom, the students and instructors completed a survey on the virtual training. The results revealed that 100% of the course attendees disliked the virtual training and preferred the classroom training. Students shared that they felt that the networking opportunities, communication, one-on-one instruction, and live interaction they missed while participating in class virtually were vital to learning. Instructors also shared that they felt that their teaching skills weren't utilized since virtual teaching is restricted to teaching into a computer screen. They recommend that virtual training for the future be a supplement to classroom training in the course and not as a replacement for live instruction. Deputy Director Schilling and Ms. Charminique Williams, Criminal Justice Standards Division, observed the virtual BLET modules and determined that there were several technical issues negatively impacting the course delivery. The students recently took their state exam for this course, and their results will return in two weeks. Criminal Justice Standards Division staff will be reviewing the test results from the program.

### **General Instructor Qualifications Survey Results**

On behalf of the Criminal Justice Standards Division, Deputy Director Michelle Schilling briefed the Committee on a survey that was conducted in response to Burlington Police Department Chief Jeffrey Smythe's request from the February 2021 meeting regarding the current education and training requirements for General Instructor certification.

Chief Smythe requested a review of the qualifications for an individual to attend the Instructor Training program because he felt that several of the requirements were too restrictive. A working group was established and chaired by Commissioner Stephanie Freeman that further discussed the current requirements and established a survey that would be distributed state-wide for feedback on the Instructor Training requirements.

On March 25, 2021, the survey on the General Instructor Minimum Qualifications was distributed to all School Directors, Sheriffs, and Police Chiefs (local agency and Company/Campus Police) for their opinion on the qualifications and the ability to obtain instructors to teach in-service blocks of instruction. The survey closed on April 7, 2021, and one hundred fifty-two (152) responses were received:

- 95.39% of the 152 respondents felt the current education and training requirements for certification as a General Instructor were correct or too little.
- 90.73% of the 151 respondents expressed no difficulty obtaining instructors to teach in in-service blocks of instruction.

The working group recommended that no change be made to the requirements of General Instructor Certification.

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

On behalf of the North Carolina Justice Academy, Mr. Alex Gazaway briefed the Committee on the status of the ongoing BLET Revision Project pursuant to the Job Task Analysis and shared an example lesson plan on Crisis Intervention Training and Communication Skills - Module 1: Law Enforcement in North Carolina.

Mr. Alex Gazaway shared that the Academy is currently in Phase 5 of the BLET 2023 project, with the lessons being in various stages of review. He distributed a handout to the Commissioners and presented the status for each of the forty (40) lesson plans. In addition, he reported that there were twenty (20) lesson plans that still remain to be developed, and two (2) of them are the largest lessons. The Academy does not anticipate several changes or technical changes needed for them or for the remaining lesson plans that have fewer hours. Mr. Gazaway reported that the first twenty (20) lesson plans had extensive research and development that was required, while several of the remaining lessons would be shorter and would not require as much work. The development team will prepare the remaining lesson plans to be released to the field for feedback which will help to expedite the development process as the Academy moves forward.

Mr. Gazaway explained that the curriculum information is still in the development process and that the draft Crisis Intervention and Communication Skills lesson was provided to reflect the development style that the lesson plans will follow. The sample lesson includes a cover and title page that identifies the material for the BLET 2023 pilot to prevent confusion when the material is delivered state-wide. He also shared that the lesson plan font was changed to Arial since research showed that it's easier to read, and the lesson plan's header and footer entries will identify the topic and module application. He also shared that from an instructional standpoint, there is a difference between a slide, note, and PowerPoint and that the development team will survey the style's effectiveness and the format during the pilot delivery. The Crisis Intervention

and Communication Skills lesson plan was increased from eight (8) to twenty-four (24) hours, which includes eight (8) hours of practical skills alone in the new program. This will present more time for practical skills scenarios than was included in the legacy material. The development of the new BLET material was critical to matching the results of the Job Task Analysis that indicated thirty-six (36) tasks in the related topic area. The Job Task Analysis is the basic foundation for the lesson plan development in the new BLET project, and it determines the curriculum topic areas as well.

The Academy's development team received good responses from stakeholders and several advisory groups. Several Commissioners had diligently returned the lessons with their comments, and 90-95% of the feedback will be implemented in the new curriculum.

Mr. Gazaway also reported that Crisis Intervention and Communication Skills is a critical lesson plan that will be recommended as a foundational topic to be delivered in BLET 2023 academies as one of the first topics presented. This topic will prepare the student with skillsets that they can utilize throughout all of the BLET lessons. The practical scenarios will cause the student to use critical thinking, communication, and de-escalation skills. After these concepts have been mastered, the skills sets will be built upon throughout the BLET curriculum to provide a more effective way of training. This approach will require instructors to become familiar with the base topics for each model. Once certain topics are taught first, School Directors will have the discretion to schedule other topics more flexibly, based on parameters approved for the new curriculum. The curriculum is aligned with input from the Job Task Analysis, Chiefs, and Sheriffs from across the state, which led to the inclusion of additional practical skills and opportunities for students to be evaluated prior to graduating from the course. He also shared that the lesson plans will be provided by the Academy in both hard copy and digital/electronic formats. This will allow both the School Director and student the discretion to choose what medium they prefer. Both of the formats will be evaluated during the pilot.

Several preliminary meetings were held with the Academy's development team and BLET School Director Jon Gregory at Wake Technical Community College concerning the initial pilot delivery. Mr. Gregory is excited to assist with reshaping and implementing the new BLET curriculum. The development team anticipates that the new curriculum will be approximately seven hundred and eighteen (718) hours, but those hours could change and currently does not include the hours for the end-of-topic or academy testing. A discussion was also had on providing a Train-the-Trainer for instructional staff and how that would be implemented. The Academy has forwarded the training objectives to Ms. Michelle Schilling, the Criminal Justice Standards Division, to give them an idea of how to prepare the questions for the state exam.

Commissioner Steve Johnson requested that all of the Committee members review the new BLET lesson plans and provide feedback to the Justice Academy to assist in the development of the new BLET 2023 material.

Commissioner Tracy McPherson asked that all Commissioners, not just members of the Education and Training committee, be invited to review the new lesson plan since this is a historic time for law enforcement training, and it will be important for all to be informed and have input.

The Justice Academy will continue to include any Committee member or Commissioner to their mailing list to receive draft lessons to be reviewed.

*Instructor Training video/audio recording issue re-addressed.*

Commissioner Steve Johnson requested that the Committee further discuss a question previously raised about video recording students as part of class exercises in Instructor Training, especially as it relates to any possible future implications for officers.

The Committee shared their concern regarding the different types of records, what is considered public, personal and training information, and what can be provided to the public. They also discussed what is considered an educational, instructional, or student record, what it would mean to edit those records, and how those records are to be maintained and retained. Further discussion was had on what is considered a training environment, how the community college is involved with those records, and how the Family Educational Rights and Privacy Act (FERPA) might apply in the classes offered by the community college system.

Commissioner Nathan Mizell shared that all BLET records are kept forever. Ms. Laurie Austen, North Carolina Justice Academy, clarified that the video recording is used during the 8-minute introduction exercise as one way to evaluate student ability, and it is maintained as a part of the training record in Instructor Training. She also shared that each draft lesson plan is maintained, and all of them are part of the training records.

The Committee requested that further research be conducted and clarification from the Department of Justice Legal Division on the use of videos and what is considered public record be received before the Committee makes a decision. They requested that all training material remain consistent with each other with regards to what are private and public records.

### **BLET State Examination Plan**

On behalf of the Criminal Justice Standards Division, Deputy Director Michelle Schilling briefed the Committee on the BLET 2023 State Examination Plan that was developed. She shared that her office is in Phase 3 of the BLET Job Task Analysis, and it is the Standards Division's responsibility to design the test questions for the new BLET state exam. The test questions will be based on the modules in the six units of the new BLET curriculum. Several discussions were had on the last phase, the design and construction of exam questions for the new BLET state exam. She suggested that time will be needed to create between 600 to 700 test questions and that she will provide a more thorough update at the August meeting on the construction of the test questions.

A handout was distributed to the Committee, which listed the names of the community colleges that were selected to pilot the new program. The foundation of the state exam would be 10-15% of what is normally tested for validation, and it would represent both large and small schools in North Carolina. The timeframe for the pilot state exam would be from July – Dec 2022, which has limited the ability of night schools to participate as a pilot. One traditional night school will try to modify its schedule to administer a day class, but due to a tight timeframe for a multi-school pilot and the unavailability of night schools, several smaller schools were added because two of the larger schools had a scheduling issue.

The Committee discussed the issues of the pilot program's tight timeframe with testing, the availability of night schools for the pilot, and how the pilot schools were chosen. Commissioner Nathan Mizell requested that additional night schools be included in the pilot because of how different the logistics are when running a night program compared to the day program. He suggested scheduling the pilot program's timeframe to include May – December to allow more night schools to participate, and he noted that six months could be incorporated for testing results to capture the progress of both types of schools and how they operated. He also shared

that there would be more involvement and feedback on how the day and night programs operated if School Directors were informed about the new time frame.

Ms. Schilling shared that if the Academy could have the lesson plans ready in May, that she would welcome a night school. Mr. Dan Worley, North Carolina Justice Academy, shared that the Academy will further discuss with Ms. Schilling how the Academy can meet those requests. Ms. Schilling agreed to return with a plan.

### **Charlotte-Mecklenburg Police Department BLET Instructor Certification Audit Issues**

On behalf of the Criminal Justice Standards Division, Deputy Director Michelle Schilling briefed the Committee on the instructor certification issues that the Standards Division received from the unannounced audit that was conducted at the Charlotte-Mecklenburg Police Department.

During a post-delivery, the Standards Division was notified that a Driving Instructor was currently teaching on the Charlotte Mecklenburg Police Department's driving pad on a two-year expired certification. It was also brought to their attention that another instructor was teaching who had never progressed beyond a probationary instructor's certification since last July and was teaching a Crowd Management course.

Deputy Director Schilling and Criminal Justice Standards Division Field Representative Billy Bradshaw visited the Charlotte Mecklenburg Police Department and conducted an unannounced audit on their BLET program to verify their instructor certifications. All of the instructor files and student evaluations were reviewed since the agency's last reaccreditation. During the audit, it was discovered that the agency had twelve (12) instructor files that were incompliant out of seventy-three (73) files and that the files were not properly maintained due to missing documents. It was also determined that several instructors who taught their courses were not appropriately documented on the pre and post deliveries, and there was no way to verify their certifications. There were also student evaluations missing from specific courses from each of the academies delivered since the agency's last accreditation.

Ms. Schilling provided the Charlotte Mecklenburg Police Department two additional days to provide any missing documents from their files, but they were unable to locate any. She also contacted their Deputy Chief in advance of the unannounced audit results before she submitted the report. She shared that she would return in 30 days for a re-inspection on June 15, 2021, and if the agency was not compliant at that time, she would recommend taking the training academy and School Director before the Probable Cause Committee.

### **ADDITIONAL BUSINESS**

#### **Subject Matter Expert Notations**

Commission Lee Farnsworth suggested that the subject matter expert should be notated at the end of a lesson plan to reflect who wrote the lesson for liability and court purposes.

Commissioner Steve Johnson also suggested reducing the number of names that appear at the end of a lesson plan and using the following listings: *Subject matter prepared by.... Subject matter last revised by.... Last legal review by.... Last structural revision by....* He also suggested listing the subject matter expert and any subject matter experts who later revised the material to ensure that the current subject matter expert is listed.

#### **New BLET Exam Question Development**

Commissioner Tracy McPherson asked if consideration is being given to writing the new BLET exam questions at the 10<sup>th</sup>-grade level since that is the minimum admissions standard set by the Commission to enter the BLET program. Commissioner McPherson also asked if questions would be written according to test-writing guidance taught in Instructor Training and if all topics, regardless of hours, will have equal numbers of questions.

Deputy Director Michelle Schilling, Criminal Justice Standards Division, shared that preliminary discussions were had with Commissioner Stephanie Freeman, Ms. Jessica Cook, of the North Carolina Justice Academy, and Ms. Charminique Williams, of the Criminal Justice Standards Divisions, regarding the development of the test questions. During the development phase, several factors would be considered when creating the test questions: the increased training hours, the modules and training objectives for each lesson, the alignment with the Job Task Analysis results, the critical objectives that are identified, and determining the number of questions in each module. Commissioner McPherson will be included in future discussions on the development of the new BLET exam.

### **Telecommunicator Training**

Commissioner Tracy McPherson reminded the Committee that effective July 1, 2022, all telecommunicators employed by municipal police departments must be reported for certification with the Sheriffs' Education and Training Standards Commission, and the Sheriffs' Telecommunicator Certification Course, authored by the Justice Academy, is the required training for this certification. She shared that there are between 25-30 colleges state-wide that are approved to offer the training course and that the Legislature and State Board of Community Colleges have allowed the course fee to be waived for law enforcement officers.

### **ACKNOWLEDGEMENT**

Commissioner Stephanie Freeman was featured as a Correctional Training Hero for the Office of Staff Development and Training due to her and her team's focus on the adaptations made due to COVID and improvements that were made to Correctional Officer Basic Training for 2020. During the Corrections Employees Recognition Week, she was honored and was featured by the Moss Group that works with the Bureau of Justice Assistance on grant-funded projects.

The next Education and Training Committee meeting will be on August 18, 2021.

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

The meeting adjourned at 4:11 pm.