

CHRONOLOGICAL EVOLUTION OF MINIMUM STANDARDS FOR CRIMINAL JUSTICE OFFICERS IN NORTH CAROLINA

June 1971

- In June 1971, the North Carolina General Assembly, finding that "the administration of criminal justice is of statewide concern, and that proper administration is important to the health, safety and welfare of the people of the State and is of such nature as to require education and training of a professional nature," enacted Chapter 17A, entitled The Training and Standards Council Act. For the first time, a quasi-legislative body was given the broad regulatory authority to develop, adopt and enforce minimum employment standards and basic training standards for law enforcement and other criminal justice officers for the explicit purpose of upgrading and improving the criminal justice system in North Carolina.

January 18, 1972

- The Criminal Justice Training and Standards Council held its first meeting on January 18, 1972, with the following members in attendance: Sheriff Malcolm G. McLeod; Chief W. Clarence Owens, Patrolman Robert Reives; Mr. Frank W. Bullock, Jr.; Lieutenant James Davis, Jr.; Sheriff Paul H. Gibson; Mr. John Ball; Mr. Poindexter Watts; Chief B. J. Hamrick; Sheriff Ralph L. Thomas; Chief Harry W. Alderman; and, Mr. Charles Dunn. Sheriff McLeod of Robeson County was appointed Chairman by Governor Robert Scott. Attorney General Robert Morgan, speaking at the initial meeting, called the formation of the Council "a milestone" for the criminal justice system in North Carolina. The Council elected Mr. Dunn, Director of the State Bureau of Investigation, as its Vice-Chairman. Lieutenant John Faircloth of the Greensboro Police Department was appointed as the first Director of the Council staff on June 8, 1972.

January 16, 1973

- At its January 16, 1973 meeting, the Council voted unanimously to adopt the initial mandatory employment standards for law enforcement officers in North Carolina. These standards became effective on March 15, 1973.

March 27, 1973

- At the March 27, 1973 meeting, the Council adopted an addition to its Regulations, entitled "Certification of Criminal Justice Personnel" (Section 1005), which established the first law enforcement certification program in North Carolina.

May 16, 1973

- At the May 16, 1973 meeting, the Council adopted "Minimum Standards for Training-Law Enforcement Officers" (Section 1006), "Training Course Accreditation" (Section 1007) and "Report of Training Course Completion" (Section 1008), thereby establishing the first statewide, mandatory, minimum basic training course (160 hours) requirement for law enforcement officers which became effective on July 1, 1973. In addition, the Council approved the first statewide requirement for certifying law enforcement instructors when it adopted "Certification of Instructors" (Section 1009) as an addition to the Regulations Manual.
- The 1973 Legislature adopted the Minimum Salary Act, providing two million dollars for subsidizing the salaries of local law enforcement officers. The responsibility for administering this fund was given to the Council "under the direction and supervision of the Justice Department."

September 12, 1973

- At the September 12, 1973 meeting, the Council adopted an addition to the Regulations entitled "Certification and Awards" (Section 1010), establishing the popular Professional Certificate Program for law enforcement officers which recognizes outstanding employees by granting Basic, Intermediate and Advanced certificates.

November 28, 1973

- At the November 28, 1973 meeting, the Council adopted "Entrance Standards and Basic Training Standards for Correctional Officers" which became effective on January 1, 1974. This established a 160 hour basic training course, entrance standards and a certification program for state correctional officers.

May 15, 1974

- At the May 15, 1974 Council meeting, employment standards and basic training standards (160 hours) were adopted for state youth correctional officers. The certification program associated with these standards became effective on July 1, 1974.

February 12, 1975

- At the February 12, 1975 meeting, the Council adopted minimum entrance standards, certification procedures and basic training requirements (160 hours) for adult probation/parole officers employed by the Department of Correction. This certification program became effective on July 1, 1975.

December 8, 1976

- At the December 8, 1976 meeting, the Council adopted an expanded and greatly improved program for certifying criminal justice instructors, including the requirement that such instructor to be considered for General Instructor Certification must complete a Council-accredited Instructor's Training Program of at least 70 hours in length. This program became effective on February 15, 1977.

1977

- In 1977 the General Assembly revised and extended G.S. 114-26, commonly referred to as the Salary Supplement Program, for a five year period. The purpose of this legislation was to assist in increasing the salaries of municipal and county law enforcement officers who were being paid less than the established minimum levels.

March 29, 1978

- Upon a motion made by Attorney General Rufus Edmisten, the Council adopted the 240 hour Police Basic Training Course at its March 29, 1978 meeting. An implementation date of October 1, 1978 was established to allow sufficient lead time for evaluation, refinement, etc. of the new basic course for law enforcement officers in North Carolina.

December 4, 1978

- At the December 4, 1978 meeting the Council voted to temporarily suspend the rule requiring BLET students to pass a comprehensive exam at the conclusion of the course. This decision was made at the advice of legal counsel and the Employment Security Commission who both felt that the exam needed to be validated. The Council directed staff to continue administering the exam but not to release test scores to school directors or instructors. It was hoped that the exam moratorium could be lifted by July 1979.

May 31, 1979

- On May 31, 1979, the General Assembly ratified Chapter 17C of the General Statutes which officially dissolved the Criminal Justice Training and Standards Council and the Criminal Justice Education and Training Systems Council on the last day of December, 1979, and created the North Carolina Criminal Justice Education and Training Standards Commission as of January 1, 1980. This new 26 member body maintained the adopted rules and regulations of both Councils until repealed by the Commission.

December 13, 1979

- At the last official meeting of the Council on December 13, 1979, minimum employment standards and basic training (160 hours) standards were adopted for probation/parole intake officers employed by the Division of Adult Probation and Parole of the North Carolina Department of Correction. These standards and the associated certification program were implemented effective January 15, 1980. Also, at this

meeting the Council lifted the moratorium established December 14, 1978 and thereby reinstated the Basic Law Enforcement Certification Examination as a validated, mandatory requirement for all graduates of any Basic Law Enforcement Training (BLET) course concluding after January 15, 1980.

- The 1979 Session of the General Assembly (2nd Session, 1980) adopted G.S. 8-50 (commonly referred to as the "Radar Bill") which amended G.S. 17C-6 and provided for the establishment of mandatory radar and electronic speed measuring instrument training for all operators of SMI equipment. This legislation became effective on July 1, 1982 and also required that all radar and SMI instructors be properly certified as competent to teach radar and SMI courses.

June 26, 1981

- At the June 26, 1981 meeting, the Commission adopted the Criminal Justice Officers' Professional Certificate Program which established, effective August 15, 1981, a voluntary awards program to recognize outstanding correctional and youth correctional employees by granting Basic, Intermediate and Advanced certificates.

April 1, 1983

- Effective April 1, 1983, the Commission adopted certification requirements and minimum standards for Parole Case Analysts.
- The 1983 Session of the General Assembly adopted Chapter 17E, thus creating the North Carolina Sheriffs' Education and Training Standards Commission. As a result, certification and training requirements for deputy sheriffs are regulated by the Sheriffs' Commission and the Justice Officers' Standards Division effective September 1, 1983.

April 1, 1984

- Effective April 1, 1984, the Commission adopted certification requirements and minimum standards for Probation/Parole-Surveillance Officers.

October 1, 1984

- Effective October 1, 1984, the Commission adopted a new and expanded minimum basic training course for law enforcement officers consisting of 369 hours of recruit level training. This Basic Law Enforcement Training Course is based for the first time on a statewide job task analysis. In addition, a new Basic Law Enforcement Certification Examination was approved by the Commission for administration to all recruits at the conclusion of basic training.

January 1, 1985

- Effective January 1, 1985, the Commission adopted a voluntary program for "Certification of Postsecondary Criminal Justice Education Programs." The purpose of this program is to: (1) officially recognize those academic institutions that have established minimum education requirements as set forth by the Commission; (2) improve the quality of criminal justice education in North Carolina; and, (3) advance standards approved by the Commission for the certification program.
- Effective January 1, 1985, the Commission adopted a new criminal justice instructor training course and a new Criminal Justice Instructor Certification Program. Under these new rule requirements, instructors are required to complete specialized training and are restricted in the specific topics they can instruct, depending on training received.

July 1, 1985

- Effective July 1, 1985, the Commission adopted "Pre-Service Training" requirements for all law enforcement officers. Each officer desiring probationary certification must first complete a minimum of 113 hours of recruit level training which consists of the "high liability" topics in the BLET course of 369 hours.

During the first 12 months of employment, the officer must successfully complete the remaining 256 hours of "Probationary Training."

May 1, 1986

- Effective May 1, 1986, the Commission adopted "Specialized Instructor Training" for Firearms and Driving. This adoption established the courses required of instructors to obtain certification to teach these specific topics in the BLET course.

June 1, 1986

- Effective June 1, 1986, the Commission adopted "Minimum Standards for Local Confinement Personnel." This new program established a statewide program for the employment, certification and training of administrators, supervisors and officers of district, county and local confinement facilities.

November 21, 1986

- At the November 21, 1986 meeting, the Commission adopted an officer certification program for "Probation/Parole Intensive Officers." This program requires that the intensive officer must complete the minimum 160 hour Probation/Parole Officers basic training course and also complete an advanced Probation/Parole training program consisting of 168 hours in addition to the 82 hour surveillance training course.

August 28, 1987

- At the August 28, 1987 meeting, the Commission approved rule changes to "Minimum Standards for Law Enforcement Officers" prohibiting employment of any applicant who has committed or been convicted of a "Class B Misdemeanor" within the five year period prior to the date of application for employment. Thus, any commission or conviction of a crime which authorizes imprisonment for a term of more than six months but not more than two years could preclude employment in a certified law enforcement position. In addition, rules were adopted which change the code reference of "youth correctional officer" to "state youth services officer." Rule amendments were adopted to reduce from 24 months to 12 months the period within which a person having completed a Commission-accredited instructor training course must apply for instructor certification.

January 1988

- In January 1988, the Executive Committee conducted six public information meetings across the State to gather input on four major proposed requirements for criminal justice officers. They were: (1) mandatory drug screening for all criminal justice applicants; (2) mandatory in-service firearms training and re-qualification for law enforcement officers; (3) expansion of Basic Law Enforcement Training to include physical activities training; and, (4) completion of Basic Law Enforcement Training in its entirety prior to employment.

May 20, 1988

- At the May 20, 1988 meeting, the Commission voted to award certification, under the voluntary program for "Certification of Postsecondary Criminal Justice Education Programs," to Wilkes Community College and to Western Carolina University. These were the first certifications granted under the voluntary program designed to promote improvement in the State's criminal justice education programs.

August 19, 1988

- At the August 19, 1988 meeting, the Commission approved a research proposal submitted by Dr. Thomas Griggs of the Center for Health Promotion and Disease Prevention to study the impact of physical fitness training in BLET. This study would allow "control group" trainees to be exempted from receiving physical fitness training during BLET and would apply to deliveries of BLET through December 1990.

November 18, 1988

- At the November 18, 1988 meeting, the Commission approved the granting of certification to Pembroke State University under the Commission's voluntary program for "Certification of Postsecondary Criminal Justice Education Programs." Pembroke State University became the second four-year institution to receive certification from the Commission.
- Four major rule changes were approved at the November 18, 1988 meeting, with an effective date of July 1, 1989. They were: (1) adoption of Drug Urinalysis Testing for all criminal justice officers; (2) elimination of the Pre-Service Training option for taking BLET such that the course must be completed in its entirety prior to employment; (3) adding a Physical Fitness Training component of 43 hours to BLET; and, (4) requiring annual in-service firearms training and re-qualification for all certified law enforcement officers.

May 19, 1989

- On May 19, 1989, the Commission adopted a standard pin that would accompany the awarding of the Advanced Law Enforcement Certificate. The pin was approved in two sizes, one for the police uniform and a lapel pin for non-uniformed officers.
- As a result of implementation problems reported by staff to the Commission, the Commission voted unanimously on May 19, 1989 to delay the implementation of the Drug Urinalysis Testing program for one year.

November 3, 1989

- At the November 3, 1989 meeting, the Commission adopted several rule amendments. Of significant importance were the following: (1) extension of the maximum time period within which the medical examination must be completed from 120 days to one year prior to employment; (2) adoption of the requirement that all specialized instructors must possess a current valid CPR certification; (3) establishment of basic training and officer certification requirements for employees of Juvenile Detention Homes under the existing Local Confinement Personnel Certification Program; and, (4) clarification of the "failure to qualify" rule within the firearms in-service training program which requires an officer to meet any higher standard established by the local employing agency.

February 23, 1990

- At the February 23, 1990 meeting, the Commission adopted a rule amendment which established the effective date for mandatory drug testing for all criminal justice officers to begin on July 1, 1990. A comprehensive implementation guide for drug screening was subsequently distributed to all criminal justice agencies.
- The fourth recipient of certification through the Commission's voluntary program for "Certification of Postsecondary Criminal Justice Education Programs" was approved on February 23, 1990. The Commission voted unanimously to approve Haywood Community College as the second community college to be granted certification.

May 18, 1990

- At the May 18, 1990 meeting, the Commission approved certification for East Carolina University through the program for "Certification of Postsecondary Criminal Justice Education Programs." East Carolina became the fifth recipient and the third four-year school to receive certification for its criminal justice program.

August 24, 1990

- At the August 24, 1990 meeting, the Commission unanimously adopted a motion to suspend its 1988 exemption of selected schools from having to deliver the required 43 hours of physical fitness training within BLET. The study conducted by the Center for Health Promotion and Disease Prevention was

scheduled to conclude on December 31, 1990, and all deliveries of BLET started after that date will be required to include the physical fitness block of instruction within the curriculum.

November 2, 1990

- At the November 2, 1990 meeting, the Commission removed 24 hours from the BLET course in the area of "Emergency Medical Services Training" and replaced it with 40 hours of "First Responder Training"; and, increased "Electrical and Hazardous Materials Emergencies Training" by six hours, making the minimum number of BLET hours 432.
- Also, the Commission granted Coastal Carolina Community College certification under the Commission's voluntary program for "Certification of Postsecondary Criminal Justice Education Programs," making Coastal Carolina Community College the third community college to be granted certification.
- At the same meeting it was decided that due to budget reductions the Alcohol Law Enforcement (ALE) Division was no longer able to maintain its own Basic School. Thus, a request was made by Captain John Glenn that 9B .0217 and other pertinent sections of the Administrative Code be repealed so that ALE agents would be allowed to participate in BLET. After completing BLET, ALE officers would be required to attend 32 hours of "ABC Regulations of North Carolina" and 40 hours of "ABC Laws of North Carolina" in a classroom setting. This request was approved unanimously.
- A proposal was adopted to make the Pre-employment Psychological Screening Program mandatory. It was to begin on January 1, 1992.

May 10, 1991

- At the May 10, 1991 meeting, the Commission approved issuance of a radar training manual to all instructors and trainees beginning on January 1, 1992.
- The "Physical Fitness" course became a mandatory pass/fail requirement in BLET for the first time. The Commission hoped this requirement would produce a more physically fit law enforcement officer.
- On May 10, 1991, Forsyth Technical Community College was granted certification under the Commission's voluntary program for "Certification of Postsecondary Criminal Justice Education Programs," making Forsyth Technical Community College the fourth community college to be granted certification.

August 22, 1991

- Due to implementation problems, the Commission voted unanimously on August 22, 1991 to change the effective date of the Pre-Employment Psychological Screening Program from January 1, 1992 to July 1, 1993.

November 13, 1992

- Mr. Phil Lyons, on behalf of the Planning Committee, stated to the Commission at the November 13, 1992 meeting that further revisions needed to be made to the Pre-Employment Psychological Screening Program. He asked the Commission if this issue could go to public hearing as soon as possible and requested that the implementation date be pushed back to 1994. The Commission voted unanimously in favor of Mr. Lyons' request.

February 26, 1993

- At the February 26, 1993 meeting, Central Piedmont Community College was granted certification under the Commission's voluntary program for "Certification of Postsecondary Criminal Justice Education Programs," making Central Piedmont Community College the fifth community college to receive certification.

May 21, 1993

- At the May 21, 1993 meeting, the Executive Committee recommended that the implementation date for the Pre-Employment Psychological Screening Program be delayed until January 1, 1995. A motion to this effect was made by Phil Lyons. The Commission voted unanimously in favor of Mr. Lyons' request.
- Cape Fear Community College became the sixth community college to receive certification under the Commission's voluntary program for "Certification of Postsecondary Criminal Justice Education Programs," at the May 21, 1993 Commission meeting.

May 19, 1994

- At the May 19, 1994 Commission meeting, Earl Hardy from the North Carolina Justice Academy reported that the Special Crime Session of the General Assembly amended General Statute 8-50.2 to make speed measuring by laser speed enforcement or speed enforcement devices admissible in criminal or civil proceedings.

August 19, 1994

- At the August 19, 1994 meeting, the Commission unanimously approved a motion to adopt the following proposed rule amendments under Title 12, Chapter 9 of the North Carolina Administrative Code:
 1. 9B .0101(6) Minimum Standards for Criminal Justice Officers: Adds new psychological screening examination requirement as a minimum employment standard for all criminal justice officers.
 2. 9B .0205(b-d) Basic Training – Law Enforcement Officers: Amends BLET course by adding a new 4 hour topical area entitled "Ethics of Professional Law Enforcement" and by reducing the hourly content of the "Dealing with Victims and the Public" topical area from 8 to 4 hours.
 3. 9B .0209(c-d) Criminal Justice Instructor Training: Revises the basic instructor training course by increasing the hourly content of the "Interpersonal Communication in Instruction" topical area from 4 to 6 hours and by decreasing the hourly content of the "Principles of Instruction: Audio-Visual Aids" topical area from 8 to 6 hours.
 4. 9B .0231 Basic Training – Probation/Parole Intensive Officer: Adds, for the first time, the Advanced Training Program curriculum totaling 154 hours which must be completed by each Probation/Parole Intensive Officer.
 5. 9B .0401(b-c) Time Requirement for Completion of Training: Deletes references to Alcohol Law Enforcement Agents and their obsolete basic training course which was inadvertently overlooked when the rule was previously amended on November 2, 1990.
 6. 9B .0410(b) Criminal Justice Instructor Training Course: Rewrites the rule so as to allow a trainee in the basic instructor training course to be able to sit for the Commission's comprehensive written exam at the conclusion of the cognitive portion of the course.
 7. 9C .0307(9) Agency Retention of Records of Certification: Adds requirement that the certified criminal justice officer's personnel file must contain a written summary of his/her psychological examination results.

November 18, 1994

- At the November 18, 1994 meeting, Commissioner Phil Lyons reported that the Joint BLET Task Analysis Committee had completed the task analysis survey. The Commission approved a motion to send an official task list composed of 226 essential patrol officer tasks and 282 academy tasks to the BLET Revision

Committee. The BLET Revision Committee was charged with the responsibility to redesign the Basic Law Enforcement Training curriculum.

- Southeastern Community College became the seventh community college to receive certification under the Commission's voluntary program for "Certification of Postsecondary Criminal Justice Education Programs."
- The Commission adopted a permanent rule amendment under Title 12, Chapter 9 of the North Carolina Administrative Code: 9A .0103 Definitions: The definition of Class A and Class B misdemeanors was changed to reflect new legislation related to the Structured Sentencing Act.

January 1, 1995

- The Pre-Employment Psychological Screening Program was successfully implemented on January 1, 1995.

June 2, 1995

- At the June 2, 1995 meeting, the Commission granted approval for a six-month pilot project to centralize radar testing.
- The Commission unanimously approved a motion to adopt the following proposed rule amendments under Title 12, Chapter 9 of the North Carolina Administrative Code, to be effective August 1, 1995:
 1. 9A .0204(b)(14) Suspension, Revocation, or Denial of Certification: Amends rule to authorize the Commission to decertify an officer who has certification suspended, revoked or denied by Sheriffs' Commission.
 2. 9B .0113: Minimum Standards Probation/Parole Officers – Surveillance: Reduces the minimum educational standard for Surveillance Officers from an associate degree to high school graduation or GED.

The Commission unanimously approved a motion to adopt the following proposed rule amendments under Title 12, Chapter 9 of the North Carolina Administrative Code, to be effective January 1, 1996:

1. 9B .0201(b)(d-f) Administration of Criminal Justice Schools: Rewrites law enforcement school regulations by establishing clearly defined minimum specifications which must be adhered to by the executive officer of the institution as well as the school director in order to obtain school accreditation to run training courses.
 2. 9B .0202(a)(2) Responsibilities of the School Director: Amends rule to require that all instructors utilized to teach in a high liability topic area of BLET must hold specialized instructor certification in that topic area, and requires at least one specific certified instructor per six trainees when performing practical exercises.
 3. 9C .0401(a-g) Accreditation of Criminal Justice Schools: Completely rewrites the rule to establish a new School Accreditation Program, effective January 1, 1996, which includes the establishment of an Accreditation Committee to oversee the granting of accreditation and reaccreditation to criminal justice schools and agencies for a five year term. The Accreditation Committee will be a standing subcommittee of the Education and Training Committee which will present applicants for accreditation to the Commission for final approval.
- The Commission unanimously approved a motion to adopt the following proposed rule amendments under Title 12, Chapter 9 of the North Carolina Administrative Code, to be effective July 1, 1997:

- 9B .0205(b) Basic Training – Law Enforcement Officers: Revises BLET course by increasing the Law Enforcement Driver Training topic area from 16 hours to 44 hours, thereby increasing the total BLET hours from 432 to 460.

July 23, 1995

- The Executive Committee met in an emergency session to review House Bill 90 – Carrying Concealed Handgun (CCH). This bill was enacted into law with an effective date of December 1, 1995. The Commission was given responsibility for establishing general guidelines for the firearms safety and training courses and for the qualification of firearms instructors.

August 25, 1995

- At the August 25, 1995 meeting, the Commission unanimously approved a motion to approve temporary and permanent rule-making authority to comply with House Bill 90 – Carrying Concealed Handgun.
- Concerning House Bill 90, it was decided that:
 1. The Commission would not recognize Citizen Firearms Safety Training in satisfying the recertification requirements for specific firearms instructors certified by the Commission;
 2. The minimum qualifications for National Rifle Association (NRA) firearms instructors (to include police, pistol, or personal protection instructors) and Commission firearms instructors will include completion of supplemental training on legal issues;
 3. The North Carolina Justice Academy will draft a preliminary model training course and develop a legal update course for criminal justice and NRA instructors.

November 17, 1995

- At the November 17, 1995 meeting, the Commission adopted the temporary rules pertaining to the Carrying Concealed Handgun Program.

February 23, 1996

- At the February 23, 1996 meeting, the Commission approved a motion to adopt use of the new Medical Screening Guidelines Manual, to be provided to physicians who conduct pre-employment physicals, and the newly designed F-1 and F-2 forms.
- North Carolina Central University became the fourth four-year school to receive certification under the Commission's voluntary program for "Certification of Postsecondary Criminal Justice Education Programs."

May 22, 1998

- At the May 22, 1998 meeting, the Commission unanimously approved a motion to request that the Attorney General's Office seek modification of Chapters 17C, 126, 160A, and 153A of the General Statutes to clearly authorize state and local government agencies whose officers are certified by the Criminal Justice Commission to submit personnel files, to include internal investigations, to the Division staff for the purpose of ensuring compliance with the Commission's rules.

August 21, 1998

- At the August 21, 1998 meeting, the Commission unanimously approved a motion to adopt the "Fitness for Duty" recommendation presented by the Planning Committee. The recommendations were developed following a survey of 532 criminal justice agencies across the state. The recommendations are as follows:
 1. Physical Fitness – Routine wellness screenings and physical examinations for criminal justice officers; agencies should consider scheduling which would permit on-duty training time for the topics of wellness and fitness, including on-duty time for physical exercise.

2. Psychological Fitness – Adopt training or programs such as stress management, post-trauma counseling, peer counseling, employee assistance plans, and the promotion of chaplaincy resources; agencies are encouraged to administer periodic psychological evaluations for all criminal justice officers.
 3. Ethical Fitness – Adopt training programs to educate and promote high ethical standards. Training should include field training procedures, cultural awareness, specific operational decision making issues, and possibly financial planning and retirement transition courses.
 4. Attitudinal Fitness – Promote a productive work environment by assessing and addressing issues that affect positive work attitudes among criminal justice officers in performance of their duties. Executive and management training should be promoted to assess and deal with employee performance issues.
- The Commission unanimously approved a motion to adopt the following proposed rule amendments under Title 12, Chapter 9 of the North Carolina Administrative Code:
 1. 9A .0103(20): Definitions - Establishes the definition of LIDAR as a Speed Measuring Instrument which is regulated by the Commission.
 2. 9B .0101(8): Minimum Standards for Criminal Justice Officers - Requires criminal justice officers to report arrests or criminal charges to the Standards Division within 30 days of the date the case is disposed of in court.
 3. 9B .0210, .0211, .0212, .0213, .0214, .0215, .0218, .0219, .0220, .0221, and .0222. Rules pertaining to course content for all Radar courses - Removes all course topic areas, performance objectives and hours from all Radar courses, as this information will be included in the trainee manual.
 4. 9B .0301 Certification of Instructors - Requires all Commission-certified instructors to remain current in their specialty areas and to successfully participate in any instructor updates as required by the Commission. Also establishes lack of good moral character as grounds for denial or suspension of instructor certification.
 5. 9B .0310: Terms and Conditions: SMI Instructors - Increases the term of certification for Speed Measurement Instrument (SMI) instructors from two to three years.
 - Required use of the Mandated Background Investigation Form (F-8) went into effect (12 NCAC 9B .0102).

September 1998

- During the 1998 General Assembly session, Senate Bill 1260 was passed. Sections 17 and 18 included mandates for law enforcement officer training and required that the Department of Justice provide the training. The first mandate required that all officers receive training on the newly revised Juvenile Code by July 1, 1999, and the second mandate required that all officers receive annual minority sensitivity training.

February 19, 1999

- At the February 19, 1999 meeting, the Commission unanimously adopted a motion to approve the proposed BLET 2000 rules.

April 26-28, 1999

- The Criminal Justice Leadership Conference was held in Research Triangle Park. The Governor's Crime Commission provided \$15,000 to fund the summit. Issues discussed at the summit included: training; licensure vs. certification of criminal justice officers; drug abuse; alcohol and domestic violence; funding; accreditation of agencies; juvenile justice; and corrections.

March 10, 2000

- At the March 10, 2000 meeting, the Commission adopted a motion to approve Pilot Course authority for presentation of the Specialized Subject Control/Arrest Techniques course at the North Carolina Justice Academy.

May 26, 2000

- At the May 26, 2000 meeting, the Commission approved a motion to grant Pilot Course authority to the North Carolina Justice Academy to increase the Specialized Physical Fitness Training Course from 47 to 60 hours.
- The General Assembly directed the Commission to establish new rules for the Department of Correction regulating the certification and decertification of DOC employees. These rules are to be incorporated into a separate section of the North Carolina Administrative Code.

June 27, 2000

- On June 27, 2000, the Commission held a special meeting to discuss the proposed temporary rules package for the NC Department of Correction. This rules package contains Commission rules created specifically for the NC Department of Correction.
- The Commission approved a motion to create a separate subchapter of 12 NCAC 9G which will contain all Commission rules concerning the NC Department of Correction.
- The Commission approved a motion to amend the rules concerning the Mandated Background Investigation to include the following: (1) verification of age; (2) verification of education; and (3) a criminal history check.

February 23, 2001

- At the February 23, 2001 meeting, the Commission approved a proposal made by the Joint Commissions for Criminal Justice. The proposal included: a legislative agenda; proposal for a Governor's Task Force on the Future of Criminal Justice; and proposal for an Advisory Group to the Governor's Task Force on the Future of Criminal Justice. The Joint Commissions for Criminal Justice is composed of the NC Criminal Justice Education and Training Standards Commission, the NC Sheriffs' Education and Training Standards Commission, and the Governor's Crime Commission.
- Recommended that the proposed Task Force conduct a comprehensive review of the Criminal Justice System's human resources and funding, and recommend appropriate solutions; identify and implement strategies to improve recruitment and retention of quality criminal justice personnel; identify and implement strategies for promoting professional development of criminal justice professionals; undertake an immediate assessment of the impact of existing criminal justice mandates; and generate short term and long term resources for the continued improvement of the criminal justice system.
- Motion unanimously approved that the Commission objected to the language contained in SB 137 that would require the Commission to certify private correctional employees or certify that such employees had completed a training program that met or exceeded standards of the Criminal Justice Commission; and that the Commission, in conjunction with the Department of Justice and Department of Correction, contact the United States Department of Justice and request that federal corrections authorities address the issue of arrest authority and use of force by private corrections employees in a federal facility by providing the necessary authority and regulation of these private employees to facilitate the operation of a private prison under federal control without requiring involvement of local and state agencies who otherwise have no authority over the facility and operations; and that the Commission ask the North Carolina Senate to delay action on SB 137 pending the outcome of discussions with the United States Department of Justice.

August 17, 2001

- At the August 17, 2001 meeting, the Commission unanimously approved the NC Department of Correction rules (Subchapter 9G). These rules establish a subchapter of the North Carolina Administrative Code specifically for the NC Department of Correction.

November 15, 2001

- At the November 15, 2001 meeting, the Commission unanimously approved a Resolution in Memoriam for the officers of the New York City Police Department who died in the line of duty as a result of the terrorist attack on September 11, 2001.
- The Commission unanimously approved a Resolution in Memoriam for the firemen of the New York City Fire Department who died in the line of duty as a result of the terrorist attack on September 11, 2001.

February 15, 2002

- At the February 15, 2002 meeting, it was reported that Senate Bill 68 had been ratified by the General Assembly. This bill requires the addition of seven new members, five of whom will represent the NC Department of Correction, to the NC Criminal Justice Education and Training Standards Commission. It is expected that the new Commission members will be appointed by the August 2002 meeting.

May 16, 2002

- At the May 16, 2002 meeting, the Commission unanimously adopted a motion to retain the current certification process for criminal justice officers. The Commission had studied the option of licensure for officers, but decided that the current process works well for North Carolina. It was recommended, as part of this motion, that the Commission can improve the quality of criminal justice officers by: (1) increasing the entry-level requirement for education; (2) requiring in-service training; and (3) increasing pay.

August 16, 2002

- At the August 16, 2002 meeting, the Commission unanimously re-elected John Glenn to serve as the Chairman of the Commission.
- The Commission unanimously approved a proposal to grant legal counsel the authority to settle contested certification cases on a case-by-case basis.
- It was announced that the 2003 calendar for regional testing of Basic Law Enforcement Training courses has been completed. The Commission granted staff the authority to disseminate the calendar to all BLET delivery sites. This represents a departure from the traditional method of holding the exam at every course site. Having several classes test at a central location is more cost-effective for staff, and will also allow the Field Services Coordinators more time to concentrate on department audits.
- The Standards Committee has been reviewing a reading comprehension test cut-off level for entrance into Basic Law Enforcement Training, as there has been concern that some students admitted into BLET are not able to read well enough to pass the course. As a result, the Commission approved a pilot program which will begin in the fall of 2002. The pilot program will initially involve eight schools and then increase to sixteen schools in the fall of 2003. It will involve testing students at the selected schools with one of three reading comprehension tests. Students' progress in the BLET course will be evaluated and compared to their reading scores. The Standards Committee plans to have the data completed by the spring of 2004 so that a recommendation can be made for an appropriate reading comprehension cut-off score for BLET participation.

November 15, 2002

- At the November 15, 2002 meeting, the Commission unanimously approved a motion to move forward with rule-making for a new requirement of 24 hours of annual in-service training for all law enforcement officers. Individual police departments will be responsible for provision of the training. The requirements are as follows:
 - o Firearms Training and Qualification (8 hours)
 - o Legal Update (4 hours)
 - o Hazardous Materials (2 hours)
 - o Bloodborne Pathogens (2 hours)
 - o Juvenile Minority Sensitivity (2 hours)
 - o Ethical Awareness (2 hours)
 - o Department Topic of Choice (4 hours)
- The Executive Committee appointed a subcommittee to study the feasibility of regulating employment and training standards for polygraph operators who are also sworn officers. Non-sworn polygraphers are regulated by the Private Protective Services Board, but sworn polygraphers are not regulated by any commission or board.
- Commissioner Caldwell reported that legislation was passed in the 2002 Senate session that clearly authorized the Commission to establish and enforce rules concerning School Directors. The wording of the statute was amended to remove any ambiguities.
- The Executive Committee agreed to review a proposal by the Standards Committee that responsibility for rules review be moved from the Standards Committee to the Planning Committee. The Standards Committee's certification hearings workload has steadily increased over the past few years, and it has become difficult for the committee to conduct all of its business in one day.

February 22, 2003

- At the February 22, 2003 meeting, the Education and Training Committee unanimously approved a recommendation to initiate a fitness score measurement of sixty percent (60%) for prospective instructors in the Specialized Subject Control and Arrest Techniques Instructor Course as presented by the Subject Control and Arrest Techniques Curriculum Revision Committee. This recommendation became effective immediately.

May 8, 2003

- At the May 8, 2003 meeting, the Education and Training Committee unanimously approved a recommendation to have the Criminal Justice Standards Division staff identify an appropriate battery of tests to determine the reading, writing and computer skills of instructor training course applicants. This battery of tests will be administered to all applicants for the purpose of identifying deficiencies in the defined areas. A minimum level of performance on the tests will not be used as a standard for course admission.
- The Commission unanimously approved a motion to grant rule-making authority for the purpose of revising all relevant rules in order to establish the position of In-Service School Director. This new position is being created to address the issue of evaluation of instructors who primarily teach in-service courses in individual departments. The designation of an In-Service School Director in a department will allow each department to manage instructor evaluations internally.
- The Commission unanimously approved a motion to require all school directors to attend and successfully complete the Instructor Training Course. This change will be effective the date the new rule is approved.

- The Commission unanimously approved a motion to require that the revised Form F-16 currently being used in the pilot deliveries of the Instructor Training Course also be used to re-evaluate instructors following the training of all school directors and other evaluators in the use of this form.
- The Commission unanimously approved a motion to adopt the following proposed rule amendments under Title 12, Chapter 9 of the North Carolina Administrative Code:
 1. 9A .0103(20): Definitions - Establishes the definition of Lidar as a Speed Measuring Instrument which is regulated by the Commission.
 2. 9B .0201(d)(3),(e),(f) Administration of Criminal Justice Schools - Removed section of rule that concerns safety and procedural standards for classrooms, firing ranges, etc. This material will be placed in the Course Management Guide so it can be updated in a more timely manner in the future.
 3. 9B .0301(b),(c) Certification of Instructors - Added requirement that instructors remain competent in their specialty areas and must attend Instructor Updates as required by the Commission.
 4. 9B .0305(b)(3),(c)(2),(d) Terms and Conditions of Specialized Instructor Certification - Added requirement that instructors remain competent in their specialty areas and must attend Instructor Updates as required by the Commission.
 5. 12 NCAC 9E .0102(1-7) Required Annual In-Service Training Topics - Title Change. Added list of new training topics in the rule.
 6. 9E .0103(1-3) Department Head Responsibilities: Annual In-Service Training - Title Change. Minor changes made to indicate that all training topics must be completed annually.
 7. 9E .0104(1,3-4) Instructors: Annual In-Service Training - Title Change. Added requirements for instructors who teach hazmat. Also added requirement that instructors remain competent in their specialty area.
 8. 9E .0108 Failure to Complete Annual In-Service Training - New rule that explains steps to be taken when an officer fails to complete the annual in-service training program.
 9. 9G .0102(5),(13) Definitions - Position title change from “Probation/Parole Officer – Surveillance” to “Probation/Parole Officer – Intermediate.” NOTE: The position title change has been updated throughout 9G.
 10. 9G .0310(a)(2) Specialized Instructor Certification - Course title change from “Unarmed Self Defense” to “Controls, Restraints, and Defensive Techniques.” NOTE: The course title change has been updated throughout 9G.
 11. 9G .0413(a),(b) Basic Training for Probation/Parole Officers – Intermediate - The last time this rule was changed, the required 160 hour Probation/Parole Officer Course was inadvertently omitted. It has been put back in the rule. The 82 hour supplemental course for “Probation/Parole Officer – Intermediate” was erroneously listed as the basic course for this position. It has now been correctly listed as a supplemental course. Both of these courses must be taken.

August 15, 2003

- At the August 15, 2003 meeting, the Commission unanimously re-elected John Glenn to serve as the Chairman of the Commission.
- The Commission unanimously approved a motion to change the name of two committees. The Standards Committee was renamed the Probable Cause Committee and the Planning Committee was renamed the Planning and Standards Committee in order to better reflect their new responsibilities.

November 14, 2003

- At the November 14, 2003 meeting, Richmond Community College became the eighth community college to receive certification under the Commission's voluntary program for "Certification of Postsecondary Criminal Justice Education Programs."
- The Commission unanimously approved a motion to adopt the following proposed rule amendments under Title 12, Chapter 9 of the North Carolina Administrative Code:
 1. 9A .0103(3),(17),(18),(30) Definitions – Added definitions for Juvenile Justice Officer, Juvenile Court Counselor, and Chief Court Counselor. Removed definition for State Youth Services Officer.
 2. 9B .0108 Minimum Standards for State Youth Services Officers – Rule repealed. This position has been eliminated.
 3. 9B .0116 Minimum Standards for Juvenile Court Counselors and Chief Court Counselors – This is a new rule to address standards for these positions, as they are now under the authority of the Commission.
 4. 9B .0117 Minimum Standards for Juvenile Justice Officers – This is a new rule to address standards for this position, as it is now under the authority of the Commission.
 5. 9B .0207 Basic Training - State Youth Services Officers – Rule repealed. This position has been eliminated.
 6. 9B .0234 Basic Training – Juvenile Detention Homes Personnel – Rule repealed. This position has been eliminated.
 7. 9B .0235 Basic Training – Juvenile Court Counselors and Chief Court Counselors – This is a new rule to address basic training requirements for these positions.
 8. 9B .0236 Basic Training – Juvenile Justice Officers – This is a new rule to address basic training for this position.
 9. 9G .0401 Administration of Basic Corrections Training Schools – This is a new rule to regulate the administration of this school.
 10. 9G .0405 – Certification of School Directors – This is a new rule to regulate certification of school directors for the North Carolina Department of Correction.
 11. 9G .0406 Terms and Conditions of School Director Certification – This is a new rule to regulate the position of school director for the North Carolina Department of Correction.
 12. 9G .0407 Suspension: Revocation: Denial/School Director Certification – This is a new rule to regulate the position of school director for the North Carolina Department of Correction.

February 20, 2004

- At the February 20, 2004 meeting, the Education and Training Committee unanimously approved a motion to adopt a recommendation from the SMI Committee to allow photo-lidar speed measuring systems to be used in a pilot project by the Charlotte-Mecklenburg Police Department.
- The Education and Training Committee unanimously approved a recommendation from the School Accreditation Committee to require that each location offering Basic Law Enforcement Training must own one handgun for every two students enrolled on the first day of school.

The Commission unanimously approved a motion to adopt the following proposed rule amendments under Title 12, Chapter 9 of the North Carolina Administrative Code:

1. 9B .0202(d)(1) Responsibilities of the School Director – Added Lidar courses to the list of course school directors are responsible for administering.
2. 9B .0203(a-k) Admission of Trainees – Added requirements for entrance into Basic Law Enforcement Training that mirror the requirements for certification as a law enforcement officer, including the following: must be a US citizen; must have a high school diploma or GED; must provide the school director with a certified criminal records check for local and state records; must have no felony convictions; and must report criminal charges to the school director.
3. 9B .0215(a)(1) Supplemental SMI Training – Added Lidar courses to the list of recognized supplemental speed measurement instrument courses.
4. 9B .0237 Lidar Instructor Training Course – This is a new rule to address standards for the Lidar instructor training course.
5. 9B .0238 Certification Training for Lidar Operators – This is a new rule to address standards for the Lidar operator training course.
6. 9B .0239 Re-Certification Training for Lidar Instructors – This is a new rule to address standards for the new Lidar instructor re-certification training course.
7. 9B .0240 Re-Certification Training for Lidar Operators – This is a new rule to address standards for the new Lidar operator re-certification training course.
8. 9B. 0302(1)(b) General Instructor Certification – Changed instructor certification requirements to 4 years of experience as a criminal justice officer regardless of education level.
9. 9B .0501(b)(1) Certification of School Directors – Added requirement that all school directors must attend and successfully complete an instructor training course. School directors who are certified before July 1, 2004 are exempt from this requirement.
10. 9F .0102(1),(4)(a-d),(9)(c-d) Topical Areas – Added requirement that students enrolled in the Concealed Carry Handgun Training Course learn handgun safety for both revolvers and semi-automatic weapons. Added requirement that students successfully complete a handgun proficiency exam.
11. 9F .0104(1)(a-c) Instructor Qualifications – Added Private Protective Services Firearms Trainer certification as a qualifying course for eligibility to become a Concealed Carry Handgun instructor.
12. 9F .0105(1),(7)(a-c) Instructor Responsibilities – Outlined new requirements for the student handgun proficiency examination.

13. 9F .0106(b)(6),(c) Sanctions – Clarifies sanctions for Concealed Carry Handgun instructors who have violated the instructor certification requirements.

May 21, 2004

- At the May 21, 2004 meeting, the Education and Training Committee heard a report from Joe Kiesenhofer concerning a request from the North Carolina Association of Chiefs of Police to allow certification credit for North Carolina officers for relevant military and federal law enforcement training. Mr. Kiesenhofer advised the Education and Training Committee that the Commission currently requires military and federal officers to complete BLET in its entirety. Chairman Poarch noted that the Committee reviewed information regarding FBI basic training and military training. After some discussion, the Committee decided to take no action.
- The Education and Training Committee granted pilot authority to the Justice Academy to give credit for 2005 in-service training to those officers participating in the pilot in-service training program in 2004.
- The Education and Training Committee unanimously approved a recommendation from Steve Johnson to require any student enrolled in the Firearms Instructor course who fails to qualify with their firearm on the first day of the course to attend a one day qualification course conducted by the NC Justice Academy before the student can apply to a subsequent course.
- Alamance Community College became the ninth community college to receive certification under the Commission's voluntary program for "Certification of Postsecondary Criminal Justice Education Programs."
- The Education and Training Committee unanimously approved changes to the Basic Law Enforcement Training Fitness Protocol recommended by the BLET Revision Committee. Those changes are as follows:
 - o If a BLET student fails to complete the three (3) minute step test or scores in the very poor range, the student will have to complete a medical examination before the assessment can be completed.
 - o If a BLET student has a diastolic blood pressure greater than 100 mmHg or a combined reading greater than or equal to 150/95 mmHg, a further medical assessment will be required before the student continues in the course.
 - o Replace the current leg press with a vertical jump test for a better assessment of lower body leg strength.
- Commissioner Tom Thornburg stated that the Planning and Standards Committee had developed a timeline for the 6th Edition System Plan and would be holding six regional meetings across the state in the fall of 2004 to solicit input from stakeholders.
- Commissioner Betsy Bunting stated that the Commission had received a letter from the North Carolina Polygraph Association withdrawing their request to have polygraph operators certified through the Commission.

August 13, 2004

- At the August 13, 2004 meeting, the Commission unanimously re-elected John Glenn to serve as the Chairman of the Commission.
- The Education and Training Committee adopted a proposal to allow ballistic-equivalent lead-free ammunition to be used for annual firearms qualification.
- The Education and Training Committee heard a report from Martie Stanford regarding the requirements of House Bill 1354 relating to domestic violence training. This house bill which goes into effect March 1, 2005, requires that all law enforcement officers receive domestic violence training.
- The Commission unanimously approved a motion to adopt the following proposed rule amendments under Title 12, Chapter 9 of the North Carolina Administrative Code:

1. 9B .0203(d) Admission of Trainees – Clarifies that officers enrolled in a Criminal Justice Instructor Training Course must meet all requirements for instructor certification within sixty days of taking the final exam.
2. 9B .0241 Specialized Instructor Training – Restraint, Control and Defense Techniques – This is a new rule to address standards for this course offered by the Department of Juvenile Justice and Delinquency Prevention.

November 5, 2004

- At the November 5, 2004 meeting, Commissioner Caldwell stated that staff has been working on the BLET exam and they have developed a total of 500 new questions. On December 1, 2004, staff will begin to utilize the new test exam instead of the old exam. In addition, the Executive Committee discussed several retesting issues and options, as well as the procedure for validating the new exam.
- Commissioner Caldwell stated that House Resolution 218 was passed by Congress in 2004 which allows law enforcement officers to carry concealed handguns nationwide if they meet certain criteria. Under the new legislation, retired officers must meet the firearms qualification requirements of their previous agency, or of the state in which they reside. He noted that legal counsel had researched this issue and concluded that the Criminal Justice Commission has no legal requirement or responsibility to enforce HR 218, entitled “Law Enforcement Safety Act of 2004.”
- Dr. Stanford stated that the Domestic Violence Curriculum Committee met on September 10, 2004. This committee recommended that information in Basic Law Enforcement Training be updated to include the latest information on the dynamics of domestic violence as well as recent laws and statutes, with no additional hour requirements. This material is being revised for January 2005 implementation. Additionally, the committee recommended 4 hours of “Domestic Violence” in-service training and 4 specific objectives. The In-Service Training Subcommittee concurred and recommended that “Domestic Violence” be substituted for “Department Topic of Choice” in 2005. The subcommittee that reviewed instructor requirements recommended that the same requirements for all instructors be applied to domestic violence instructors and that experience as a domestic violence advocate qualifies for the related criminal justice experience necessary for enrollment in instructor training. The Commission unanimously approved a motion to adopt the following proposed rule amendments under Title 12, Chapter 9 of the North Carolina Administrative Code:
 1. 9E .0102(7) Required Annual In-Service Training Topics – Replaced Department Topic of Choice with Domestic Violence.
 2. 9E .0105(7-8) Minimum Training Specifications: Annual In-Service – Replaced Department Topic of Choice with Domestic Violence.

February 18, 2005

- At the February 18, 2005 meeting, Commissioner Caldwell reported that there is a line of duty death benefit offered to law enforcement officers, firefighters and emergency medical personnel which is paid by the North Carolina Industrial Commission for officers killed in the line of duty. He noted that the current statute requires the officer to be a full-time law enforcement officer. The Commission unanimously approved a motion to authorize a letter to be drafted to support Senate Bill 148 to extend the death benefit to all sworn law enforcement officers and detention officers, whether full-time, part-time, temporary or reserve, who are killed in the line of duty.
- Commissioner Caldwell discussed a proposal to grant the Probable Cause Committee the authority to issue lesser sanctions in certain cases. He stated that the Probable Cause Committee would discuss the sanction with the officer, and if the officer agreed to the sanction by signing a consent agreement, it would be

presented to the full Commission for a vote. He concluded by saying this procedure was consistent with the practices of other licensing boards throughout the state. The Commission unanimously approved a motion to adopt the consent agreement procedure presented by Legal Counsel to the Commission.

- The Commission unanimously approved a motion to amend the Commission's administrative policies to authorize the Director of the Criminal Justice Standards Division to grant an extension to officers failing to complete annual in-service training due to military obligations.
- The Probable Cause Committee held a special meeting on December 2, 2004 to review eighteen Charlotte-Mecklenburg Police Department cases related to unauthorized sharing of exam questions and answers in the Charlotte-Mecklenburg Police Academy. Commissioner Betsy Bunting stated that the Probable Cause Committee found no probable cause due to systematic failures by the Charlotte-Mecklenburg Police Academy and the culture of the Academy. She noted that Charlotte had taken positive steps to rectify the situation at the Academy, including retraining all of the officers who were involved.
- Cape Fear Community college received recertification under the Commission's voluntary program for "Certification of Postsecondary Criminal Justice Education Programs."

May 20, 2005

- At the May 20, 2005 meeting, Commissioner Caldwell advised that the Executive Committee had reviewed legislation pending in the General Assembly dealing with the expungement of criminal records. He explained that these bills would have a heavy impact on the Commission's ability to regulate criminal justice officers. The bills are:
 1. House Bill (HB) 1328 - Pardon of Innocence; HB 1213 – Expunction Multiple Felonies;
 2. Senate Bill (SB) 559 - Expunctions/Convictions of Nonviolent Crimes;
 3. SB 588 -Expunge White-Collar Convictions; and,
 4. HB 1084 - Expunge Nonviolent Felonies.
- He explained that House Bill 1554 (Expunction Convictions of Certain Crimes) implies that a person with multiple misdemeanor or felony convictions could have these convictions expunged provided there were no additional convictions within one year from the date of the last conviction, or within one year after release from prison. Once the convictions were expunged, the Commission would not be allowed to include them when making decisions related to certification issues.
- Commissioner Colon Willoughby, who represents the North Carolina Conference of District Attorneys, stated that white-collar crimes could be expunged, thus allowing these people to be certified as law enforcement officers. He reported that parts of these bills are designed to undermine the Habitual Felon Law.
- The Commission unanimously approved a motion to go on record as opposing these bills and authorizing staff to draft letters to the Legislature opposing these bills, with the exception of House Bill 1328.
- Commissioner Caldwell reported that the Sheriffs' Commission had adopted the same In-Service Training Program as the Criminal Justice Commission. He noted there had been discussions among the Commission staff, the Justice Academy staff and Sheriffs' Standards staff as how to coordinate and manage the In-Service Training Program.
- The Education and Training Committee heard a presentation from George Hare of the Criminal Justice Standards Division in reference to the Speed Measuring Instrument Program. Mr. Hare explained that the curricula and the statute pertaining to the requirements for admissibility of the instrument's speed reading in court clearly reflect that an officer cannot use a speed measuring instrument for enforcement purposes until

that officer is certified by the Commission. He also reported that presently there was not a rule that clearly stipulates this intent of the Commission. In addition, Mr. Hare pointed out it is not specifically stated in a rule that the Commission has the authority to suspend, revoke or deny certification when an officer performs duties without the appropriate certification. The Education and Training Committee approved this recommendation.

- Education and Training Committee Chairman Poarch stated that Ed Zapolsky reported that rules needed to be put in place to immediately stop any Carry Concealed Handgun (CCH) Instructor who commits a serious violation from continuing to train and issue certificates during their appeal process. The Education and Training Committee approved this recommendation.
- Chairman Poarch also stated that Dr. Mike Evers reported that the Department of Correction's new Firearms Instructor Training course had been piloted and revised. The Education and Training Committee approved the new topic areas for the instructor course.
- Chairman Poarch related that Dr. Stanford reported that there was some confusion in the field about hourly credit for computer-based and web-based training. The primary question was whether agency personnel should receive the same hourly credit as the in-class version of a lesson plan or if credit should be given for the actual number of hours it takes to complete the training. The Education and Training Committee approved the following policy statement: "The student will receive equal credit (as in-class hours), if computer-based or web-based training is developed from a mandated lesson plan and utilizes all of the written materials, discussion points, exercises, PowerPoint presentations, and videos (where applicable)." Additionally, for this type of training a test or evaluation of learning is required.
- Next, Chairman Poarch recounted that Mr. Hare responded to the Committee's concerns of student entry into specialized instructor training programs. He reported the difficulty in administering the requirements for Hazmat Instructors given that the hours of awareness training varied across the state. Chairman Poarch appointed an ad hoc committee to study this issue. He appointed Commissioner Hilda Spivey as chairperson of the committee and the following persons as committee members: Commissioner Ricky Lee, Peggy Schaefer with the Justice Academy, George Hare with the Commission staff, Mark Dalton with the North Carolina State Highway Patrol and Derek Cloustan with the Office of State Fire Marshall. The goal of this committee is to evaluate the present requirements for HazMat Instructors and to determine the adequacies of these requirements. If necessary, the committee is to recommend to the Education and Training Committee alternative requirements and/or training necessary for HazMat Instructors.
- The Commission unanimously approved a motion to adopt the following proposed rule amendments under Title 12, Chapter 9 of the North Carolina Administrative Code:
 1. 12 NCAC 9B .0204(c) Training Course Enrollment - Reduced the maximum number of students that can be enrolled in a Criminal Justice Instructor Training Course from 18 to 16.
 2. 12 NCAC 9B .0209(a),(c) Criminal Justice Instructor Training - The total number of hours for this course have been decreased from 80 to 77 and the number of hours per topic have been updated to remain current with changing trends in instruction.
 3. 12 NCAC 9F .0104(3),(4) Instructor Qualifications - Added two requirements to the qualifications for Concealed Carry Handgun Instructors. The instructor must be eligible to receive or possess a firearm under Federal and North Carolina law and the instructor shall notify the Criminal Justice Standards Division of all court orders, domestic violence orders of protection and criminal offenses for which the instructor is charged.
 4. 12 NCAC 9F .0106(b)(7),(c) Sanctions - The sanctions for Concealed Carry Handgun Instructors have been amended to reflect the changes in qualification criteria.

- Chairman Thornburg reported that the Planning and Standards Committee was studying the seven (7) goals of the proposed Sixth Edition of the System Plan. He asked the Commission members to utilize a brief survey to prioritize the seven goals in order of importance to them and then return the form to staff. He listed the seven (7) goals as follows:
 1. Goal #1 was actually a revision from the Fifth Edition of the System Plan. The first goal involves reading comprehension and writing competency and their relationship to the successful completion of Basic Law Enforcement Training (BLET) and becoming successful as a criminal justice officer.
 2. Goal # 2 calls for a study of current delivery methods and facilities for law enforcement officers with suggestions for improvement.
 3. Goal #3 is to continue examination of professional development, retention, and recruitment of criminal justice officers, with the hope of improving the profession.
 4. Goal #4 is to continue to develop a program of activities designed to assist all criminal justice officers in addressing the ever changing societal issues within the state. The Planning and Standards Committee reviewed issues concerning clandestine methamphetamine labs and special needs such as people with Alzheimer's disease and Autism. The Executive Committee suggested that the Commission add gang violence to this list.
 5. Goal #5 would be a new goal to evaluate the need for standards in particular areas of criminal justice specialization, including crime scene investigation, Spanish interpretation, K-9 handlers, and field training. Standards may range from voluntary guidelines to full certification.
 6. Goal #6 is to continue to develop strategies to promote greater input to the Commission from the criminal justice system and the general public.
 7. Goal #7 is to maintain the current funding level and seek new funding and staff support from the Department of Justice and the General Assembly.

August 19, 2005

- At the August 19, 2005 meeting, the Commission unanimously re-elected John Glenn to serve as the Chairman of the Commission.
- At the August 19, 2005 meeting, Executive Committee Chairman Caldwell recounted that at the May meeting the Commission had discussed several bills pending in the Legislature concerning the expungement of criminal records. The Commission voted to oppose five of these bills. Chairman Caldwell explained that the Commission had supported one bill, House Bill 1328, entitled "Pardon of Innocence," which allows a person who receives a Pardon of Innocence from the Governor to have his/her criminal record expunged. He stated that this bill had been passed by the General Assembly and was waiting for the Governor's signature.
- Chairman Caldwell noted that HB 1213, "Expunction Multiple Felonies," which deals with criminal charges and not convictions, would probably be approved on August 23, 2005. He related that House Bill 1084, "Expunge Nonviolent Felonies," did get out of the House of Representatives; however, there are numerous groups, including the Commission, who oppose this bill. He explained that Senate Bill 559, entitled "Expunctions/Convictions of Nonviolent Crimes," had passed the Judiciary Committee and had been referred to the Senate Finance Committee. Senator Ellie Kinnaird has offered to exempt the Criminal Justice Commission from the provisions of this bill.
- Next, Chairman Caldwell related that North Carolina law currently has a death benefit for full-time law enforcement officers who are killed in the line of duty. However, this benefit does not include part-time officers. He related that Senate Bill 148 would ensure that benefits would be granted for full-time and part-

time law enforcement officers as well as for jail and detention officers killed in the line of duty. Chairman Caldwell stated that this bill would be amended in the Senate to make the effective date retroactive to November 1, 2004. He reported that this bill was scheduled to be considered by the House Appropriations Committee on August 22, 2005. Chairman Caldwell asked the Commissioners to contact the Chairmen of the House Appropriations Committee to support this proposed legislation.

- Chairman Caldwell concluded his report by stating that the “Campus Police Act” (SB 527) has passed and was signed into law by the Governor on July 28, 2005. This separates private Campus Police from the Company Police Act (G. S. 74E). The “Campus Police Act” will establish a new program to be administered by the Attorney General’s Office under the Criminal Justice Standards Division by the Company Police Administrator.
- Education and Training Committee Chairman Poarch noted that Bob Yow reported that the BLET Revision Committee had voted at its June meeting to request pilot authority to authorize the use of Blackboard in the delivery of selected blocks of Basic Law Enforcement Training. These blocks of instruction are: Law Enforcement Driver Training, Response to Domestic Violence, Patrol Techniques and Rapid Deployment. The pilot will help determine whether these blocks of instruction might be more efficiently delivered in a blended format, allowing for an increase in the time available for practical exercises.
- Chairman Poarch concluded his report by stating that in March of 2004, the Education and Training Committee approved two photo speed measuring instruments contingent upon their placement on the IACP Consumer Products List (CPL). At that time, there was not a category for photo lidar systems. Kustom Signals DTMS has now been placed on that list. This is the instrument that is utilized by the Charlotte-Mecklenburg Police Department. The second instrument, Red Flex LaserCam NT, has not been placed on the IACP CPL. The Speed Measuring Instrument Committee will report the status of its inclusion at the November meeting.
- Planning and Standards Committee Chairman Thornburg reported that the Planning and Standards Committee conducted a rulemaking hearing on August 18, 2005 to consider 25 proposed rules. The Commission unanimously approved a motion to adopt the following proposed rule amendments under Title 12, Chapter 9 of the North Carolina Administrative Code:
 1. 12 NCAC 9A .0103(14) Definition - Added definition for In-Service Training Coordinator.
 2. 12 NCAC 9B .0202(b)(7) Responsibilities of the School Director - Clarified that observations of instructors shall be long enough to ensure that the instructor is using the ISD model when teaching.
 3. 12 NCAC 9B .0205(2)(H-I),(4)(C),(E) Basic Law Enforcement Training - Added two topics to the BLET curriculum: Anti-Terrorism (4 hours) and Rapid Deployment (8 hours). Added 2 hours to Criminal Investigations topic and 2 hours to Controlled Substances topic. Increased total BLET hours from 602 to 618.
 4. 12 NCAC 9B .0210(c)(2) Radar Instructor Training Course - Added requirement that in order to be admitted to a Radar Instructor course a student must hold full general instructor certification.
 5. 12 NCAC 9B .0302(d) General Instructor Certification - Added requirement that in order to be admitted to a Radar Instructor course a student must hold full general instructor certification.
 6. 12 NCAC 9B .0303 Terms and Conditions of General Instructor Certification - Gives In-Service Training Coordinators authority to evaluate instructors' classroom performance. Changes period of general instructor certification from 2 to 3 years, and increases number of hours instructors are required to teach from 8 to 12. Describes process by which SMI Instructor certifications will run concurrently with General Instructor certifications.

7. 12 NCAC 9B .0304(b), (d)(1)(A) Specialized Instructor Certification - Allows a specialized instructor candidate to take a CPR course from any organization that meets the national standard for CPR instruction.
8. 12 NCAC 9B .0305 Terms and Conditions of Specialized Instructor Certification - Gives In-Service Training Coordinators authority to evaluate instructors' classroom performance. Changes number of hours instructors are required to teach from 8 to 12.
9. 12 NCAC 9B .0306 (b)(2) Professional Lecturer Certification - Gives In-Service Training Coordinators authority to recommend candidates for Professional Lecturer certification.
10. 12 NCAC 9B .0307(a-b) Terms and Conditions of Professional Lecturer Certification - Changes the period of certification for Professional Lecturers from 2 to 3 years.
11. 12 NCAC 9B .0308(1) Radar Instructor - Added requirement that in order to be admitted to a Radar Instructor course a student must hold full general instructor certification.
12. 12 NCAC 9B .0312 Instructor Certification Renewal - Changed number of hours instructors are required to teach from 8 to 12.
13. 12 NCAC 9E .0102 Required Annual In-Service Training Topics - Changes the required training topics. The following topics have been removed: Hazardous Materials, Bloodborne Pathogens, Juvenile Minority Sensitivity, Ethical Awareness, and Domestic Violence. The following topics have been added: Required In-Service Training Topics (as determined annually), and Department Topics of Choice.
14. 12 NCAC 9E .0104(1) Instructors: Annual In-Service Training - Clarifies requirements for instructors who teach in-service training.
15. 12 NCAC 9E .0105 Minimum Training Specifications: Annual In-Service Training - Removed training specifications for Hazardous Materials, Bloodborne Pathogens, Juvenile Minority Sensitivity, Ethical Awareness, and Domestic Violence.
16. 12 NCAC 9E .0106(c) Annual In-Service Firearms Qualification Specifications - Allows agencies to use ballistic equivalent lead-free ammunition for annual firearms qualification to minimize officers' exposure to lead and to reduce costs.
17. 12 NCAC 9E .0109 In-Service Training Coordinator Requirements - New rule to address requirements for becoming an In-Service Training Coordinator.
18. 12 NCAC 9E .0110 In-Service Training Coordinator Responsibilities
New rule to address responsibilities of the In-Service Training Coordinator.
19. 12 NCAC 9G .0308(a)(1) General Instructor Certification - Changed requirements for general instructor certification to require four years of experience regardless of education level.
20. 12 NCAC 9G .0309(c)(1-2), (d) Terms and Conditions of General Instructor Certification - Changes period of general instructor certification from 2 to 3 years, and changes number of hours instructors are required to teach from 8 to 12.
21. 12 NCAC 9G .0310(c) Specialized Instructor Certification - Allows a specialized instructor candidate to take a CPR course from any organization that meet the national standard for CPR instruction.

22. 12 NCAC 9G .0311(b)(3), (c)(1-2), (d) Terms and Conditions of Specialized Instructor Certification - Changes period of general instructor certification from 2 to 3 years and changes number of hours instructors are required to teach from 8 to 12.
23. 12 NCAC 9G .0312 Instructor Certification Renewal - Changes period of general instructor certification from 2 to 3 years and changes number of hours instructors are required to teach from 8 to 12.
24. 12 NCAC 9G .0405(b) Certification of School Directors - Changes qualifications for Corrections School Director to include successful completion of an instructor training course.
25. 12 NCAC 9G .0416(c) Corrections Specialized Instructor Training – Controls, Restraints, and Defensive Techniques - Changes topic names in the course.

- Chairman Thornburg stated that the Commission members had rated each goal of the proposed Sixth Edition System Plan in priority order. The survey results showed the order of importance as goals #1, #3, #4, #7, #2, #5 and #6. The Commission members ranked Goal #1 to be the most important goal and Chairman Thornburg explained that Goal #1 involves reading comprehension and writing competency and their relationship to the successful completion of Basic Law Enforcement.
- Chairman Thornburg concluded his report by advising that Commissioner Ray Harrington had presented a report to the Planning and Standards Committee regarding the ongoing reading comprehension study which is being concluded by the Community College System. Commissioner Harrington reported that the average reading level for these individuals was a 9th grade level, and he noted that trainees who have a reading level below Grade 9 do not do well in BLET.

November 18, 2005

- At the November 18, 2005 meeting, Executive Committee Chairman Caldwell advised the membership that Criminal Justice Standards Division Director Scott Perry would be retiring with 32 years of service and Dr. Martie Stanford would be retiring from the North Carolina Justice Academy with a total of 30 years of service with the state. Both of them have been great assets to the Commission and their valuable experience, expertise, and knowledge will be missed. Chairman Caldwell outlined the process that will be followed to select a new Director for Criminal Justice Standards Division. The job will be advertised through the Department of Justice Personnel Office, and those applications that are received will be forwarded to Commission Chairman John Glenn. Chairman Glenn will call a meeting of the Executive Committee, which will serve as the screening mechanism for these applicants and will select nominees for presentation to the full Commission. The full Commission will recommend three names to the Attorney General, and the Attorney General will select the new Director from those three names. Ms. Kristi Hyman, Attorney General Chief of Staff, has been contacted and an interim director will be appointed by the end of December. The interim director will be in charge until the Commission has completed the selection process for the new director.
- Chairman Caldwell related a committee was appointed by the General Assembly. The title of the committee is: "Joint Study Committee on Autism Spectrum Disorder, Law Enforcement Public Safety, and First Responders." The committee has been tasked with studying the issues faced by law enforcement and first responder personnel when dealing with people who are autistic. Members of the committee include: four house and senate members; Ms. Tracy McPherson, who will be replacing Commissioner Ray Harrington; Mr. Joseph Kiesenhofer; Mr. Bob Yow; and Commissioner Eddie Caldwell. Chairman Caldwell reported that the Committee requested that a video on autism spectrum disorder be included in the 2006 in-service training program.
- Finally, Chairman Caldwell reported that two new topics have been added to the BLET curriculum: Anti-Terrorism and Rapid Deployment. Questions have been developed to be added to the exam. Staff will

monitor the results and validate the questions. Should the questions become valid, they will be incorporated into the exam. The Executive Committee directed staff to proceed with the new exams. Chairman Caldwell also stated that the Executive Committee heard a report from Mr. Kiesenhofer on the status of the Pilot BLET exam, which has been given to students for the past six months. As the Pilot exam has run smoothly, it has now been approved as the new BLET exam.

- The Education and Training Committee heard a report from George Hare on the Specialized Instructor Certification - Explosives and Hazardous Materials Emergencies Subcommittee which Commissioner Poarch had appointed on May 15, 2005. Mr. Hare stated that the subcommittee recommends that the minimum standard for general instructors applying for certification as an Explosives and Hazardous Materials Emergencies instructor be successful completion of an awareness/operations level hazardous materials course. This course is presently offered by the Department of Insurance, Office of the State Fire Marshal. Mr. Hare further stated that completion of this course is currently required for people applying for certification as a Hazmat instructor who are not general instructors. The new standard would require that anyone applying for HazMat instructor certification first complete an awareness/operations level hazardous materials course. The Commission unanimously voted to authorize a rule-making hearing for these rules.
- Mr. Hare requested that the Commission grant in-service training coordinators the authority to endorse currently certified instructors as students in specialized instructor courses. Currently, only school directors are authorized to provide such endorsements. The Commission unanimously voted to authorize a rule-making hearing for these rules.
- Next, Mr. Hare stated that there was no time requirement in which general instructors must submit a renewal application for instructor recertification. Mr. Hare requested that a 90 day time limit to submit instructor recertification applications be approved by the Commission. The Commission unanimously voted to authorize a rule-making hearing for these rules.
- Chairman Poarch concluded his report by saying that Martie Stanford reported that a joint in-service training subcommittee meeting with the Sheriffs from the Sheriffs' Commission was held on November 10, 2005. The Committee members discussed topic areas and chose the topics that will be developed for the 2007 In-Service Training Program. These topics will be presented at the February 2006 Education and Training Committee meeting for approval: Firearms Training (4 hours); Required In-Service Training Topics (12 hours) [Legal Update - Case Law (2 hours), JMST - "Current Youth Culture: What's Hot/What's Not" (2 hours), Ethics - On-duty or Off-duty behavior (2 hours), Domestic Violence - (2 hours), Dealing with the Mentally Ill and Developmentally Disabled (4 hours)]; and, Department Topic of Choice (8 hours); [Ethics - On-Duty or Off-Duty (2 hours), Legal - Arrest/Search/Seizure - (2 hours), Use of the flashlight, baton and arrest procedures - (4 hours)]
- Planning and Standards Committee Chairman Thornburg reported that the Planning and Standards Committee conducted a rulemaking hearing on November 18, 2005 to consider 9 proposed rules. The Commission unanimously approved a motion to adopt the following proposed rule amendments under Title 12, Chapter 9 of the North Carolina Administrative Code:
 1. 12 NCAC 9A .0204(b)(15) Suspension: Revocation: or Denial of Certification
Authorizes the Commission to deny certification to an officer who has performed activities or duties for which certification by the Commission is required without having first obtained the appropriate certification.
 2. 12 NCAC 9A .0205(b)(8) Period of Suspension: Revocation: or Denial of Certification
Authorizes the Commission to deny certification to an officer who has performed activities or duties for which certification by the Commission is required without having first obtained the appropriate certification.

3. 12 NCAC 9B .0227(d)(2),(5),(6) Specialized Driver Instructor Training
Changes hourly requirement for three topics within the Specialized Driver Instructor Training course. Total hours remain the same. The hour changes are as follows: General Mechanical Knowledge, reduced from 2 hours to 1 hour; Laws of Natural Force and Operating Characteristics, reduced from 4 hours to 2 hours; and Driver Practicum/Pre-Test, increased from 16 hours to 19 hours.
 4. 12 NCAC 9B .0404(g) Trainee Attendance
Adds requirement that students in a Specialized Physical Fitness Instructor Training course may not miss more than 10% of class in order to receive successful course completion.
 5. 12 NCAC 9C .0308(a) Speed Measurement Instrument (SMI) Operators Certification Program
Requires every officer who operates a speed measurement instrument for enforcement purposes to first be certified by the Commission to operate the instrument.
 6. 12 NCAC 9E .0108(a),(d),(e) Failure to Complete Annual In-Service Training
Changes requirements for completing annual in-service training from a "12 month period" to a "calendar year." Clarifies annual in-service training requirements for an officer who transfers to a different agency during the current calendar year or a subsequent calendar year.
 7. 12 NCAC 9G .0408(4) Responsibilities of the School Director
Requires Department of Correction School Directors to ensure instructors are monitored and evaluated during each course presentation.
 8. 12 NCAC 9G .0412(a) Basic Training for Probation/Parole Officers
Deletes the topic of "physical fitness" and replaces it with "employee wellness." Also adds the following topics: "professional ethics" and "personal and professional conduct."
 9. 12 NCAC 9G .0415(c) Corrections Specialized Instructor Training - Firearms
Changes topic names in the Department of Correction Firearms Instructor Training course.
- MOTION was made by Commissioner Thornburg that the Commission adopt the Proposal of the Sixth Edition System Plan. The MOTION carried unanimously.
 - Chairman Thornburg reported that an inquiry was sent to staff requesting that the Professional Certificate Program be reviewed. The Planning and Standards Committee reviewed this inquiry and concluded to leave the program as it was. He asked staff to prepare a response to the inquiry and advise accordingly.
 - Next, Chairman Thornburg reported that the Committee heard comments from Dr. Edith Lang with the NC Community College System concerning reading comprehension. She discussed an analysis of a limited sample of 913 BLET registrants from 2000 - 2005 and their relationship between reading comprehension and success in BLET. Dr. Lang looked at the percentage of students who passed the BLET exam in comparison with reading comprehension levels. The results were as follows: 93% at 12 grade level, 87% at 11 grade, 85% at 10 grade, 77% at 9 grade, 61% at 8 grade. Chairman Thornburg stated he asked Dr. Lang to find out if there are any studies concerning writing performance by law enforcement.
 - Chairman Thornburg concluded his report by advising that the Committee had reviewed the Interpretive Rule at the request of Commissioner George Sweat who wanted to update the position titles within the Department of Juvenile Justice and Delinquency Prevention which fall under the authority of the Commission. A motion to update the Interpretive Rule carried unanimously.
 - Mr. John Aldridge reported that the Class B Misdemeanor Manual committee recommended the inclusion of G.S. §5A-11, "Criminal Contempt of Court" in the manual. The Commission voted unanimously to approve the updated version of the manual along with the addition of the violation of "Criminal Contempt of Court."

February 17, 2006

- At the February 17, 2006 meeting, Executive Committee Chairman Caldwell reported that the Executive Committee had met on several occasions regarding the Criminal Justice Standards Division Director's position. He thanked Mr. Scott Perry for his hard work as Director of the Criminal Justice Standards Section. He noted that Winfield Hunter would continue to serve as the Interim Director until a new Director was appointed. Chairman Caldwell related that once the Executive Committee had completed their findings, they would report to the full Commission.
- Next, Chairman Caldwell advised that the Department of Correction had identified a problem with some handguns issued to their officers. He related that some of the Smith and Wesson Model #64 and Model #65 handguns are defective in that upon discharge, the barrel separates from the weapon. He advised that the Department of Correction has delayed firearms qualification of some probationary officers until the issue with the defective weapons is resolved. The Commission voted unanimously to pursuant to NCGS 17C-6 and 17C-10 (1) extend the probationary period of the affected corrections and probation officers who are otherwise qualified by a maximum of six months; (2) prior to issuing the General Certification to those officers and assuming that all other minimum standards are met, the affected officer must qualify with his/her designated handgun; (3) the affected officer shall not have access to or carry/possess a handgun during this probationary period; and, (4) that the North Carolina Department of Correction report to the Commission the status of this issue at the May meeting;
- Derek Poarch, Chairman of the Education and Training Committee reported the committee had discussed the Sixth Edition System Plan goals and their responsibilities in implementing several of these goals. The Committee determined that the best course of action would be to first deal with the reading comprehension aspects of Goal One before moving to other goals. Chairman Poach noted that he appointed Commissioners Tom Moss, Hilda Spivey and Commissioner Fletcher Clay to a subcommittee, chaired by Commissioner Ruth and staffed by the Justice Academy to address the reading comprehension aspects of Goal One, assigned to the Education and Training Committee.
- Chairman Tom Thornburg reported that the Planning and Standards Committee discussed Goal One of the Sixth Edition System Plan. The Committee is reviewing the possibility of establishing a minimum reading comprehension standard for entrance into BLET. The committee heard a report from Dr. Edith Lang with the NC Community College System that summarized an analysis of reading scores in relationship to BLET performance in 2004. Dr. Lang was able to compile data from 55 of the 59 community colleges and agencies that delivered BLET in 2004. Mr. Thornburg noted that 90% of the 1456 students included in the study passed the BLET exam. Only 66% of the students with less than an 8th grade reading level passed. Chairman Thornburg reported that 83% of students at the 9th grade reading level passed the state exam. Dr. Lang's conclusions were if someone was reading at the 10th grade or higher, they should have an unconditional admission to BLET. She recommended that students who were reading between the 8th grade and 9th grade level should be admitted with some concurrent reading assistance and students below the 8th grade reading level, should be referred to reading assistance and retested before entrance into BLET. Chairman Thornburg stated that the Planning and Standards Committee's goal is to present a proposal for a minimum reading comprehension level in the near future.

May 19, 2006

- At the May 19, 2006 meeting, Attorney General Chief of Staff Christi Hyman introduced Peggy Schaefer, the new Director for the North Carolina Justice Academy and Wayne Woodard, the new Director of the Criminal Justice Standards Division. Mr. Woodard thanked Mr. Hunter for his assistance during his transition as new director.
- Executive Committee Chairman Caldwell reported that United States Congress passed House Resolution 218 in 2004 which allows retired law enforcement officers to carry concealed handguns nationwide if they meet certain criteria. He reported that retired law enforcement officers who wish to carry concealed weapons must meet firearms qualification requirements. Chairman Caldwell stated that the Federal Law did

not indicate who would set the standards or the certification process; however, it was discussed by the Executive Committee and recommended that the Commission handle the standards for the retired law enforcement officers. The Commission unanimously passed a motion to ask the Attorney General to obtain appropriate legislation that would designate the NC Criminal Justice Education and Training Standards Commission to implement HR 218.

- Chairman Caldwell reported on behalf of the Commission that a new job task analysis needs to be completed to determine what training law enforcement officers need to perform their daily duties. The Executive Committee asked staff to work with the Governor's Crime Commission and propose a resolution at the August meeting.
- Education and Training Committee Vice-Chairman Tom Moss asked the Commission to approve the recertification of the Criminal Justice Program at NC Central University. The motion carried unanimously.
- Next, Vice-Chairman Moss advised that Dr. Mike Evers, of the Department of Correction, proposed changes to the courses of fire and associated scoring protocols for basic training for correctional officers and specialized instructor training - firearms courses. These revisions would reflect a change from using sixteen (16) pellet buckshot to reduced recoil round nine (9) pellets. The Committee approved the changes as presented.
- Ms. Teresa Marrella, Commission staff member and acting SMI Program Administrator, reported on the March 7, 2006 SMI Committee meeting. The SMI Advisory Committee recommended three LIDAR instruments to be added to the North Carolina Approved Speed Measurement Instrument List. These instruments were: (1) Laser Technologies, Inc. - Ultralyte 200 LR, (2) Laser Technologies, Inc. - Ultralyte LRB and (3) Laser Technologies, Inc. - Ultralyte Compact. The Committee approved these recommendations.
- Dr. Evers reported that the Department of Correction had reached an arrangement with Smith & Wesson to transition to 40 caliber semiautomatic handguns to remedy previous problems with Smith & Wesson revolvers. He recounted that they were currently in transition with their instructors and will be proposing curriculum changes in August.
- Chairman Thornburg reported that the Planning and Standards Committee heard a request from the Department of Correction to update position titles within the Interpretive Rule which fall under the authority of the Commission. The Commission unanimously approved to update the Interpretive Rule.
 - Planning and Standards Committee Chairman Thornburg stated that the Planning and Standards Committee held a rule-making hearing and approved amendments to nine rules. The Commission unanimously approved a motion to adopt the following proposed rule amendments under Title 12, Chapter 9 of the North Carolina Administrative Code:
 - 12 NCAC 09B .0226 (c)(3) Specialized Firearms Instructor Training
Grants authority to In-Service Training Coordinators to endorse a candidate for specialized instructor school.
 - 12 NCAC 09B .0227 (b), (c)(3) Specialized Driver Instructor Training
Grants authority to In-Service Training Coordinators to endorse a candidate for specialized instructor school.
 - 12 NCAC 09B .0232 (b), (c)(4) Specialized Subject Control Arrest Techniques Instructor Training
Grants authority to In-Service Training Coordinators to endorse a candidate for specialized instructor school.

- 12 NCAC 09B .0233 (b), (c)(2) Specialized Physical Fitness Instructor Training
Grants authority to In-Service Training Coordinators to endorse a candidate for specialized instructor school.
- 12 NCAC 09B .0303 (f) Terms and Conditions of General Instructor Certification
Specifies that instructors shall have 90 days from the date of expiration in which to submit application to renew their instructor certification. If an instructor fails to renew certification within 90 days, the instructor will be required to attend a full instructor course in order to acquire instructor certification again.
- 12 NCAC 09B .0304 (c), (d), (e), (f), (g), (j) Specialized Instructor Certification
Grants authority to In-Service Training Coordinators to endorse a candidate for specialized instructor school.
- 12 NCAC 09B .0312 (b) Instructor Certification Renewal
States the Director of the Standards Division may, for just cause, grant an extension of the 90 day period in which to apply for instructor recertification.
- 12 NCAC 09G .0309 (e) Terms and Conditions of General Instructor Certification
Specifies that instructors shall have 90 days from the date of expiration in which to submit application to renew their instructor certification. If an instructor fails to renew certification within 90 days, the instructor will be required to attend a full instructor course in order to acquire instructor certification again.
- 12 NCAC 09G .0312 (b) Instructor Certification Renewal
States the Director may, for just cause, grant an extension of the 90 day period in which to apply for instructor recertification.
- Chairman Thornburg concluded his report by advising that the Committee had reviewed the reading standards for law enforcement officers. He advised that approximately 600 letters were mailed to police chiefs and sheriffs that showed the results of the reading comprehension research and how it relates to scores on the state BLET exam. He said that e-mails were sent to BLET School Directors. Chairman Thornburg reported that they had received feedback from twenty-three people who were very supportive and two who were negative. He stated that the Committee is reviewing other states which have reading standards for law enforcement officers.

August 25, 2006

- At the August 13, 2004 meeting, the Commission unanimously re-elected John Glenn to serve as the Chairman of the Commission.
- Executive Committee Chairman Caldwell welcomed Mr. Wayne Woodard as the new Director and Ms. Susan DeCatsye as the new Deputy Director for the Training and Standards Division.
- Chairman Caldwell reported that the Executive Committee considered and approved a Resolution concerning National Guard and Armed Forces Reserve members who are called to active duty. This resolution allows Standards Division staff to grant certification extensions to persons serving in these units within the Continental United States and overseas. The period of certification extension shall be no longer than one year after date of active duty discharge. The Commission unanimously approved the Resolution.
- Next, Chairman Caldwell related that staff has met concerning the need to update the task analysis for the BLET course. He stated that the last task analysis was conducted in 1994 and it is time to review the daily

tasks required of officers. Staff met with representatives of the Governor's Crime Commission and they have agreed to help procure grant funds to support a new task analysis.

- Chairman Caldwell reported that staff is working on a Certification Training Class that will be offered to agency heads and anyone who handles the certifications of officers and personnel. Notice will be sent statewide in the near future.
- Education and Training Chairman Poarch noted that Mr. Joe Kiesenhofer made the following requests concerning General and Specialized Instructor rules:
 1. The Administrative Code currently requires school directors to evaluate instructors every time they teach. This practice is costly, time consuming and causes cumbersome file maintenance practices.
 2. The Administrative Code currently requires that school directors submit to the Standards Division an instructor evaluation form on each general and specialized instructor every three years. This is an unnecessary step as the form is required to be kept as documentation by the school director.
 3. An oversight was made during the last rule amendment to 9F .0303 and the requirement that probationary instructors teach 12 instead of 8 hours needs to be incorporated into the rule.

The Commission unanimously approved a motion to grant the Planning and Standards Committee rule-making

- Commissioner Ricky Lee reminded the Committee that nearly all schools are up for reaccreditation this year. This places a great workload on staff. Therefore, Commissioner Lee proposed a staggered reaccreditation schedule as follows: All schools not reaccredited by December 31 will be divided alphabetically and one half will be scheduled for reaccreditation in 2007 and the other half will be scheduled for reaccreditation in 2008. After that time the schools will fall back into a five year cycle. The Commission unanimously approved rule-making authority to stagger the terms of accredited schools.
- Chairman Poarch related that on behalf of the SMI Advisory Committee, Stacy Holloman reported that the SMI Committee recommends four new SMI combination courses described as follows: Radar/Lidar Operator Training; Radar/Lidar Operator Recertification Training; Radar/TD/Lidar Operator Training; and, Radar/TD/Lidar Operator Re-certification Training. The Committee accepted these new course combinations with pilot authority granted to implement the newly configured courses. Further, the Committee approved the inclusion of relevant documentation from the SMI combination courses in Radar Instructor/Operator Training.
- Next, Chairman Poarch related that Commissioner Pruitt reported that the Crime Scene Investigator Certification Committee met for the first time in Greensboro on June 28. The Committee opted to pursue a non-mandatory approach to this training, deciding instead to ask the Justice Academy to work with the community colleges and representatives of the original CSI study group to develop the curricula and develop a voluntary certificate program. The group is currently developing an 80 hour Basic Crime Scene Course as a core component of the program.
- Next, Chairman Poarch recounted that Commissioner Ruth reported that the Education and Training Subcommittee on reading comprehension met in July at the Department of Justice in Raleigh. Legal Counsel John Aldridge raised a number of issues regarding the proposal to implement a reading comprehensive standard for entry into BLET. Training and Standards staff, in conjunction with Dr. Edith Lang of the community college system, is currently preparing a report to address the issues raised by Mr. Aldridge.
- Chairman Thornburg reported that the Planning and Standards Committee heard a report from Chief Scott Cunningham with the Cary Police Department about the process the state of Florida used to implement a

reading comprehension standard for entry into BLET. Chief Cunningham and a Florida police investigator conducted a study to compare BLET exam pass rates with students' reading comprehension levels. He discovered that 60% of students with a reading level below 10th grade either failed the state exam or failed to complete field training. The Tampa Police Department created a partnership with the local Technical College to provide a ten week remedial reading program. Of the students who participated in the program, 93% passed the BLET exam. Lastly, Chief Cunningham studied the relationship between education and disciplinary actions. The results showed that 58% of officers in Florida have a high school education, yet they account for 75% of disciplinary actions issued by the Florida POST.

- Chairman Thornburg reported that the Planning and Standards Commission voted unanimously to propose to the full Commission that the minimum standard for entry into BLET should be a 10th grade reading level. The Planning and Standards Committee stated that they would support a reading improvement program. Chairman Thornburg stated that individuals scoring below the 10th grade would be referred to a remedial reading program through the community college system. Chairman Thornburg concluded his report by advising that the Committee will submit a written proposal to the full Commission in November.
- Chairperson Bunting reported that the Probable Cause Committee periodically reviews policies and rules that pertain to the committee. The Committee reviewed a proposed amendment to 12 NCAC 9A .0206 Summary Suspension, to add wording to allow for a summary suspension of a criminal justice officer who has produced a positive result on a urinalysis test. In addition, the Standards Division Director would coordinate the required meeting for the summary suspension and notify the affected person, if possible with 48 hour notice prior to the meeting. The Commission unanimously approved a motion to grant rule-making authority in this matter to the Planning and Standards Committee.

November 11, 2006

- At the November 11, 2006 meeting, CJ Standards Division Wayne Woodard asked the Commission to consider adoption of a new administrative policy to address the timely submission of in-service training status reports (F-9) to the Standards Division. Mr. Woodard stated that the reports are due by January 15th, and that every year, some law enforcement agencies miss the deadline. The proposed policy would outline steps to be taken by the Standards Division when reports are not submitted on time. Specifically: (1) a letter would be sent to the agency head advising of the report submission requirement and allowing two weeks for compliance; (2) if staff has not received the report within two weeks, a letter would be sent to the agency head's supervisor (i.e., city or town manager) explaining the Commission's requirements and the consequences of non-compliance, with a copy sent to the agency head; and (3) the agency head would be granted an additional two weeks in which to comply with the reporting requirement. The Commission unanimously approved a motion to grant rule-making authority in this matter to the Planning and Standards Committee
- Mr. Woodard recounted that the military waiver for National Guard and Reserve personnel was revised to clarify that eligible service could be anywhere within or outside of the United States. He reported that the resolution would be updated to include the Department of Correction and Juvenile Justice Officers.
- Mr. Woodard advised staff met with members of the Governor's Crime Commission to discuss funding for the job task analysis, and that funds will be available. Mr. Woodard stated the next step would be to form a joint committee with the Sheriffs' Standards Commission. He said that the Executive Committee has appointed two commissioners, Tom Moss and Ricky Lee, to serve on the Joint Committee and that the Sheriffs' Commission would also appoint two members. Staff from both Commissions and the North Carolina Justice Academy will also work with the Committee.
- Assistant Attorney General Jane Gilchrist reported that Title 18 U.S. Code Section 921(a) was passed on September 30, 1996. She related that anyone who is convicted of a domestic violence offense is not allowed to carry a weapon under federal law. The Commission has asked all law enforcement agency heads to review officer personnel files to determine if any officers are affected by this law. She reported that a letter

would be sent to the agencies concerning this law. Ms. Gilchrist stated that pursuant to NCGS 14-415.1, persons convicted of a felony may not possess firearms. She advised that the Department of Correction has officers who are convicted felons in positions that require them to carry firearms. Under the Felony Firearms Act in North Carolina, a felon cannot possess or have control of any type of firearms. Under the Department of Correction's rules, an officer with a felony conviction over ten years old is permitted to hold a position that requires carrying of a firearm. Chairman Glenn asked Commission's legal counsel to work directly with the Department of Correction to address this issue.

- Education and Training Chairman Derek Poarch reported that Ms. Pam Pope from the Justice Academy reported that a joint in-service training subcommittee meeting was held on October 27, 2006. The Committee members discussed topic areas and chose the topics that would be developed for 2008 mandated in-service training. These topics and associated objectives will be presented at the February 2007 Education and Training Committee meeting for approval: Firearms Training - 4 hours; Required In-Service Training Topics - 12 hours, Legal Update - 4 hours, Juvenile Minority Sensitivity Training - 2 hours, Career Survival (formerly Ethics)-2 hours, Response to Critical Incidents-4 hours; and Department Topic Choice - 8 hours, Leadership and Personnel Law - 4 hours, Weapons Retention and Disarming Techniques-4 hours, Rapid Deployment and Lecture - 4 hours, Rapid Deployment Practical Exercise - 4 hours.
- Chairman Poarch concluded his report by advising that the North Carolina Justice Academy Deputy Director, Chet Jernigan updated the Committee concerning the computer-based Methamphetamine Awareness block of in-service instruction that is being delivered by the Backup Corporation. Course evaluation and testing data indicated that computer-based training was effective and popular among the participants in this training project. Mr. Jernigan reported that these results form a basis for the Academy's work in acquiring a learning management system for use as an option to provide some in-service training subject matter beginning in 2008.
- Chairman Wallace reported that the Planning and Standards Committee met on Wednesday, November 8, 2006, and held a rule-making hearing. The Commission unanimously approved a motion to adopt the following proposed rule amendments under Title 12, Chapter 9 of the North Carolina Administrative Code:

Permanent Amendments to Current Rules

1. 12 NCAC 09E .0102 (2-7) Required Annual In-Service Training Topics
Changes the required training topics to: Legal Update: Case Law (2 hours); Domestic Violence (2 hours); Ethics: On Duty or Off Duty (2 hours); Juvenile Minority Sensitivity Training: What's Hot , What's Not (2 hours); and Interacting with Special Populations (4 hours). Firearms Training and Qualification remains 4 hours and Department Topics of Choice remains 8 hours.
2. 12 NCAC 09E .0105 (2-7) Minimum Training Specifications: Annual In-Service Training
Changes the required training topics to: Legal Update: Case Law (2 hours); Domestic Violence (2 hours); Ethics: On Duty or Off Duty (2 hours); Juvenile Minority Sensitivity Training: What's Hot , What's Not (2 hours); and Interacting with Special Populations (4 hours). Firearms Training and Qualification remains 4 hours and Department Topics of Choice remains 8 hours.
3. 12 NCAC 09F .0106 (c) Sanctions
Includes two additional reasons Concealed Carry Handgun Instructors may have their certification suspended or permanently revoked by the Commission. Those reasons are: "has taught any Concealed Carry Handgun Training Program course or approved certification while the instructor's certification was suspended by the Commission"; and "is ineligible to receive and possess a firearm under Federal or North Carolina State Law."

Temporary Amendments to Current Rules

12 NCAC 09C .0401(h) Accreditation of Criminal Justice Schools

This is a temporary amendment to extend the five year certification period for criminal justice schools whose certification expires in the calendar year 2006. There are approximately 50 schools whose certification will expire this year. The Standards Division staff is unable to complete site visits and audits of all 50 schools by the end of the year. The additional time granted to the schools would not exceed two years. Upon recertification, a school would be given a new five year expiration date, thereby eliminating the issue of 50 schools expiring in the same year.

- Chairman Wallace reported that the results of the reading comprehension study conducted by Dr. Edith Lang indicated that a minimum reading level of tenth grade should be required for entry into BLET. The Committee recommended to the Commission that it adopt a tenth grade reading standard for admission into BLET. This recommendation is in pursuant of Goal #1 of the Commission's System Plan. The Committee also believes that a minimum reading requirement will be a step toward Goal #2, improving the criminal justice profession through improved professional development, retention and recruitment. The proposed standard is: (1) A candidate must take a reading test prior to BLET admission; (2) The minimum standard for admission into BLET should be the tenth grade reading level; (3) Candidates testing below the tenth grade reading level would not be admitted to BLET; and, (4) A reading improvement program should be developed, in cooperation with the community colleges and others, to help candidates raise their reading levels to meet the BLET admission standard. He related that the actual implementation would become the responsibility of the Commission's Education and Training Committee. The Commission voted unanimously to adopt a tenth grade reading comprehension requirement for entry into Basic Law Enforcement Training.

February 16, 2007

- At the February 16, 2007 meeting, Chairman Poarch of the Education and Training Committee noted that Jim McDougle presented four new speed measurement instrument rules that were written in response to the prior approval of four new SMI courses. Mr. McDougle further noted that a number of existing rules needed minor amendments to simplify language and to update references to the new courses. The Commission unanimously approved a motion to grant rule-making authority in this matter to the Planning and Standards Committee.
- Next, Chairman Poarch reported that Captain Mitch Kuykendall of the North Carolina Wildlife Resource Commission appeared before the Committee to explain that wildlife officers are no longer tasked with radiological monitoring duties as a part of the State Emergency Response Team. Captain Kuykendall requested that the existing eight (8) hour block of instruction on radiological monitoring in the basic wildlife training curriculum be replaced with an eight (8) hour block of instruction on rapid deployment training. The Commission unanimously approved a motion to grant rule-making authority in this matter to the Planning and Standards Committee
- Chairman Poarch noted that Ms. Susan McLean presented a request from the Joint In-service Training Subcommittee to allow FEMA Incident Command Instructors to be qualified to deliver NIMS/ICS training so that the training can count towards yearly departmental topics of choice. The NIMS/ICS curriculum is developed based upon instructional system design principals and students are tested. The Commission unanimously approved a motion to grant rule-making authority in this matter to the Planning and Standards Committee
- Chairman Poarch related that Commissioner Ricky Lee described circumstances surrounding the request for reaccreditation by Gaston College in Dallas, North Carolina. Commissioner Lee summarized a number of violations the School Accreditation Committee determined to be of significant concern. Examples of those violations include: (1) various equipment and training aid deficiencies; (2) training vehicle deficiencies; (3)

noncompliance in the delivery of several BLET blocks of instruction; and, (4) file maintenance deficiencies that include incomplete documentation including student and instructor evaluations. These deficiencies were documented by Commission staff as a result of the school's request for accreditation renewal. Chairman Poarch reported that staff from Gaston College, including President Patricia Skinner and Dr. Karen Less, presented the committee with information describing how the college was responding to the accreditation audit, including steps the college has taken to bring its training program into compliance. The Commission unanimously approved a motion to allow Gaston College to be reaccredited contingent upon a satisfactory inspection prior to March 1, 2007.

- Chairman Poarch noted that Commissioner Moss reported on the January 16, 2007, meeting of the Reading Comprehension Subcommittee. Commissioner Moss chaired this meeting of the subcommittee in the absence of Commissioner Ruth, the Committee Chair. Also, Commissioner Moss reported that the Committee had selected the Test for Adult Basic Education (TABE) instrument to be used in reading comprehension testing. The Committee also addressed other implementation issues and will be recommending that a set of Frequently Asked Questions be developed by staff to smooth the transition to the new standard. Commissioner Moss indicated that formal motions concerning the Committee's work would be introduced at the May 2007 Commission meeting.
- Chairman Wallace reported that the Planning and Standards Committee met on Thursday, February 15 and held a rule-making hearing. The Commission unanimously approved a motion to adopt the following proposed rule amendments under Title 12, Chapter 9 of the North Carolina Administrative Code:
 1. 12 NCAC 09A .0206 (a)(3), (d) Summary Suspension
Grants the Probable Cause Committee authority to issue a summary suspension of certification to a criminal justice officer who tests positive on a urinalysis test. Clarifies that the Criminal Justice Standards Division Director is responsible for notifying the affected officer and members of the Probable Cause Committee 48 hours in advance of meetings where summary suspensions are to be considered.
 2. 12 NCAC 9B .0202 (b)(7) Responsibilities of the School Director
Changes the requirements for school directors to evaluate instructors from once during each course delivery to once during each three year certification period in each topic taught by the instructor.
 3. 12 NCAC 09B .0303 (b)(1-2), (c)(1) Terms and Conditions of General Instructor Certification
Changes the number of hours probationary instructors are required to teach from 8 to 12. Eliminates the requirement to submit an Instructor Evaluation Form for instructor certification renewal. Adds the requirement to submit a Renewal of Instructor and Professional Lecturer Certification Form for instructor certification renewal.
 4. 12 NCAC 09B .0305 (3)(A) Terms and Conditions of Specialized Instructor Certification
Eliminates the requirement to submit an Instructor Evaluation Form for instructor certification renewal. Adds the requirement to submit a Renewal of Instructor and Professional Lecturer Certification Form for instructor certification renewal.

May 18, 2007

- At the May 18, 2006 meeting, Executive Committee Chairman Caldwell introduced Mr. Frank Perry with the North Carolina State Ethics Commission to give a training session on ethics. Mr. Perry presented the Five Part Law outlining the North Carolina General Statute Chapter 138A and 120C. In this presentation he discussed: Article 1 - addresses General Provisions/Definitions; Article 2 - Role of the State Ethics Commission - Advisory Opinions, Complaints and Inquiries, Education and Application of the law, (Board chairs are required to read a conflict of interest reminder at the beginning of meetings §138A-15(e) and Ethics Liaisons 9138-14(e)); Article 3 - Disclosure of Economic Interests, Statement of Economic Interest,

Filing Deadlines - (Must file by March 15, 2007), (A potentially covered person required to file SEI (proposed for appointment, employment, or candidate for election after 1/1/07) "shall not be appointed, employed, or receive a certificate of election" prior to the receipt and evaluation of their SEI from the Ethics Commission. (Exception: provisional appointment); Article 4 - Ethical Standards for Covered Persons, Gift Prohibitions and Exceptions; and, Article 5 - Violation Consequences, Disciplinary action, Misfeasance, malfeasance, nonfeasance, Termination from employment. - Gifts - What is and is not a gift? A gift is anything of monetary value given or received without valuable consideration by or from a lobbyist, lobbyist principal, or a person described under G. S. 138A-32(d)(1), (2), or (3). For what a gift is not, see G. S. 138A- 3(15)(a-e). Self-interest and Public-interest. Mr. Perry reiterated that each Commissioner must file a Statement of Economic Interest by March 15, 2007.

- Chairman Caldwell reported that the Executive Committee met on May 17, 2007 at the North Carolina Department of Correction Office of Staff Development and Training facility in Apex. He related that staff had discussed the necessity for a new job task analysis which will be used to revise the BLET curriculum. He reported that the Governor's Crime Commission has graciously approved a grant to pay for the job task analysis. He reported that the job task analysis will begin this summer and hopefully be completed by mid-year 2008.
- Chairman Caldwell related that BLET school directors are having a difficult time in obtaining military criminal records of BLET applicants. He stated that it often takes months for the military to respond to a records request, and as a result, the staff had prepared a draft policy for consideration by the Committee which would address these issues. He further reported that the Committee decided to allow the staff to seek input from current School Directors regarding the policy and to report back to the Committee with a final recommendation.
- Vice-Chairman Moss of the Education and Training Committee related that Pam Pope reported that the BLET Revision Committee recommended that pilot authority be given to the Charlotte-Mecklenburg Police Academy to utilize problem-based learning methodology in the delivery of "Patrol Techniques" and "Techniques of Traffic Law Enforcement." All current objectives and course content will be covered. The Committee approved this request.
- Vice-Chairman Moss related that he directed the Committee's attention to the current version of House Bill 1625, the "Eyewitness identification Reform Act." This proposal is similar in many respects to the eyewitness' identification procedures now taught in Basic Law Enforcement Training, with a few exceptions: (1) Independent Administrator; (2) Alternative method for identification if independent administrator is not available; (3) Only one suspect shall be included in a lineup; (4) Eyewitness shall not be provided any information concerning the person before the lineup administrator obtains the eyewitness's confidence statement; (5) Video recording of live identification; and, (6) Standardized witness instructions required. He reported that currently the bill places training responsibilities regarding the Act on the Education and Training Committee of the Commission. The Committee asked staff to monitor and track the progress of this bill due to an effective date of December 1, 2007.
- Vice-Chairman Moss related that Ms. Pope reported that the BLET pilots involving Blackboard were completed and that no further piloting with Blackboard is currently planned, as the initial pilots yielded mixed results. Ms. Pope also reported that piloting and revision work continues on the First Responder block of instruction and that the BLET Course Management Guide will soon be finalized, published and disseminated in August to the School Directors at their annual conference.
- Vice-Chairman Bill Post reported that the Planning and Standards Committee met on May 17th at the Apex Facility and held a rule-making hearing. The Commission unanimously approved a motion to adopt the following proposed rule amendments under Title 12, Chapter 9 of the North Carolina Administrative Code:

Permanent Amendments to Current Rules

1. 12 NCAC 09B.0211 (d) Time-Distance Instructor Training Course
Grammatical corrections, and changed “accredited” to “certified.”
2. 12 NCAC 9B .0215 (b)(1), (e) Supplemental SMI Training
Removed cost of training manual and added rules references for new courses.
3. 12 NCAC 09B .0218 (b) Re-Certification Training for Radar Instructors
Changed “re-training” to “re-certification” and “accredited” to “certified.”
4. 12 NCAC 09B .0219 (b),(e) Re-Certification Training for Time-Distance Instructors
Changed “re-training” to “re-certification” and “accredited” to “certified.”
5. 12 NCAC 09B .0220 (c), (d) Re-Certification Course for Radar Operators
Changed “re-training” to “re-certification” and “accredited” to “certified.”
6. 12 NCAC 09B .0221 (c) Re-Certification Course for Radar/Time-Distance Operators
Changed “re-training” to “re-certification” and “accredited” to “certified.”
7. 12 NCAC 09B .0222 (c), (d) Re-Certification Course for Time-Distance Operators
Changed “re-training” to “re-certification” and “accredited” to “certified.”
8. 12 NCAC 9B .0237 (c), (d) Lidar Instructor Training Course
Removed cost of training manual, and added requirement that applicants for course must be fully qualified general instructors, not probationary instructors.
9. 12 NCAC 09B .0238 (c) Certification Training for Lidar Operators
Removed cost of training manual.
10. 12 NCAC 09B .0239 (d) Re-Certification Training for Lidar Instructors
Removed cost of training manual.
11. 12 NCAC 9B .0240 (c), (e) Re-Certification Training Course for Lidar Operators
Removed cost of training manual. Revised description of prerequisite courses, and added rules references for new courses.
12. 12 NCAC 09B .0310 (a)(3) Terms and Conditions – SMI Instructors
Added rules references for new courses.
13. 12 NCAC 09B .0408 (a), (d) Comprehensive Written Examination – Basic SMI Certification
Added rules references for new courses.
14. 12 NCAC 09B .0409 (a)(2,4),(b), (c)(2), (d) Satisfaction of Training – SMI Operators
Added rules references for new courses.
15. 12 NCAC 09B .0416 (a)(1) Satisfaction of Minimum Training – SMI Instructor
Added rules references for new courses.
16. 12 NCAC 09C .0308 (a), (b)(1) Speed Measurement Instrument (SMI) Operators Certification Program
Added rules references for new SMI courses and revised the description of the three types of speed measurement instrument certification.

17. 12 NCAC 09C .0601 (2) (4) Approved Speed-Measuring Instruments
Removed cost of training manual.
18. 12 NCAC 09C .0608 Speed Measuring Instrument Operating Procedures
Removed cost of training manual.

Adoption of New Rules

1. 12 NCAC 9B .0242 Certification Training for Radar/Lidar Operators
Outlines requirements for Radar/Lidar Operator course.
2. 12 NCAC 9B .0243 Re-Certification Training Course for Radar/Lidar Operators
Outlines requirements for Radar/Lidar Operator re-certification course.
3. 12 NCAC 9B .0244 Certification Training for Radar/Time-Distance/Lidar Operators
Outlines requirements for Radar/Time-Distance/Lidar Operator course.
4. 12 NCAC 9B .0245 Re-Certification Training Course for Radar/Time-Distance/Lidar Operators
Outlines requirements for Radar/Time-Distance/Lidar Operator re-certification course.

August 24, 2007

- At the August 24, 2007 meeting, the Commission unanimously re-elected John Glenn to serve as the Chairman of the Commission.
- Executive Committee Chairman Caldwell reported that Director Woodard had updated the Committee on the status of the BLET Task Analysis Project. He reminded the members that although funds were not in the Commission's budget for this project, the staff had been successful in obtaining funds from the Governor's Crime Commission. He also stated that the staff, with the assistance of the DOJ purchasing office, had completed the process to secure bids for a consultant to conduct the analysis phase of the project. A recommendation to select a consultant has now been made to the State Purchase & Contract Office and a contract will be awarded once approval is received.
- Chairman Caldwell next reported that Director Woodard and Deputy Director McLean, along with other staff members and legal counsel, had met with Department of Correction (DOC) Personnel Director Ron Gillespie and other members of his staff in an effort to assist DOC with their hiring process. He stated that DOC has reported a 34% turnover rate in correctional officers and the meeting was to consider ways to streamline the hiring and certification process. Some of the issues discussed included: how to screen applicants concerning domestic violence convictions, what types of records should be required regarding criminal records for applicants and possibly allowing a one year probationary period for applicants to comply with certification requirements, similar to procedures the Sheriffs' Standards Commission follows. In addition, the two staffs agreed to seek revisions to various DOC rules to address some of these concerns as well as requirements regarding drug screening tests.
- Chairman Caldwell also reported on what he called a "success story" involving the North Carolina Justice Academy. The North Carolina General Assembly appropriated funds for a new firing range at the Western Justice Academy in Edneyville. Mr. Caldwell stated this was a result of collaborative efforts on the part of various persons. The hard work of Academy Director Peggy Schaefer and the Attorney General's staff, to include Legislative Liaison Greg McLeod, made a difference in securing the funds. In addition, the sheriffs and police chiefs in the state voiced their support to members of the General Assembly, which assisted in this endeavor. Mr. Caldwell also stated that the Academy Director was working with Blue Ridge Community College in seeking a location where they may partner to build an outdoor range for the Academy and an indoor range for Blue Ridge.

- Chairman Moss of the Education and Training Committee stated that Ms. Susan McLean reported to the Education and Training Committee that House Bill 1231/House Resolution 218 (HR218) “National Concealed Carry Handgun” was ratified on August 1, 2007. This bill authorizes the Commission to develop standards associated with the retired law enforcement officer firearms qualification program. Chairman Moss reported that the Education and Training Committee had directed him to appoint a representative to work with staff, along with a representative appointed by the North Carolina Sheriffs’ Commission, to study this matter and report back to the Committee at the November 2007 meeting. Chairman Moss stated that he appointed Commissioner Terry Jones as representative for the Commission. Commissioner Caldwell reported that the Executive Committee had approved the establishment of a reasonable fee for retired law enforcement officers wishing to participate in the program outlined in HR 218. The Commission voted unanimously to approve a reasonable fee for the program.
- Chairman Moss stated that Ms. McLean also updated the Committee concerning ongoing work associated with the upcoming BLET Job Task Analysis Project. Ms. McLean advised that a Request for Proposals had been issued and several had been received. She stated the proposals were currently being evaluated and hopefully a final selection would be made within the next month.
- Chairman Wallace reported that the Planning and Standards Committee discussed options for conducting the next recruitment and retention survey. It was decided to administer the survey via the internet with a program called Survey Monkey. By using an online survey, the time necessary for compilation of the data and subsequent statistical analysis would be greatly reduced.
- Chairman Wallace stated that the Committee also discussed the idea of creating a law enforcement recruiting page on the Justice Academy’s website. Currently, the Justice Academy has a web page where some law enforcement jobs are listed. The Committee would like to see this page expanded with more information about careers in law enforcement. Ms. Peggy Schaefer, Director of the Justice Academy, has expressed her willingness to work with the Committee on this idea.

November 16, 2007

- At the November 16, 2007 meeting, Executive Committee Chairman Caldwell reported that last year Attorney General Roy Cooper recommended that funds be allocated for additional staff positions within the Training and Standards Division. The Attorney General compiled a package that included a total of seven (7) new positions for the Criminal Justice Training and Standards Division, Sheriffs’ Training and Standards Division, and the Justice Academy. This proposal was included in the Department of Justice budget sent to the Governor’s office, but was not included in the budget approved by the Governor. Chairman Caldwell advised that the Executive Committee was fully aware of the increased burden that the Commission had placed on staff in recent years. The Executive Committee has joined with the Sheriffs’ Commission and called upon the Attorney General to include adequate staff increases for each section in next year’s budget proposal.
- Chairman Caldwell noted that staff had reported on the BLET Task Analysis Project. He stated that staff along with the assistance of the Department of Justice purchasing office had completed the process for bids to hire a consultant for the project. Mr. Val Lubans was selected as the consultant. He also conducted the last task analysis for the Commission in 1993. Mr. Lubans and staff will survey officers with less than five years experience and first line supervisors to determine essential entry-level job tasks. The list of entry-level tasks will then be compared with the course objectives in the BLET curriculum to determine whether any units of instruction should be revised.
- Chairman Caldwell noted that the Executive Committee had been assigned Goal #7 of the System Plan. He read aloud the goal which was to continue to develop strategies to promote input to the Commission from the criminal justice system and the general public. Chairman Caldwell related that the Executive Committee had been cognizant of this assignment and both staff and others have been working diligently to accomplish

this task.

- Chairman Caldwell reported that a particular entity was taking the Commission's Personal History Statement (Form F-3) and posting it on their corporate internet site. He stated that some agencies were requesting that job applicants go to this site and complete the form. He explained that the Executive Committee had concerns that the form was not identical to the Commission form because some of the wording had been changed. Chairman Caldwell stressed that this form was not our Commission approved form. He stated that the Executive Committee approved, and asked that the Commission vote, that only the official Commission approved forms may be used for Commission business. Similar forms prepared by other identities may not be substituted for official issued forms. Each agency must be notified that only the Commission form is to be used. The MOTION carried unanimously.
- Chairman Caldwell noted that Peggy Schaefer had reported that the justice academy anticipates having their on-line training system operational by March 1, 2008. They have applied for a grant from the Governor's Crime Commission for funds to develop anti-gang training. They are developing a new course on leadership training for line officers and other officers in the agency. He explained that this training was not only for the agency heads but for other officers as well.
- In closing, Chairman Caldwell stated that Ms. Schaefer reported that \$1.9 million dollars had been approved by the Legislature for a new firing range at the western campus in Edneyville. The Justice Academy is working on building a Listserv of communities on the computer so they can send out more training notices to chiefs, sheriffs and other agency heads concerning training. Ms. Schaefer also mentioned that the Justice Academy has applied for national accreditation through the Commission on Accreditation of Law Enforcement Agencies (CALEA) and if approved, will receive accreditation in March, 2008. The Justice Academy will be the first training academy in North Carolina to receive accreditation. CALEA staff will conduct a site visit at the Justice Academy in January.
- Chairman Moss of the Education and Training Committee noted that in 2004, Congress passed the Law Enforcement Safety Act which was called House Resolution 218. In the most recent session of the Legislature, House Bill 1231 called "Retired Law Enforcement Officers Firearm Certification Program," was passed and signed by the Governor. This statute allows North Carolina to comply with House Resolution 218. Commissioner Terry Jones, representing the Education and Training Standards Commission, Sheriff Rodney Midgett, representing the Sheriffs Education and Training Standards Commission, and others worked with the Department of Justice staff and school directors from across the state to implement House Bill 1231.

The subcommittee discussed with staff the training and standards issues related to implementing this certificate program. The Committee recommends that Commission certified firearms instructors and existing Commission firearms training materials be used for this purpose. The Standards Division will prepare the application and other information materials for this program. The Education and Training Committee approved the recommendation.

- Chairman Moss related that Bob Yow reported that the BLET Revision Committee had recommended, based upon successful pilots, to reduce the hours for the First Responder block of instruction from 40 hours to 32 hours, using a new instructional outline which has been developed in place of the existing approved textbook that is currently being used. The BLET Revision Committee also recommended that the current rules be revised to allow previously certified EMTs to teach the lesson plan. The rule currently requires that instructors must have a current EMT certification in order to teach the First Responder block in BLET.
- Chairman Moss stated that House Bill 1625 will be effective March 1, 2008, which directs the Commission to approve alternative methods when an independent administrator is not available to conduct a photo line-up. Representatives from the Sheriffs' Commission and Criminal Justice Commission staff will work together to identify acceptable alternatives and report back at the February meeting.

- Next, Chairman Moss recounted that Commissioner Lee reported that the School Accreditation Committee recommended accreditation renewal for a period of five years for McDowell Technical Community College, Marion, North Carolina and the North Carolina State Highway Patrol, Raleigh, North Carolina
- Chairman Wallace reported that the Planning and Standards Committee met and held a rule-making hearing. At the August 19, 1994 meeting, the Commission unanimously approved a motion to adopt the following proposed rule amendments under Title 12, Chapter 9 of the North Carolina Administrative Code:
 1. 12 NCAC 09B .0228(b)(34) Basic Training - Wildlife Enforcement Officers
Wildlife officers are no longer tasked with radiological monitoring duties as part of the State's Emergency Response Team. The eight-hour block of instruction on Radiological Monitoring Duties has been replaced with an eight-hour block of instruction on Rapid Deployment Training.
 2. 12 NCAC 9C .0401 (h) Certification of Criminal Justice Schools
This rule concerns certification of schools at law enforcement agencies and community colleges. Each school is certified for a five year period. A school must have current certification in order to offer criminal justice courses. There are approximately 50 schools whose certification will expire in a one year period. Due to staff vacancies and lack of funds, the current staff is unable to complete site visits and audits of all 50 schools by the end of the one year period. The Commission wants to grant the remaining schools an extension on the certification period until such time as the Standards Division staff can catch up. This additional time would not exceed two years. This change was made as a temporary amendment earlier this year. It is now requested that it become a permanent amendment.
 3. 12 NCAC 09E .0102 Required Annual In-Service Training Topics and 12 NCAC 9E .0105 Minimum Training Specifications:
Annual In-Service Training Topics - The Commission has changed the required topics for Annual In-Service Training for law enforcement officers. The following topics have been removed: Legal Update: Case Law; Domestic Violence; Juvenile Minority Sensitivity: What's Hot/What's Not; Ethics: On Duty or Off duty; and Interacting with Special Populations. The following have been added: Legal Update; Career Survival: Truth or Consequences; Juvenile Minority Sensitivity Training; Effects of Juvenile Bullying; and Response to Critical Incidents. The total number of annual in-service training hours remains twenty-four (24).
 4. 12 NCAC 09E .0104(1) Instructors: Annual In-Service Training
Added requirement that instructors teaching Incident Command System for NIMS (National Incident Management System) compliance must be qualified through FEMA as Incident Command Instructors.
 5. 12 NCAC 09B .0415 (c)(5-7) Corrections Specialized Instructor Training – Firearms
Changed the word "revolver" to "handgun" to more accurately reflect the type of weapons training being conducted.
- Chairman Wallace recounted that the Committee also discussed the development of a recruitment web site linked to the Department of Justice and the Justice Academy's web sites. Ms. Teresa Marrella is currently updating the web site for the Standards Division. He stated that Ms. Schaefer fully supports the development of a recruiting page on the Justice Academy's web site, and that some links are currently available to assist law enforcement applicants.
- Chairman Wallace reported that the Committee completed a final review of the new Recruitment and Retention Survey. This survey was approved and will be distributed in late January or February via Survey Monkey. This software enables staff to send the survey out electronically.
- Chairperson Bunting of the Probable Cause Committee explained that staff, along with legal counsel, had

composed a policy to give direction to the Director and Commission staff on the probable cause process. This Criminal Justice Probable Cause Policy is for applicants and certified officers. The Commission unanimously approved adoption of the policy.

February 22, 2008

- At the February 22, 2008 meeting, Chairman Caldwell reported that the Executive Committee met on February 21, 2008, in Apex at the Department of Correction Office of Staff Development and Training. He noted that Director Wayne Woodard had informed the Committee that Deputy Director Susan McLean had tendered her resignation to accept a position in Washington, D.C.
- MOTION was made by Commissioner Caldwell on behalf of the Executive Committee, that the Commission: (1) adopt the proposed policy formally establishing the circumstances in which the Commission will issue a Resolution in Memoriam honoring a criminal justice officer who has been killed in the line of duty; and (2) for Resolutions in Memoriam that are issued in the future, issue two copies, one for the family of the deceased officer and one for the agency who employed the officer; The MOTION carried unanimously.
- Chairman Caldwell noted that the Executive Committee received an update on the development of the new records database for the Criminal Justice Commission and the Sheriffs' Commission. He stated that this database is critical for staff to serve effectively for the state of North Carolina. He noted that the current database was using social security numbers as identifiers. MOTION was made by Commissioner Caldwell on behalf of the Executive Committee that the Commission encourages the Department of Justice to ensure that the upgraded and unified records databases for the Criminal Justice Commission and the Sheriffs' Commission are implemented as planned by October 1, 2008 to effectively protect social security numbers and other sensitive information against the potential for identity theft and to streamline the certification process. The MOTION carried unanimously.
- Ms. Peggy Schaefer, Director of the NC Justice Academy, noted that the Academy's course for new (and aspiring) Chiefs of Police should be available in June. She noted that an open house will be held to showcase their plans for the new Firearms Range at the Western Campus of the Justice Academy in Edneyville, February 25, 2008. Everyone is invited to attend.
- Ms. Schaefer reported that the Academy was preparing for the graduation of the first class of students in the Crime Scene Investigator certificate program, which includes 176 hours of instruction in four courses.
- Chairman Moss noted that Bob Yow reported that the January 2008 BLET Revision Committee recommended to increase the "Patrol Techniques" block of instruction by six hours and the "Juvenile Law" block of instruction by two hours. These eight hours, in effect, are being reallocated from the reduction of the "First Responder" block of instruction from 40 to 32 hours. MOTION was made by Commissioner Moss that the Commission authorize the Planning and Standards Committee to conduct a rule-making hearing to amend 12 NCAC 09B .0205(b)(1)(D) - Juvenile Laws and Procedures to increase the block of instruction from 8 hours to 10 hours as well as 12 NCAC 09B .0205(b)(2)(F) - Patrol Techniques to increase the block of instruction from 20 hours to 26 hours." The MOTION carried unanimously.
- Chairman Moss noted that the Commission was to develop an alternative method of administration of lineups when an independent administrator is not available. He explained that he had reported to the Education and Training Committee that a subcommittee studying alternatives that could be used when an independent administrator is not available pursuant to the Eye Witness Identification Reform Act of 2007 met on February 5, 2008 in Salemburg. The subcommittee was represented by the Sheriffs' Commission and our Commission. The subcommittee discussed various alternatives and recommended that the "folder system" be used in instances where an independent administrator is not available. Chairman Moss explained that the folder system has been used in agencies across the country, is simple to learn, and costs very little to accomplish. The folder system will be described and included in BLET starting in July 2008.

The Justice Academy will also have guidelines available after the Commission acts. MOTION was made by Commissioner Moss that pursuant to House Bill 1625, the Eyewitness Identification Reform Act, that the Commission recommends that the “folder system,” as described by the North Carolina Justice Academy, be approved as an alternative when no independent administrator is available to administer a lineup”; and further, that additional alternatives and their practice are considered by the Basic Law Enforcement Training Revision Committee. The MOTION carried unanimously.

- Next, Chairman Moss reported to the Education and Training Committee that a subcommittee studying in-service training for police chiefs and police executives met on January 14, 2008. Chairman Moss reported that the subcommittee members were: Commissioners Terry Jones and Robin Pendergraft, Chief Tom Younce with N.C. State University Public Safety Department, representing the North Carolina Chiefs of Police, Commission staff and staff of the North Carolina Justice Academy. He stated after considerable discussion, it was determined that representatives from the North Carolina Association of Chiefs of Police and the North Carolina Police Executives Association will appear before the May 2008 meeting of the Education and Training Committee to request pilot authority in-service training credits to be given at the 2008 summer and 2009 winter conferences. The proposal is to seek in-service credit for only the eight hours of departmental choice, and will cover any officer that attends the training.
- Chairman Wallace of the Planning and Standards Committee stated that Valerie Coffey and Bryan Miller with the North Carolina Justice Academy presented a proposal for a Law Enforcement Recruitment Video. He stated that the Committee will receive updates on the video as development progresses.

May 30, 2008

- At the May 30, 2008 meeting, Chairman Commissioner Caldwell related that the Deputy Director’s position in the Criminal Justice Standards Division was in the process of being filled. He announced that the position would be posted in the next few weeks after its approval by the Department of Justice Human Resources staff.
- Chairman Caldwell related that Director Wayne Woodard reported that the BLET Job Task Analysis data collection has been completed. He noted that there is a Joint Committee of the Criminal Justice Commission and the Sheriffs’ Commission that will meet to review the data and make final recommendations to both Commissions in the near future.
- Chairman Caldwell related that Director Peggy Schaefer reported that construction on the firearms range at the Western Campus in Edneyville would begin in January 2009 and be completed in 2010.
- Ms. Schaefer reported that the Academy received accreditation from the Commission on Accreditation for Law Enforcement Agencies (CALEA). Chairman Caldwell stated that this was a nationwide honor and applauded the academy staff.
- Chairman Moss of the Education and Training Committee related that Commissioner Ricky Lee reported that the School Accreditation Committee had reviewed a request for General Instructor Training School Accreditation from Tri-County Community College in Murphy, North Carolina. Commissioner Lee further reported that the following institutions have been reviewed for reaccreditation for the upcoming five years: (1) Forsyth Technical Community College; (2) Haywood Community College; (3) Nash Community College; (4) North Carolina Justice Academy, Salemburg and Edneyville Campus; (5) Randolph Community College; and, (6) Wake County Sheriff’s Office. Based upon these recommendations by the School Accreditation Committee, the Education and Training Committee approved these requests.
- Next, Chairman Moss related that Commissioner Robin Pendergraft proposed a pilot project to grant four (4) hours of in-service training (Department Topic of Choice) to chiefs and police executives who attend a course entitled, “From Temptation to Prison - A Case Study.” This course will be offered at the North Carolina Police Executives Conference in July 2008. The Committee approved the request.

- Next, Chairman Moss recounted that Mr. Chris Anderson with the North Carolina Justice Academy reported that the Specialized Explosives and Hazardous Materials Advisory Committee is suggesting revisions to the requirements to teach this subject matter in BLET. These suggestions will culminate in rule revisions that would require new instructors to complete a Specialized Explosive and Hazardous Materials Instructor Certification program offered by the Justice Academy. These suggestions also include intermittent training for instructors currently approved to teach in this subject area. Mr. Anderson asked the Committee for authorization to develop and implement a pilot Specialized Explosives and Hazardous Materials Instructor Training program. The Education and Training Committee approved this request. Chairman Moss stated that this program may be ready for piloting in early 2009.
- Chairman Wallace of the Planning and Standards Committee reported that Director Wayne Woodard presented additional information to the Committee concerning the Retired Law Enforcement Officer Firearms Qualification Certification Program. Chairman Wallace stated that at the last Committee meeting, members of the Committee had several questions regarding the program. Two questions of interest were: (1) Why does the proposal require retired officers to qualify with each handgun to be carried concealed? The answer is that the Federal Law specifies that the retired officers must meet the same state standards for firearms training and qualification as active law enforcement officers. (2) Why were the fees proposed at \$50.00 for initial qualification and \$25.00 per year for renewal? The answer is that the North Carolina Law specifies that the Commission may charge reasonable fees for a new program. Chairman Wallace explained that the revenue generated by the program would help to offset the cost of managing the program.
- Chairman Wallace continued discussion of issues concerning recruitment and retention of criminal justice officers. He noted that Ms. Teresa Marrella had presented the preliminary results for the 2008 recruitment and retention survey. Ms. Marrella reported that 91 responses to the survey were returned to the Commission. Chairman Wallace stated that Ms. Marrella noted that agencies had indicated that of the officers who resigned, 40% did so during the first three years of employment. By contrast, results from the 2002 survey indicated that officers who resigned did so after an average of five years of employment.

August 29, 2008

- At the August 13, 2004 meeting, the Commission unanimously re-elected John Glenn to serve as the Chairman of the Commission.
- Director Woodard presented an appreciation plaque on behalf of the Commission and staff to Bill DuBois, Eastern Field Representative who is leaving the division. Mr. Woodard stated that Mr. DuBois worked with the Criminal Justice Division for eight (8) years. He reported that Mr. DuBois decided to return full-time to law enforcement. He stressed that he would be missed.
- Chairman Moss of the Education and Training Committee stated that Mr. Mark Dearry reported that the first phase of the BLET Job Task Analysis had been completed by the consultant. The consultant recommended that some objectives be rewritten, added or deleted. The Sheriffs' Commission approved the consultant's report with some modifications. The Committee approved the consultant's recommendations and agreed to establish a joint subcommittee to address the possibility of including high speed pursuit training in BLET. The Committee also voted to request the consultant to validate scenario-based exam questions for the new state certification exam.
- Chairman Wallace reported that the Planning and Standards Committee conducted a rule-making hearing. He reported they discussed five (5) new proposed rules for the Retired Law Enforcement Officer Firearms Qualification Certification Program. Mr. John Aldridge from the Attorney General's Office and Mr. Steve Johnson, retired firearms instructor with the North Carolina Justice Academy were present to answer any questions from the public. These proposed rules will be presented and voted on at the next Commission meeting in November.

Proposed Adoption of New Rules

In order to comply with federal legislation passed by Congress in 2005, which allows qualified retired law enforcement officers to carry concealed firearms nationwide, the North Carolina General Assembly ratified House Bill 1231 on August 1, 2007. The bill was signed into law on August 27, 2007 and became effective on December 1, 2007.

Sub-Chapter 09H, Qualified Retired Law Enforcement Officers, Section .0100, Firearms Qualification Certification Program, outlines the requirements that qualified retired law enforcement officers must meet in order to carry concealed handguns.

1. 12 NCAC 09H .0101 Purpose
Outlines the purpose of the Qualified Retired Law Enforcement Officers' Firearms Qualification Certification Program.
2. 12 NCAC 09H .0102 Minimum Training Specifications
Outlines minimum training specifications for participants in the program.
3. 12 NCAC 09H .0103 Instructors
Outlines the responsibilities of instructors for the program.
4. 12 NCAC 09H.0104 Sanctions
Sanctions for violation of the rules of the program.
5. 12 NCAC 09H .0105 Filing and Fees
Outlines required forms and fees for the program.

Proposed Amendments of Existing Rules

12 NCAC 09B .0301 Certification of Instructors

Adds failure to deliver training to qualified retired law enforcement officers in the manner specified in 12 NCAC 9H and knowingly and willfully aiding a qualified retired law enforcement officer to obtain certification by means of fraud, as reasons for suspending or revoking certification of a firearms instructor.

- Chairman Wallace stated that Ms. Teresa Marrella presented a proposed amendment to the Implementation Manual for Medical Screening Guidelines for the Certification of Criminal Justice Officers. This manual is a combined effort of the Sheriffs' Standards Division and the Criminal Justice Division staff who met with representatives from local law enforcement agencies, sheriffs' offices, and medical personnel. He reported that the Planning and Standards Committee needed more time to review the proposed amendments.
- Chairman Wallace related that Ms. Marrella reported on the recruitment and retention survey and stated that a final report would be presented to the full Commission at the next meeting. Chairman Wallace also reported that a subcommittee was created to summarize the information that the Committee compiled over the past several years regarding recruitment and retention. The subcommittee will present a summary of the information to the Commission as well as criminal justice professionals across the state.

November 21, 2008

- At the November 21 meeting, Director Wayne Woodard introduced Pam Pope as the new Deputy Director for the Criminal Justice Standards Commission. Director Woodard stated that in her previous job Ms. Pope was a training manager for the North Carolina Justice Academy where she was responsible for the development of the annual in-service training program for police officers and deputy sheriffs. Director Woodard explained that Ms. Pope was very familiar with the operations of both Commissions and on behalf

of the Commission, he welcomed her.

- Director Woodard stated that the eastern field representative position had been advertised, that interviews would be scheduled soon. He stated that staff was currently working on the new BLET certification exam. He reported that Ms. Lucy Zastrow was assisting staff with this project. Director Woodard explained that several new buildings would be undergoing construction near the Old Education Building for the next three years. He stated that the Department of Justice is considering moving the Criminal Justice Standards and Sheriffs' Standards Division to another building to accommodate the increasing space needed by the attorneys.
- Motion was made by Chairman Caldwell on behalf of the Executive Committee that Criminal Justice Agencies shall be allowed to submit Commission mandated forms if they are identical in appearance and contents of the most recent version of the forms adopted by the Commission. The motion was carried unanimously.
- Chairman Moss of the Education and Training Committee explained that he had reminded the Committee of the Commission's action to require that BLET applicants read at the 10th grade level. Legal counsel has advised that this standard is acceptable as long as multiple reading assessment options are available to School Directors in meeting this standard. After much discussion, the Committee decided to form a subcommittee chaired by Commissioner McPherson to study the variety of reading test instruments so that the Education and Training Committee may make a recommendation to the full Commission in February concerning how to exercise the standard.
- Chairman Moss noted that Chief Tom Younce appeared before the Committee on behalf of the North Carolina Association of Chiefs of Police. Chief Younce requested authority to grant "departmental choice" in-service training credits to participants of the Association's 2009 winter conference. The request for pilot status concerns exceptions to current rules requiring that presenters be certified as instructors by the North Carolina Criminal Justice Education and Training Standards Commission and that an ISD model lesson plan accompany the training. The Committee considered and approved this request with the requirement that registration for the training be conducted by the Justice Academy. The Chiefs Association must also adhere to the requirements developed by the subcommittee of the Education and Training Committee in 2008.
- The Accreditation Committee authorized reaccreditation for Richmond Community College in Hamlet and Sandhills Community College in Pinehurst. Based on these site visits, the Accreditation Committee recommended reaccreditation of each facility for a period of five years. The Committee concurred with this recommendation.
- Next, Chairman Moss related that Mr. Chris Anderson from the North Carolina Justice Academy appeared before the Education and Training Committee to explain the proposed Explosives and Hazardous Materials Specialized Instructor curriculum. The Advisory Committee chaired by Mr. Anderson recommended that the course deliver more than 71 contact hours covering ten days. The course will cover explosives as well as hazardous materials subject matter. The Committee approved the draft curriculum and a request to pilot the new course as the first step in formally establishing this as a new specialized instructor training program.
- Vice-Chairman Bill Post reported that the Planning and Standards Committee met on November 20, 2008 at the Apex facility. He stated that the Committee approved proposed changes to the Medical Implementation Manual, Medical History Statement, [Form F-1(LE)] and Medical Examination Report [Form F-2(LE)]. He also explained that two administrative rules needed to be amended to include physicians' assistants and nurse practitioners as qualified medical professionals authorized to conduct physical examinations of applicants. The proposed amendments are to 12 NCAC 09B .0101 - Minimum Standards for Criminal Justice Officers and 12 NCAC 09B .0104 - Medical Examination.
- Vice-Chairman Post reported that the Planning and Standards Committee held a rule-making hearing to

consider the following proposed amendments to existing rules, which were approved unanimously:

Proposed Amendments to Existing Rules

1. 12 NCAC 09A .0107 Rule-Making and Administrative Hearing Procedures

Outlines procedures for requesting a rule-making hearing and procedures for administrative hearings.

Amendment: Changes the time in which an applicant for certification, or certified officer, may request a contested case hearing from the date of receipt of a notice of proposed action by the Commission from 60 days to 30 days, in accordance with G.S. 17C-11(b).

2. 12 NCAC 09A .0204 Suspension: Revocation: or Denial of Certification

This rule outlines the reasons an applicant may be denied certification or a current officer's certification may be suspended or revoked.

Amendment: Updated to include the following as a basis for suspension, revocation, or denial of law enforcement certification: Refusals to submit to in-service drug screens through an officer's certifying agency; denial, suspension, or revocation of certification by other state or federal agencies whose function is the same or similar to Criminal Justice Standards, Sheriffs' Standards or the NC Company/Campus Police Program; and convictions under the Lautenberg Amendment which would permanently prohibit possession of firearms or ammunition.

3. 12 NCAC 09B .0111 Minimum Standards For Law Enforcement Officers

This rule outlines the minimum standards for certification as a law enforcement officer.

Amendment: Updated to include convictions under the Lautenberg Amendment, which would permanently prohibit possession of firearms or ammunition, as a reason to prohibit certification of law enforcement officers.

4. 12 NCAC 09B .0202 Responsibilities of the School Director

This rule outlines the responsibilities of a school director when planning, developing, coordinating, and delivering a Commission-certified criminal justice training course.

Amendment: Removed the first reference to the number of hours in General Instructor school as that requirement is spelled out later in the rule. Added requirement that school directors must notify all Basic Law Enforcement Training instructors that they must comply with the instructions in the Course Management Guide. Added requirement that any instructor teaching in a criminal justice class must be currently certified as an instructor by the Commission. Removed the following statement as it is an internal policy and not a rule issue: "The Director of the Standards Division shall review the submitted Pre-Delivery Report together with all attachments and notify the School Director of any apparent deficiency."

5. 12 NCAC 09B .0205 Basic Law Enforcement Training

This rule outlines the hours for each block of instruction included in the BLET course.

Amendment: Reduced the hours of the First Responder block of instruction from 40 to 32, increased the hours of the Patrol Techniques block of instruction from 20 to 26, and increased the hours of the Juvenile Laws & Procedures block of instruction from 8 to 10. Total hours for the Basic Law Enforcement Training course remain 618.

6. 12 NCAC 09B .0304 Specialized Instructor Certification

This rule outlines the requirements to become a specialized instructor for a variety of courses.

Amendment: Revised one of the requirements to become a First Responder Specialized Instructor. Currently, First Responder instructors are required to have a current Emergency Medical Technician certification. This has been changed to a current or previous EMT certification.

7. 12 NCAC 09B .0502 Terms and Conditions of School Director Certification

This rule outlines the length of school director certification and what conditions must be met in order to maintain the certification.

Amendment: Added a statement that school directors must comply with the current Course Management Guide and with the current Basic Law Enforcement Training Instructor Notebook.

8. 12 NCAC 09C .0306 Lateral Transfer of Law Enforcement Officers

This rule outlines the conditions under which an officer may transfer employment from one law enforcement agency to another.

Amendment: Clarified that an officer must have General Certification with the Criminal Justice Commission or the Sheriffs' Standards Commission in order to be eligible for a lateral transfer to another law enforcement agency.

9. 12 NCAC 09C .0310 Agency Reporting of Drug Screening Results

This rule outlines the conditions under which a law enforcement agency must report drug screening results to the Criminal Justice Standards Division.

Amendment: Added a requirement that positive results from a drug screen, or an officer's refusal to take a drug screen, must be reported in writing to the Criminal Justice Standards Division within thirty days of the positive result or the refusal.

10. 12 NCAC 09E .0102 Required Annual In-Service Training Topics

11. 12 NCAC 09E .0105 Minimum Training Specifications: Annual In-Service Training

These rules list the required topics, along with training specifications, for the annual in-service training program for law enforcement officers.

Amendment: These rules are updated annually, as the training topics are changed each year. The number of hours required for training each year remains at 24.

12. 12 NCAC 09G .0102 Definitions

This rule contains definitions relating to administration of certified positions and training for sworn personnel of the Department of Correction that fall under the authority of the Criminal Justice Commission.

Amendment: Minor wording changes to the list of misdemeanors. Added, as a disqualifier to certification, any convictions under the Lautenberg Act, since those convictions permanently prohibit a person from possessing a firearm or ammunition.

13. 12 NCAC 09G .0205 Physical and Mental Standards

This rule outlines the physical and mental standards required of every person employed as a correctional officer, probation/parole officer, or probation/parole officer-intermediate by the North Carolina Department of Correction.

Amendment: Clarified the requirement that the physical examination required of an applicant for a correctional officer, probation/parole officer, or probation/parole officer-intermediate position with the Department of Correction must be conducted within one year of the date of hire.

14. 12 NCAC 09G .0206 Moral Character

This rule outlines the moral character standards required of every person employed as a correctional officer, probation/parole officer, or probation/parole officer-intermediate by the North Carolina Department of Correction.

Amendment: Deleted the requirement that an applicant not have any felony convictions within the ten year period prior to hire and replaced with the requirement that an applicant, or current employee, can not have been convicted of an offense which would prohibit the possession of firearms and ammunition. Added statement that a refusal to take, or a positive result from, an in-service drug screen can be used as lack of good moral character.

15. 12 NCAC 09G .0504 Suspension: Revocation: Or Denial Of Certification

This rule outlines the reasons for which the Commission may revoke, suspend, or deny certification of a correctional officer, probation/parole officer, or probation/parole officer-intermediate.

Amendment: Added statement that a refusal to take, or a positive result from, an in-service drug screen can be used as grounds to suspend, revoke, or deny certification. Added statement that if certification has been denied, suspended, or revoked by the Criminal Justice Commission, Sheriffs' Standards Commission, or a similar North Carolina, out-of-state, or federal approving, certifying, or licensing agency whose function is the same or similar to the Criminal Justice Commission, that can be used as a basis for denial, suspension, or revocation under Criminal Justice Standards.

Proposed Adoption of New Rules

In order to comply with federal legislation passed by Congress in 2005, which allows qualified retired law enforcement officers to carry concealed firearms nationwide, the North Carolina General Assembly ratified House Bill 1231 on August 1, 2007. The bill was signed into law on August 27, 2007 and became effective on December 1, 2007.

The North Carolina Criminal Justice Education and Training Standards Commission was tasked with the development and implementation of a statewide program to "establish standards and guidelines for the annual firearms certification of qualified retired law enforcement officers." As a result, the Commission is requesting the adoption of a new Sub-Chapter of the North Carolina Administrative Code, Title 12, Chapter 9.

Sub-Chapter 09H, Qualified Retired Law Enforcement Officers, Section .0100, Firearms Qualification Certification Program, outlines the requirements that qualified retired law enforcement officers must meet in order to carry concealed handguns.

1. 12 NCAC 09H .0101 Purpose

Outlines the purpose of the Qualified Retired Law Enforcement Officers' Firearms Qualification Certification Program.

2. 12 NCAC 09H .0102 Minimum Training Specifications

Outlines minimum training specifications for participants in the program.

3. 12 NCAC 09H .0103 Instructors

Outlines the responsibilities of instructors for the program.

4. 12 NCAC 09H.0104 Sanctions

Sanctions for violation of the rules of the program.

5. 12 NCAC 09H .0105 Filing and Fees

Outlines procedures for certification application and accompanying fees.

February 20, 2009

- At the February 20 meeting, Chairman Glenn announced that Robert “Bob” Lewis had been named the state’s new Director of the Division of Prisons. He stated that Commissioner Lewis would be in charge of 79 prisons that confine 40,000 inmates. Chairman Glenn stated that Correction Secretary Al Keller appointed Commissioner Lewis to the post effective March 1, 2009.
- Next, Chairman Glenn asked for a moment of silence for former Commissioner Dave Williams, who recently passed away. He stated that Mr. Williams was a former Chairman of the Education and Training Committee as well as the Standards Committee.
- Chairman Caldwell reported that a proposal was presented to the Executive Committee on behalf of Attorney General Roy Cooper by Mr. Greg McLeod, Legislative Liaison and Mr. Nels Roseland, Deputy Chief of Staff and Chief Financial Officer of the Department of Justice. Mr. Roseland stated that the Department of Justice was facing the possibility of a 7% decrease in the budget for the next year. To compensate for the loss of funds, the Attorney General has proposed initiating a new \$2.00 court fee to support the operations and meet the staffing requirements of the Criminal Justice Education and Training Standards Commission and the Sheriffs’ Education and Training Standards Commission.
- Mr. Caldwell next asked Director Wayne Woodard to give an update on the Criminal Justice Standards Division. Wayne Woodard stated that a new Processing Assistant position had been added to the Criminal Justice Standards staff. The Department of Justice Management had reassigned the position, which was vacant, from another agency within the Department. Sheriffs Standards Division also received a new Processing Assistant position. He related that Jenny Little handles the law enforcement certification and local confinement and Kim Pulley handles the correction, probation/parole and juvenile justice officer files. Mr. Woodard reported that the Standards Division has one clerical assistant to support these programs. He explained that Ms. Little and Ms. Pulley process approximately 10,000 plus certifications a year. He noted that the new position would be assigned to the Criminal Justice Standards certification section.
- Mr. Woodard stated that former Commission member/retired Captain Alex Setzer with the New Bern Police Department has recently filled the Eastern Field Services position. He related that Mr. Setzer was very familiar with the operations of the section. Also, Mr. Woodard reported that there was a vacant processing assistant position for the Company/Campus Police program. He stated that this position has been posted and hopefully will be filled soon.
- Peggy Schaefer stated that the Justice Academy has a new online Learning Management System. She stated that this has been launched to a small subset of officers across the state. Ms. Schaefer stated that the officers have completed a block of instruction on domestic violence for in-service training. However, there are some issues which must be resolved before the system is expanded to include more officers. Ms. Schaefer stated that the Western Campus in Edneyville is building a new Firearms Range. She noted that the academy is looking at additional funding for an indoor range. Ms. Schaefer stated that Donnie Parks joined her staff and they have launched a new police chief’s course. She noted that feedback from course participants was very positive. She stated that the academy delivered more than 182 different Commission courses in 2008. Ms. Schaefer reported that the academy trained more than 2,200 students, sold more than 18,000 Commission notebooks, DVDs and videos and sold more than 12,000 Sheriffs’ Commission items from the bookstore in 2008.
- Next, Chairman Moss of the Education and Training Committee stated that Chief Tom Younce with the N. C. State University Police Department, representing the North Carolina Association of Chiefs of Police, reported that the 2009 Chiefs’ Winter Conference successfully piloted 4 hours of agency choice in-service training using trainers from Georgia not certified as instructors by the Commission.
- Chairman Moss noted that Commissioner Tracy McPherson reported that a special subcommittee had met to

continue dialogue with Commission legal counsel regarding concerns on using the TABE instrument as the sole reading comprehension instrument for assessing reading competency. He stated that in November 2006, the Commission adopted a tenth (10th) grade reading standard. The subcommittee is pursuing various options in an attempt to move ahead on this measure.

- Next, Chairman Moss stated that on behalf of the Joint Driving Subcommittee, Commissioners Terry Jones, Tracy McPherson and himself had met to consider the possibility of offering high speed pursuit training in BLET as a result of the recent BLET Task Analysis. The subcommittee considered a number of options and ultimately requested that the Standards Division staff consult with legal counsel to determine if any action must be taken. Chairman Moss advised that a number of community college representatives currently provide sufficient training for officers.
- Chairman Moss stated that the Education and Training Committee appointed a subcommittee chaired by Commissioner Wrenn Johnson to determine the definition of “acceptable instruction.” There are some concerns as to what type of instruction may be used for recertification. He noted that Commissioners Johnson and Terry Jones will serve on a subcommittee to review and determine what criteria should be used for counting instructional training hours for recertification. One concern was if the time a firearms instructor spends on the range as safety officer should count as instruction hours.
- Chairman Kevin Wallace of the Planning and Standards Committee stated that Vice-Chairman Bill Post is chairing a subcommittee on recruitment and retention. He said the subcommittee met to review the goals of the project and gave assignments to members of the subcommittee. One assignment was to identify departments of various sizes that have been successful in recruitment and retention. Four different surveys have been forward to these departments. The first survey targets officers recently hired. The second survey targets officers who have been with the agency from three to five years. The third survey targets what agency policies are in place to assist with retention and the forth survey is specifically for personnel in charge of hiring. Chairman Wallace stated that Commissioner Tom Thornburg drafted a summary for the recruitment and retention report. The Committee plans to create a “white paper” to include best practices for recruitment and retention. The Committee will present this information at a later date.
- Next, Chairman Wallace stated that Teresa Marrella reported that the new Department of Justice website was in progress. She advised that the website will offer information concerning: (1) officer certification and BLET requirements; and (2) links Justice Academy BLET webpage and the North Carolina Justice Academy’s job bank. Hopefully, the website will go live in a couple of months.

May 29, 2009

At the May 29 meeting, Mr. Wayne Woodard reported that the Criminal Justice Standards Division had begun using the new database. He explained development of the new database had been a three-year project. He stated that there were some bugs in the database and that Department of Justice IT staff was working to eliminate those. Also, he stated that the new website for the Department of Justice was now online and that it was much more user friendly than the old website.

- Ms. Schaefer stated that the Western Campus in Edneyville would hopefully open the new Firearms Range in 2010.