

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

MINUTES

DATE: February 15, 2019

TIME: 9:00 A.M.

LOCATION: Wake Technical Community College - Public Safety Education Campus
Raleigh, North Carolina

SUBMITTED BY: Steven G. Combs
Director

MEMBERS PRESENT

Chief Chris Blue
Captain Marianne Bond
Sergeant Randy Byrd
Mr. Eddie Caldwell
Ms. Leslie Cooley-Dismukes
Mr. David Dail
Mr. Richard Epley
Ms. Stephanie Freeman
Ms. Jane Gilchrist
Chief Robert Hassell
Chief Tim Hayworth
Mr. Andrew Hendry
Chief Bill Hollingsed
Deputy Chief Brian James
Ms. Teresa Jardon
Mr. Steve Johnson
Mayor Bobby Kilgore
Colonel Glenn McNeill
Ms. Tracy McPherson
Mr. Kenneth Mullen
Chief Ron Parrish
Mr. Trey Robison
Sergeant David Rose
Director Bob Schurmeier
Mr. Michael Slagle
Mr. Jeff Welty
Ms. Angela Williams

MEMBERS ABSENT

Ms. Tasha Jones Butts
Chief Cerelyn Davis
Captain Lee Farnsworth
Mr. Brent Herron
Chief Tim Ledford
Chief Jeff McCracken
Mr. Nathan Mizell

I. CALL TO ORDER

Commission Chairman Bill Hollingsed called the meeting to order. Ms. Donna Byrd, Clerk to the Commission, administered the Oath of Office to Major Shane Manual, who represents the North Carolina State Highway Patrol. Chairman Hollingsed read the Ethics Responsibility into the minutes. He declared that a quorum was present and welcomed all visitors to the Commission meeting.

Commission Chairman Hollingsed welcomed Mr. Seth Dearmin, Chief of Staff and Mr. Bradford Sneed, Legislative Liaison to Attorney General Josh Stein. He welcomed Ms. Diane Konopka, Director of the Sheriffs' Standards Division and Deputy Director Sirena Jones. He welcomed former Commissioner Charles Johnson, Assistant Superintendent with Polk Correctional Institute.

Commission Chairman Hollingsed personally thanked Ms. Joleigh Kelley and Mr. Jon Gregory for hosting the Commission at the Wake Technical Community College Public Safety Education Campus.

**II. AWARDING OF ADVANCED CERTIFICATES
[Agenda Memorandum No. 01-19]**

Commission Chairman Hollingsed reported that staff had evaluated the applications of all one hundred and thirty-four (134) candidates. There were one hundred and eight (108) candidates for the Advanced Law Enforcement Certificate and twenty-six (26) candidates for the Advanced Criminal Justice Certificate. He noted that each of these applicants had met the requirements to receive the Advanced Certificate and the Advanced Certificate pin.

MOTION was made by Commissioner Robert Hassell that the Commission award the Advanced Law Enforcement Certificate or Advanced Criminal Justice Certificate to each named individual. The MOTION was seconded by Commissioner Ron Parrish and carried unanimously.

The following individuals were present to personally receive their Advanced Law Enforcement or Advanced Criminal Justice Certificates:

Mary K. Ritchey	Belmont Police Department Presented by Commissioner Hollingsed
Brian F. Miller	Charlotte-Mecklenburg Police Department Presented by Commissioner Hollingsed
Ryan A. Sasser	Coats Police Department Presented by Commissioner Hollingsed
Thomas McClellan	Marshville Police Department Presented by Commissioner Hollingsed
Lori Strickland	Morrisville Police Department Presented by Commissioner Hollingsed
John D. White	North Carolina State Bureau of Investigation Presented by Commissioner Bob Schurmeier
Dennis P. Tafoya	North Carolina State Highway Patrol Presented by Colonel Glenn McNeill
Paul M. Stevens, III	North Carolina State Highway Patrol Presented by Colonel Glenn McNeill
Gregory A. Lunsford	North Carolina State Highway Patrol Presented by Colonel Glenn McNeill
David B. Kellaway	North Carolina State Highway Patrol Presented by Colonel Glenn McNeill
Scottie Chavis	North Carolina State Highway Patrol Presented by Colonel Glenn McNeill
Yancey J. McDowell	Spring Lake Police Department Presented by Commissioner Hollingsed
Dysoaneik E. Spellman	Spring Lake Police Department Presented by Commissioner Hollingsed

Thomas Boyd	NCDPS/Division of Adult Correction Presented by Commissioners Michael Slagle, Teresa Jardon and Stephanie Freeman
Felicia T. Clark	NCDPS/Division of Adult Correction Presented by Commissioners Slagle, Jardon and Freeman
Eddie Denny	NCDPS/Division of Adult Correction Presented by Commissioners Slagle, Jardon and Freeman
Nakisha M. Faust	NCDPS/Division of Adult Correction Presented by Commissioners Slagle, Jardon and Freeman
Marshal Griffin	NCDPS/Division of Adult Correction Presented by Commissioners Slagle, Jardon and Freeman
Herachio M. Haywood	NCDPS/Division of Adult Correction Presented by Commissioners Slagle, Jardon and Freeman
Franklin Holloway	NCDPS/Division of Adult Correction Presented by Commissioners Slagle, Jardon and Freeman
James H. Nichols, Jr.	NCDPS/Division of Adult Correction Presented by Commissioners Slagle, Jardon and Freeman
Ralph Prince	NCDPS/Division of Adult Correction Presented by Commissioners Slagle, Jardon and Freeman
Sharayna Silver	NCDPS/Division of Adult Correction Presented by Commissioners Slagle, Jardon and Freeman
Onie S. Whitley	NCDPS/Division of Adult Correction Presented by Commissioners Slagle, Jardon and Freeman
Titirah West-Brown	NCDPS/Division of Adult Correction Presented by Commissioners Slagle, Jardon and Freeman
Jimmy D. Butler	Wake County ABC Law Enforcement Presented by Commissioner Hollingsed
Jerry O'Brine Branham, III	Granite Falls Police Department Presented by Commissioner Hollingsed
Richard Scott Gilliland	Granite Falls Police Department Presented by Commissioner Hollingsed
Steven Randall Dover	Hamlet Police Department Presented by Commissioner Hollingsed

III. **MINUTES OF NOVEMBER 30, 2018 MEETING**

Chairman Hollingsed entertained a motion to approve the minutes of the previous Commission meeting.

MOTION was made by Commissioner Hassell that the Commission approve the minutes of the November 30, 2018 meeting as mailed. The MOTION was seconded by Commissioner Jeff Welty and carried unanimously.

VI. STANDING COMMITTEE REPORTS**A. Executive Committee - Chairman Eddie Caldwell**

Chairman Caldwell stated that the Executive Committee discussed a number of issues in which there is a motion that Director Steven Combs would be presenting in his report.

Director Combs reported that legal counsel, Ms. Whitney Belich had added language to the Commission By-Laws concerning advisory groups. He proposed the amended Commission By-Laws for a motion.

MOTION was made by Commissioner Caldwell that the Commission adopt the amended language concerning Advisory Groups to be added to the Commission By-Laws (Part II, B. 5.); seconded by Commissioner Andrew Hendry. The MOTION carried.

Next, Director Combs stated in his report that the Division has received Giglio letters for quite some time and asked the Commission for guidance. Questions were raised as to who would obtain the Giglio letters.

MOTION was made by Commissioner Caldwell that the Commission (1) ask the District Attorneys to forward the Giglio letters to Criminal Justice Standards Division; (2) Upon receipt of the letter, Criminal Justice Standards Division will analyze and investigate the Giglio letter received in the same manner as all other information received; and (3) any disclosure in the Giglio letter will be handled in compliance with state law as any other documents in the officer's file; seconded by Commissioner Steve Johnson. The MOTION carried.

Chairman Caldwell asked Director Trevor Allen to give an update on the Justice Academy. A copy of his written report is attached.

B. Education and Training Committee – Chairperson Stephanie Freeman

Chairperson Freeman reported that the Education and Training Committee met on Wednesday, February 13, 2019 at Wake Technical Community College, Raleigh, North Carolina.

Chairperson Freeman reported that on behalf of the Criminal Justice Standards Division, Director Combs presented a request that his Division had received regarding rule 12 NCAC 09B .0205 to allow any accredited delivery agency (community college, municipal and state agency) to voluntarily remove the Sheriff-Specific Unit (Unit 6) from the Basic Law Enforcement Training course. The Sheriff Specific Unit consists of the following topics: (A) Civil Process (24 hours); (B) Sheriffs' Responsibilities – Detention Duties (4 hours) and (C) Sheriffs' Responsibilities – Court Duties (6 hours) Unit total: 34 hours. She explained that this issue had been discussed and the Division heard from those in the field that municipal and state agencies are not responsible for duties that fall under the Sheriffs' Specific Unit. Chairperson Freeman reported that the Committee tabled this request and directed staff to report back to the Committee in May with language that addresses the expressed needs, to include input from Criminal Justice agencies, Sheriffs' and Community College members.

Chairperson Freeman reported that on behalf of Commission Legal Staff, Marie Evitt proposed the development of an In-Service Manual. This manual would be incorporated by reference via administrative rule 12 NCAC 09E .0105 and include the annual in-service topics approved each year, therefore, eliminating the need to go through the rule making/revision process each year as is currently required. This will provide more flexibility and speed up the annual approval process. The intent of the text included in the proposal is to clearly reference the manual where each year's topics will be identified section (a) and also to clearly indicate how agencies may go about using other, non NCJA developed courses to obtain Annual In-Service credit section (b). The Committee approved this request.

Chairperson Freeman made a motion that the Commission authorize the Planning and Standards Committee to conduct a rule making hearing to amend the rule 12 NCAC 09E .0105 – Minimum Training Specifications: Annual In-Service Training - Language in paragraph "a" shall be modified to

read as follows: "All sworn law enforcement officers shall complete a minimum of 24 in-service training credits. Specific topics are identified in the Annual In-Service Training Manual, as published by the North Carolina Department of Justice, incorporated herein by reference, and shall include any later amendments and editions of the incorporated material as provided by G.S. 150B-21.6. Language in paragraph "b" shall be modified to read as follows: "It is possible for a training topic other than the specific topics identified in the Annual In-Service Training Manual to qualify for credit towards officers' Annual In-Service Training requirement. A Department Head may choose any topic, provided the lesson plan is written in Instructional Systems Design Format and is taught by an Instructor who is certified by the Commission. Topics delivered pursuant to Rule .0104(1) of this Section to satisfy this requirement shall not be required to be written in Instructional Systems Design format or delivered by an instructor certified by the Commission." The Motion carried.

Chairperson Freeman reported that on behalf of the Criminal Justice Standards Division, Deputy Director Michelle Schilling requested rule changes regarding Terms and Conditions of Specialized Instructor Certification, to incorporate language regarding the function of the position of Qualified Assistant. Chairperson Freeman made a motion that the Commission authorize the Planning and Standards Committee to conduct a rule making hearing to amend the rules 12 NCAC 09B .0305 – Terms and Conditions of Specialized Instructor Certification and 12 NCAC 09G .0311 – Terms and Conditions of Specialized Instructor Certification as follows: Remove the extra "C" in the spelling of Certification in the title of Rule 12 NCAC 09B .0305. Modify the language in paragraph (d)(2)(B) of each rule to include "Qualified Assistant." The Motion carried.

Chairperson Freeman made a motion that the Commission authorize the Planning and Standards Committee to conduct a rule making hearing to adopt 12 NCAC 09B .0504 – Certification of Qualified Assistant, shall be adopted to read as follows: "(a) if the accredited institution or agency assigns additional responsibilities to the certified School Director during the planning, development, and implementation or an accredited basic recruit training course, a Qualified Assistant shall be designated to assist the School Director in the administration of the course. To be eligible to serve as a Qualified Assistant, an applicant shall: (1) be selected by the School Director; (2) have four years of practical experience as a criminal justice officer or as an administrator or specialist in a field directly related to the criminal justice system; (3) be certified as a General Instructor, pursuant to 12 NCAC 09B .0302, if certified as a Qualified Assistant for a Criminal Justice Instructor Training Course; (4) if serving as a Qualified Assistant for an Instructor Training Course, must complete an Instructor Training Orientation Course as offered by the North Carolina Justice Academy; (5) have completed an orientation course conducted by Standards Division staff and (6) participate in the annual training conducted by Commission staff." "(b) Any person(s) designated by a School Director to act as, or who performs the duties of, a Qualified Assistant in the delivery or presentation of a Commission-mandated training course shall have on file confirmation from the Commission acknowledging designation as Qualified Assistant prior to acting in an official capacity as a Qualified Assistant." "(c) The School Director shall submit to the Criminal Justice Standards Division the Qualified Assistant Application Form F-10(QA). The Qualified Assistant Application form is located on the agency's website at no cost: <http://ncdoj.gov/About-DOJ/Law-Enforcement-Training-and-Standards/Criminal-Justice-Education-and-Training-Standards/Forms-and-Publications.aspx>. The Qualified Assistant Application Form includes the following information: (A) accredited school name and contact information; (B) applicant's name and contact information; (C) applicant's instructor certification number; and (D) School Director's name and signature." (d) The School Director shall ensure that the person(s) selected meet(s) the requirement set forth in Paragraphs (a) and (b) of this Rule. (e) When directed by the School Director, the Qualified Assistant will assist in the planning, developing, coordinating, and delivering of Commission-mandated training courses as outlined in 12 NCAC 09B .0202.

Chairperson Freeman reported that 12 NCAC 09B .0505 Terms and Conditions of Qualified Assistant Certification, shall be adopted to read as follows: "(a) The term of certification as a Qualified Assistant is three years from the date the Commission issues the certification, unless earlier terminated by action of the Commission. The application for renewal shall include documentation meeting the requirements of Rule 12 NCAC 09B .0504(a) and (b) of this Section. (b) The Commission may deny, suspend or revoke the certification as a Qualified Assistant when the Commission finds that the person has failed to meet or continually maintain any of the requirements for qualification or through performance fails to comply with program rules and procedures of the Commission or otherwise demonstrates incompetence. (c) Prior to the Commission's action denying, suspending, or revoking

a Qualified Assistant's certification, the Standards Division may notify the person that a deficiency appears to exist and may attempt, in an advisory capacity, to assist the person in correcting the deficiency. (d) The Commission shall deny, suspend or revoke the certification of a Qualified Assistant when they have found the person has engaged in any conduct outlined in 12 NCAC 09B .0301 (e) and (f).

Chairperson Freeman reported that 12 NCAC 09G .0417 – Certification of Qualified Assistant, shall be adopted to read as follows: "(a) if the accredited institution or agency assigns additional responsibilities to the certified School Director during the planning, development and implementation of an accredited basic recruit training course, a Qualified Assistant shall be designated to assist the School Director in the administration of the course. To be eligible to serve as a Qualified Assistant, an applicant shall: (1) be selected by the School Director; (2) have four years of practical experience as a criminal justice officer or as an administrator or specialist in a field directly related to the criminal justice system; (3) be certified as a General Instructor, pursuant to 12 NCAC 09G .0308, if certified as a Qualified Assistant for an Instructor Training Course; (4) if serving as a Qualified Assistant for an Instructor Training Course, must complete an Instructor Training Orientation Course as offered by the North Carolina Justice Academy; (5) have completed an orientation course conducted by Standards Division staff; and (6) participate in the annual training conducted by Commission staff. (b) Any person(s) designated by a School Director to act as, or who performs the duties of, a Qualified Assistant in the delivery or presentation of a Commission-mandated training course shall have on file confirmation from the Commission acknowledging designation as Qualified Assistant prior to acting in an official capacity as a Qualified Assistant. (c) The School Director shall submit to the Criminal Justice Standards Division the Qualified Assistant Application Form F-10(QA). The Qualified Assistant Application Form is located on the agency's website at no cost <http://ncdoj.gov/About-DOJ/Law-Enforcement-Training-and-Standards/Criminal-Justice-Education-and-Training-Standards/Forms-and-Publications.aspx>. The Qualified Assistant Application Form includes the following information: (A) accredited school name and contact information; (B) applicant's name and contact information; (C) applicant's instructor certification number; and (D) School Director's name and signature. (d) The School Director shall ensure that the person(s) selected meet(s) the requirement set forth in Paragraphs (a) and (b) of this Rule. (e) When directed by the School Director, the Qualified Assistant will assist in the planning, developing, coordinating, and delivering of Commission-mandated training courses as outlined in 12 NCAC 09G .0408.

Chairperson Freeman reported that 12 NCAC 09G .0418 – Terms and Conditions of Qualified Assistant Certification, shall be adopted to read as follows: "(a) The term of certification as Qualified Assistant is three years from the date the Commission issues the certification, unless earlier terminated by action of the Commission. The application for renewal shall include documentation meeting the requirements of Rule 12 NCAC 09G .0417(a) and (b) of this Section. (b) The Commission may deny, suspend, or revoke certification as a Qualified Assistant when the Commission finds that the person has failed to meet or continually maintain any of the requirements for qualification or through performance fails to comply with program rules and procedures of the Commission or otherwise demonstrates incompetence. (c) Prior to the Commission's action denying, suspending, or revoking a Qualified Assistant's certification, the Standards Division may notify the person that a deficiency appears to exist and may attempt, in an advisory capacity, to assist the person in correcting the deficiency. (d) The Commission shall deny, suspend or revoke the certification of a Qualified Assistant when they have found the person has engaged in any conduct outlined in 12 NCAC 09G .0307. The Motion carried.

Next, Chairperson Freeman made a motion that the Commission authorize the Planning and Standards Committee to conduct a rule making hearing to amend Rule 12 NCAC 09B .0305 – Terms and Conditions of Specialized Instructor Certification as follows: Language in paragraph "(d)(2)(A)" shall be modified to read as follows: "a favorable written recommendation from a School Director or In-Service Training Coordinator completed on a Commission Renewal of Instructor and Professional Lecturer Certification Form (Form F-12A) that the instructor taught at least 12 hours in each of the topics for which Specialized Instructor Certification was granted. The teaching shall have been provided in a Commission-accredited basic training, Specialized Instructor Training course, pursuant to 12 NCAC 09C .0401, Commission-recognized in-service training course, or training course delivered pursuant to 12 NCAC 09F .0101; 12 NCAC 09H .0101; 12 NCAC 10B .0601; .1302 or .2005." The Motion carried.

Chairperson Freeman reported that on behalf of the Joint In-Service Training Committee, Bill DuBois, North Carolina Justice Academy presented the recommended training objectives for the 2020 law enforcement in-service training topics. The Education and Training Committee approved this request.

Chairperson Freeman reported that on behalf of the SMI Advisory Committee, Terry Miller, North Carolina Justice Academy, requested approval of revisions to the SMI Instructor Manuals. Language was added in the "orientation" block to the "successful course completion requirements" section of Radar, Time-Distance and Lidar Instructor Training Course manuals. The language identifies that a candidate student attending a basic SMI Instructor Training course, who fails to successfully complete the course shall not have their existing operator certification terminated as a result of the failure. The Committee approved this request.

Chairperson Freeman reported that Deputy Director Schilling requested accreditation for Caldwell Community College BLET & SMI, Lenoir Community College – BLET; Wayne Community College – BLET, GI, SMI; Western Piedmont Community College – BLET, GI, SMI; Wilkes Community College – BLET, GI, SMI; Carteret Community College – BLET & SMI; Central Piedmont Community College – BLET, GI, SMI; Charlotte-Mecklenburg Police Department – BLET; Durham County Sheriff's Office – BLET and Halifax Community College – BLET, GI and SMI. The Committee approved this request.

Chairperson Freeman reported that on behalf of the North Carolina Department of Public Safety – Office of Staff Development and Training, Felicia Banks requested approval for pilot authority for 12 NCAC 09B .0235 – Juvenile Court Counselors and Chief Court Counselors Basic Training Curriculum: 12 NCAC 09B .0236 – Juvenile Justice Officers Basic Training Curriculum – Firearms Training Curriculum. The Committee approved the request.

Ms. Banks requested approval for major revisions to the following programs and lesson plans: 12 NCAC 09G .0411 – Correctional Officer Basic Training Curriculum – Basic Life Support – New Lesson Plan – 8 hours; Basic Life Support: CPR – Deleted Lesson Plan; Basic Life Support: First Aid – Deleted Lesson Plan and 12 NCAC 09G .0412 – Probation and Parole Officers Basic Training Curriculum – Basic Life Support – New Lesson Plan - 8 hours; Basic Life Support CPR – Deleted Lesson Plan and Basic Life Support First Aid – Deleted Lesson Plan. The Committee approved this request.

C. Planning and Standards Committee – Chairman Jeff Welty

Chairman Welty reported that the Planning and Standards Committee met on Wednesday, February 13, 2019 at Wake Technical Community College Public Safety Center.

Chairman Welty reported that the minutes of the November meeting were approved as written.

Chairman Welty reported that a rule making hearing was conducted on 13 rule revisions, voting to move 11 rule revisions forward to the full Commission and take no action on two rule revisions. He recommended approval for Rule 12 NCAC 09A .0107 - Rule-Making and Administrative Hearing Procedures. This proposed rule change separates into different rule provisions regarding (1) information that may be submitted with proposals for rule changes and (2) provisions regarding processing of contested cases. Rule 12 NCAC 09A .0207 – Administrative Hearing Procedures – this rule separates into different rule provisions regarding (1) information that may be submitted with proposals for rule changes and (2) provisions regarding processing of contested cases. 12 NCAC 09B .0301 – Certification of Instructors – Current law provides that when an instructor loses his or her primary certification – for example, the Fire Rescue Commission – he or she also loses their law enforcement instructor certification. The proposed rule change expands the provision so that it applies to instructors certified by the company/campus police program or any "similar" North Carolina or out-of-state entity. It also requires an instructor who loses his or her primary certification to notify the Commission within five (5) days rather than 30 days as current law requires. Rule 12 NCAC 09B .0302 – General Instructor Certification – would allow out-of-state instructors who completed equivalent instructor training courses to become certified instructors in North Carolina upon passing the Commission examination. The Committee did not object to the change in principle but voted

unanimously to take no action at this time, and to ask staff to propose a revision that (1) addresses what it means for an out-of-state instructor training course to be “equivalent” and how equivalency will be determined; (2) recommends whether to retain the language in the rule about “an international model with applications in education, military training and private enterprise,” and (3) imposes a requirement that out-of-state instructors seek instructor certification within 60 days of passing the Commission’s written examination. Rule 12 NCAC 09B .0303 – Terms and Conditions of General Instructor Certification would allow the Director of the Standards Division, “for just cause”, to extend up to one year the one year period for probationary instructors to teach 8 hours. Rule 12 NCAC 09B .0503 Suspension: Revocation: or Denial of Certification change would require suspension, revocation or denial of a School Director’s certification when the School Director violates the rules applicable to instructors, e.g., by failing to remain competent or by failing to deliver instruction appropriately. Chairman Welty asked that the Commission approve adding “(e) and (f)” to the reference to Rule 12 NCAC 09B .0301. Rule 12 NCAC 09C .0307 – Agency Retention of Records of Certification would require agencies to keep additional records related to officers’ certification, for the period required by the applicable records retention schedules. Rule 12 NCAC 09E .0105 – Minimum Training Specifications: Annual In-Service Training rule change would specify in-service training topics for 2020. Rule 12 NCAC 09F .0102 – Topical Areas would modify the rule regarding concealed carry instructors so that it focuses on what instructors must do rather than on what students must do, because the Commission regulates instructors, not students. The consensus was to take no action; however, in conjunction with the Education and Training Committee to determine (1) whether subsections (8) and (9) of the rule should also be revised to focus on the instructor’s obligations rather than the students’, and (2) whether Rule 12 NCAC 09F .0105 should be revised so that the examination of students includes an ability to demonstrate or perform the skills taught by the instructor pursuant to 12 NCAC 09F .0102. Rule 12 NCAC 09F .0105 – Instructor Responsibilities would allow concealed carry instructors to transfer unused completion certificates to other instructors with the approval of the Director of the Standards Division. The Committee asked staff to review the possibility of requiring instructors to submit to the Commission upon completion of a course, a list of certificate numbers issued to students, possibly including the students’ identities, and to consider related confidentiality concerns. Rule 12 NCAC 09G .0306 – Retention of Records of Certification would require agencies to keep additional records related to officers’ certification, for the period required by the applicable records retention schedules. Rule 12 NCAC 09G .0307 Certification of Instructors would require (1) instructors refrain from having “intimate relationships” with basic training students; (2) change the good moral character rule to closely track the law enforcement rule; and (3) provide that when an instructor loses his or her primary certification, his or her instructor certification, including instructors certified by a variety of in and out-of-state entities. The change would also require an instructor who is suspended or revoked their certification is to notify the Commission within five (5) days. 12 NCAC 09G .0407 – Suspension: Revocation: or Denial/School Director Certification would require suspension, revocation, or denial of a School Director’s certification when the School Director violates the rules-applicable to instructors. The Committee asked to add “(e) and (f)” to reference Rule 12 NCAC 09G .0307.

Chairman Welty reported that there are proposed rules forward to the Planning & Standards Committee to consider whether to ask the Commission to seek rule making authority and prompt a public hearing and comments, and eventually the rules will be returned to the full Commission. The Committee agreed to move forward on three (3) rules. The first rule is 12 NCAC 09B .0301 – Certification of Instructors would add a provision that instructors refrain from having “intimate relationships” with BLET students. He explained that discussion was received from the Executive Committee to consider adding provisions that would address pre-existing relationships, such as adding an exception or relationships that are disclosed to the School Director prior to the start of a school. Chairman Welty made a motion to grant rule making authority to the Planning and Standards Committee to amend Rule 12 NCAC 09B .0301. The Motion carried unanimously.

Chairman Welty reported that Rule 12 NCAC 09B .0502 – Terms and Conditions of School Director Certification and Rule 12 NCAC 09B .0503 – Suspension: Revocation: Denial/School Director Certification proposed revisions have already been addressed in the rule making hearing and the Committee did not need to go forward.

Chairman Welty reported that Rule 12 NCAC 09B .0101 – Minimum Standards for Criminal Justice Officers and Rule 12 NCAC 09G .0302 – Notification of Criminal Charges/Convictions for Corrections include provisions for the obligation of officers to notify the Standard's Division whether it is a 5-day notification versus a 30-day notice for their certification. The Committee has tabled these rules until the next meeting in May.

Chairman Welty made a motion that Rule 12 NCAC 09B .0314 – Diversion Investigators and Supervisors set standards for Diversion Investigators and Supervisors as required by recent legislation with the addition of language requiring completion of a written examination. Rule 12 NCAC 09B .0315 – Terms and Conditions of Diversion Investigators and Supervisors Certification creates rules regarding the duration and renewal of certification. The Motion carried.

Chairman Welty reported that the Committee heard from staff regarding how record checks are conducted for aspiring BLET participants. He explained that North Carolina requires the participant to pay for and obtain a record check from each state in which he or she lived as an adult. A survey was conducted through IADLEST that different states followed different procedures. The Committee asked that an advisory group be formed of Chiefs, Sheriffs and School Directors to determine if there is a solution to address this issue.

Lastly, Chairman Welty related that Director Combs reported that the North Carolina Administrative Code does not mandate field training for new officers, however, in our previous system plan, it was recommended implementing a requirement. The concern is mandating for all agencies could be burdensome for small agencies and Commission staff. It was agreed that field training is critical to quality law enforcement. Since most agencies appear to require field training on their own, the committee asked that an advisory group be formed with Chiefs and other stakeholders to determine whether there is a way to mandate field training that will be manageable for small agencies as well as Commission staff.

D. Probable Cause Committee – Chairman Tim Hayworth

Chairman Hayworth reported that the Probable Cause Committee met on Wednesday, February 13th and Thursday, February 14, 2019 at Wake Technical Community College, Raleigh, North Carolina.

Chairman Hayworth reported that the minutes of November 28, 2018 and November 29, 2018 were approved as presented.

Chairman Hayworth reported that four officers were certified, after having committed a criminal offense, by the Criminal Justice Standards Division.

Chairman Hayworth reported that on Wednesday, February 13, 2019, fifteen officers/applicants were on the agenda with a total of 30 alleged violations of the Administrative Code. One case was tabled until the next day. One case was reviewed by the committee for DAC misdemeanor offenses to wit: "Larceny" and "Failure to Notify". After review of the case, the Committee voted to include violations of the Commission of the Felony offense of "Obtaining Property by False Pretense" and "Lack of Good Moral Character". No probable cause was found against 9 officers/applicants involving 19 allegations. Probable Cause was found in the case of three (3) officers/applicants involving 7 alleged violations. Probable Cause was found against 2 officers/applicants involving 2 alleged violations and offered a lesser sanction of a written reprimand. Chairman Hayworth asked the Commission to accept the lesser sanction of agreement for Memorandum Number 19/008 and 19/022. The Commission approved the MOTION and carried.

The Committee discussed amending the Probable Cause Policy to allow staff to resolve in favor of the applicant when the applicant omits listing one "Class A misdemeanor" offense on Commission certification forms. This applicant would be allowed one time to correct the misrepresentation. A motion was made by Chairman Hayworth to approve the Probable Cause Policy and the Commission approved.

On Thursday, February 14th there were 12 officers/applicants with a total of 19 alleged violations. No Probable Cause was found in the case of five officers/applicants involving 5 alleged violations. Probable Cause was found in the case of 6 officers/applicants involving 13 alleged violations. Probable Cause was found against 1 officer with 1 alleged violation with the offer of a lesser sanction of a written reprimand. Chairman Hayworth asked that the Commission accept the lesser sanction of agreement for Memorandum Number 19/017. The Commission approved the MOTION and carried.

E. CJ Fellows Program Committee – Vice-Chairman Steve Johnson

Vice-Chairman Johnson reported that Erica Reid gave an overview of the work that has been completed for the program since the November meeting. He noted that the program information was mailed out to Police Chiefs, Sheriffs, School Directors and community colleges.

Vice-Chairman Johnson reported that the Committee voted to extend the application closing date to April 30th to allow additional applications to be received.

Vice-Chairman Johnson reported that the Committee approved awarding the fellowships. He explained that a Committee member will present the fellowship certificate at the high school and if the Committee member is unable to attend, a Commission member from the N.C. Criminal Justice Education and Training Standards Commission or the N.C. Sheriffs' Education and Training Standards Commission would be present.

In closing, Vice-Chairman Johnson reported that the Community College system identified two issues with the proposed payment process. Staff will continue working to finalize the payment process.

VII. OTHER BUSINESS

None

VIII. OLD BUSINESS

Ms. Marie Evitt distributed a document entitled "Pending Administrative Cases" for the membership's review.

IX. DATE OF NEXT MEETING

Commission Chairman Hollingsed advised that the next Commission meeting is scheduled for May 22-24, 2019 at the Wake Technical Community College, Public Safety Education Campus in Raleigh, NC.

X. MOTION TO ADJOURN

MOTION was made by Commissioner Johnson that the Commission adjourn; seconded by Commissioner Byrd. The MOTION carried unanimously.