

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

MINUTES

DATE: November 22, 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
Sergeant Randy Byrd
Mr. Eddie Caldwell
Ms. Leslie Cooley-Dismukes
Chief Cerelyn Davis
Mr. Richard Epley
Mr. Lee Farnsworth
Ms. Stephanie Freeman
Ms. Jane Gilchrist
Chief Robert Hassell
Chief Tim Hayworth
Mr. Andrew Hendry
Mr. Brent Herron
Chief David Hess
Mr. Stan Hicks
Deputy Chief Brian James
Ms. Teresa Jardon
Mr. Steve Johnson
Mayor Bobby Kilgore
Chief Jeff McCracken (retired)
Colonel Glenn McNeill
Ms. Tracy McPherson
Dr. Kenneth Mullen
Chief Ron Parrish
Deputy Chief Stella Patterson
Mr. Trey Robison
Sergeant David Rose
Director Bob Schurmeier
Mr. Michael Slagle
Mr. Jeff Welty
Ms. Angela Williams

MEMBERS ABSENT

Captain Marianne Bond
Ms. Tasha Jones Butts
Mr. Nathan Mizell

I. CALL TO ORDER

Commission Chairman Tim Hayworth called the meeting to order. Ms. Donna Byrd, Clerk to the Commission, administered the Oath of Office to new members: Chief David Hess of the Roxboro Police Department, who represents the North Carolina Association of Chiefs of Police; Mr. Stan Hicks, Chief Probation/Parole Officer, who was appointed by the Speaker of the House; Deputy Chief Estella Patterson of the Charlotte-Mecklenburg Police Department, who represents the North Carolina Police Executives Association. Ms. Byrd administered the Oath of Office to reappointed members: Chief Tim Hayworth of the Zebulon Police Department, who represents the North

Carolina Association of Chiefs of Police; Chief Cerelyn Davis of the Durham Police Department, who was appointed by Governor Roy Cooper; Retired Chief Jeff McCracken of the UNC-Chapel Hill Police Department, who represents the North Carolina Police Executives Association; and, Dr. Kenneth Mullen, representing the North Carolina Criminal Justice Association. Chairman Hayworth read the Ethics Responsibility into the minutes. He declared that a quorum was present and welcomed all visitors to the Commission meeting.

Commission Chairman Hayworth personally thanked Ms. Joleigh Kelley for hosting the Commission at the Wake Technical Community College Public Safety Education Campus.

II. PRESENTATION OF RESOLUTIONS

Next, Commission Chairman Hayworth presented Resolutions of Appreciation to former Commissioner David Dail, retired correctional officer with the North Carolina Department of Public Safety/Division of Adult Correction & Juvenile Justice. Chairman Hayworth acknowledged that Chief Tim Ledford of the Mint Hill Police Department was not present to accept his Resolution of Appreciation; however, he read the Resolution of Appreciation into the minutes.

III. AWARDING OF ADVANCED CERTIFICATES

[Agenda Memorandum No. 04-19]

Commission Chairman Hayworth reported that staff had evaluated the applications of all two hundred and ninety-two (292) candidates. There were two hundred and seventy-nine (279) candidates for the Advanced Law Enforcement Certificate and thirteen (13) 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 Randy Byrd that the Commission award the Advanced Law Enforcement Certificate or Advanced Criminal Justice Certificate to each named individual. The MOTION was seconded by Commissioner Glenn McNeill and carried unanimously.

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

- | | |
|-------------------|--|
| David F. Esposito | Albemarle Police Department
Presented by Chief David Dulin and Major Jess Huneycutt |
| Kelsey Hill | Archdale Police Department
Presented by Commissioner Hayworth |
| Robert Swanger | Canton Police Department
Presented by Commissioner Hayworth |
| Mary Lambert | Cherokee Police Department
Presented by Chief Douglas Pheasant |
| Wendall E. Oswalt | Cherokee Police Department
Presented by Chief Pheasant |
| William Owl | Cherokee Police Department
Presented by Chief Pheasant |
| Carrie L. Wade | Cherokee Police Department
Presented by Chief Pheasant |

Shatel Coates	Enfield Police Department Presented by Chief Tyree Davis
Willie C. Murphy, Jr.	Enfield Police Department Presented by Chief Davis
Donald R. Morton	Hamlet Police Department Presented by Chief Tommy McMasters and Captain Steven Dover
Randy A. Carroll	Lincolnton Police Department Presented by Sergeant Tiffany Cline
Tiffany Cline	Lincolnton Police Department Presented by Commissioner Hayworth
Brandon Love	NCDMV License and Theft Bureau Presented by Colonel Eric Copeland, Director
Brandon Wall	NCDMV License and Theft Bureau Presented by Colonel Copeland, Director
Holly A. Newsome	N.C. State Bureau of Investigation Presented by Commissioner Director Bob Schurmeier
Rodney Bates	N.C. State Highway Patrol Presented by Colonel Glenn McNeill
Justin Miller	N.C. State Highway Patrol Presented by Colonel McNeill
Susan Moreau	N.C. State Highway Patrol Presented by Colonel McNeill
Daniel Moxley	N.C. State Highway Patrol Presented by Colonel McNeill
Justin Roy	N.C. State Highway Patrol Presented by Colonel McNeill
Eddie Stone	N.C. State Highway Patrol Presented by Colonel McNeill
Jason Perdue	N.C. State Highway Patrol Presented by Colonel McNeill
Jimmy R. Collins	Raeford Police Department Presented by Chief Marc Godwin
Dennis Brandenburg	Raleigh Police Department Presented by Commissioner Hayworth
Scott A. Kooiker	Raleigh Police Department Presented by Commissioner Hayworth

Jerry Gurganus	Sunset Beach Police Department Presented by Assistant Chief Joe Smith
Christopher C. Cotton, Jr.	Tabor City Police Department Presented by Captain Richard Kosloski
Gabriel Abren	Wake Technical Community College Campus Police Presented by Commissioner Hayworth
Harry Meyer	Wake Technical Community College Campus Police Presented by Commissioner Hayworth
Edward Washington	Wake Technical Community College Campus Police Presented by Commissioner Hayworth
Timothy J. Smith	Wrightsville Beach Police Department Presented by Chief Daniel House
Danielle C. Edwards	NCDPS/Division of Adult Correction Presented by Commissioner Hayworth
Rebecca Akers-Dale	NCDPS/Division of Adult Correction Presented by Commissioner Hayworth
Lauren S. Patterson	NCDPS/Division of Adult Correction Presented by Commissioner Hayworth
Jonathan M. Metellus	NCDPS/Division of Adult Correction Presented by Commissioner Hayworth
Markethia Moffett	NCDPS/Division of Adult Correction Presented by Commissioner Hayworth
Karen Davis	NCDPS/Division of Adult Correction Presented by Commissioner Hayworth
David Bock	Holly Springs Police Department Presented by Commissioner Hayworth
Kimberly House	Holly Springs Police Department Presented by Commissioner Hayworth
Robert J. Knelson	Durham Police Department Presented by Commissioner Davis
Demetrius Mock	Durham Police Department Presented by Commissioner Davis

IV. MINUTES OF AUGUST 15 - 16, 2019 AND AUGUST 19, 2019 MEETING

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

MOTION was made by Commissioner Robert Hassell that the Commission approve the minutes of the August 15 – 16, 2019 and August 19, 2019 meeting as mailed. The MOTION was seconded by Commissioner Bobby Kilgore and carried unanimously.

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

Chairman Caldwell reported that the Executive Committee met on Thursday, November 21, 2019, at the Wake Technical Community College Public Safety Training Center in Raleigh.

Chairman Caldwell asked Director Combs to give an update on the Criminal Justice Standards Division. A copy of his written report is attached.

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 Thursday, November 21, 2019 at Wake Technical Community College, Raleigh, North Carolina.

Chairperson Freeman reported that the Committee elected Commissioner Steve Johnson as Vice-Chairman of the Education and Training Committee.

Chairperson Freeman reported that on behalf of the North Carolina Association of Chiefs of Police, Chief Hassell requested pilot authority to provide in-service credit for the delivery of a training topic “Emotional Survival” developed by Dr. Kevin Gilmartin.

MOTION was made by Commissioner Freeman that the Commission grant pilot authority for In-Service Training credit for the completion of “Emotional Survival” at the 2020 N.C. Association of Chiefs of Police conference; seconded by Commissioner Hassell. The MOTION carried.

Chairperson Freeman reported that Merrily Cheek, In-Service Training Coordinator for the North Carolina Justice Academy proposed the 2021 Law Enforcement In-Service Training Topics upon the recommendations of the Joint In-Service Committee.

MOTION was made by Commissioner Freeman that the Commission authorize the Planning and Standards Committee to conduct a rule-making hearing for the 2021 Law Enforcement In-Service Training Topics as follows: 2021 Firearms (minimum 4 credits); 2021 Legal Update (minimum 4 credits); 2021 Continue to Make a Difference: Positive Engagement Stories and Studies (minimum 2 credits); 2021 School Safety and Responding to School Incidents (minimum 4 credits); Officer Awareness: Responding to Victims of Trauma (minimum 4 credits); Patrol Vehicle Operations (minimum 4 credits); Hemp Industry: Overview and Officer Roles (minimum 2 credits); and, Physical and Mental Wellness: Building & Implementing a Plan for Improvement (minimum 2 credits); seconded by Commissioner Johnson. The MOTION carried.

Chairman Freeman reported that on behalf of the Instructor Training Advisory Group, Tony Losada, North Carolina Justice Academy requested modifying the General Instructor Certification rule to eliminate the waiting period for full certification and to update the website URL. This would require a rule change for 12 NCAC 09B .0303 – Terms and Conditions of General Instructor Certification and 12 NCAC 09G .0309 – Terms and Conditions of General Instructor Certification.

MOTION was made by Commissioner Freeman that the Commission authorize the Planning and Standards Committee to conduct a rule making hearing to amend rules 12 NCAC 09B .0303 – Terms and Conditions of General Instructor Certification and 12 NCAC 09G .0309 – Terms and Conditions of General Instructor Certification as follows: Language in paragraph “a” shall be modified to read as follows: “An applicant meeting the requirements for certification as a general instructor shall, within the first twelve (12) months of certification, be in a probationary status until satisfying the requirements of Paragraph (b) of this Rule. The General Instructor Certification, Probationary Status, shall automatically expire 12 months from the date of issuance.” Language in paragraph “b” shall be modified to read: “The probationary instructor shall be eligible for General Instructor status if the instructor, submits to the Commission a favorable recommendation from a certified School Director or In-Service Training Coordinator via Form F-12A, Renewal of Instructor or Professional Lecturer Certification, located on the agency’s website: https://ncdoj.gov/law-enforcement-training/criminal_justice/forms-and-publications/#102-wpfd-instructor. The Form F-12A shall be accompanied by a certification on a Commission Instructor Evaluation Form F-16 that the instructor taught a minimum of eight hours of Commission-accredited basic training, Commission-recognized in-service training, or training pursuant to 12 NCAC 10B .0601, 10B .1302, or 10B .2005 during the probationary period. The instructor shall achieve a minimum of 64 points on all instruction evaluations submitted to the Commission. The Commission Instructor Evaluation Form F-16 is located on the agency’s website; seconded by Commissioner Lee Farnsworth. The MOTION carried.

Next, Chairperson Freeman reported that on behalf of the Criminal Justice Standards Division, Deputy Director Michelle Schilling requested a rule change to 12 NCAC 09B .0202 – Responsibilities of the School Director. The rule change is for achieving consistency and realistic period required for School Directors to submit Pre-Delivery documents to the Commission courses.

MOTION was made by Commissioner Freeman that the Commission authorize the Planning and Standards Committee to conduct a rule making hearing to amend 12 NCAC 09B .0202 Responsibilities of the School Director as follows: Language in paragraph (b)(7) shall read as follows: “Not less than 30 days before commencing delivery of the Basic Law Enforcement Training Course, submit to the Commission a Pre-Delivery Report of Training Course Presentation pursuant to 12 NCAC 09C .0211.” The Pre-Delivery Report (Form F-10A) shall indicate a requested date and location for the administration of the state comprehensive exam, and include the following attachments: Language in paragraph (c)(1) shall be modified to read as follows: “Schedule course presentation to include a minimum of 78 hours of instruction during the time period the class is taught until course requirements are completed.” Language in paragraph (c)(4)(C) shall be modified to read: “scores recorded for each trainee on the 70 minute skill presentation”; and, Paragraph (d) and (d)(3) shall be modified to change “radar, radar and time-distance, time-distance, or lidar” to “RADAR, RADAR and Time-Distance, Time Distance, or LIDAR; seconded by Commissioner McCracken. The MOTION carried.

Commissioner Johnson requested a rule change be initiated to clarify the requirements for qualified retired law enforcement officers to carry concealed.

MOTION was made by Commissioner Freeman that the Commission authorize the Planning and Standards Committee to conduct a rule making hearing to amend 12 NCAC 09H .0102 – Minimum Training Specifications in that Language in paragraph “a” shall read as follow “Firearms Training and Qualification-four hours” Language in paragraph “b” shall read as follows: “Each qualified retired law enforcement officer shall qualify with each handgun he or she carries in accordance to the guidelines as published in the In-Service Firearms Qualification Manual as published by the North Carolina Justice Academy relating to rounds fired, distances, the ratio of shots fired from each yard line and positions of fire.” Language in paragraph “c” shall read as follows: “Qualification shall include a day and night qualification course with each handgun he or she carries, and a single day and night combat course with one handgun that he or she carries.” Language in paragraph “d” read as follow: “Each qualified retired law enforcement officer shall receive a minimum of two hours of instruction on the North Carolina laws of self-defense, the use of force by private citizens, detention of persons by private persons and assistance to law enforcement officers by private citizens”. Language in paragraph “e” shall read as follows: “Instruction shall include a review of firearms safety and basic marksmanship fundamentals.” Language in paragraph “f” shall read as follows: “The qualification requirements shall be achieved at least once in a single day and no more than three attempts in a single day for each course of fire for each weapon for which qualification is required. Officers not qualifying in a single day for each course of fire shall be deemed as a failure and the retired qualified law enforcement officers shall not be allowed to carry that weapon.” Language in paragraph “g” shall read: “Qualified retired law enforcement officers shall be certified for a period of 12 months from the date the application is approved by the Commission”. Upon application for renewal, the certification shall be renewed by the Commission for a 12-month period provided the qualified retired law enforcement officer meets the rules specified in this Subchapter.” Language in paragraph “h” shall read: “Qualified retired law enforcement officers shall qualify each certification period with each handgun that he or she carries”; seconded by Commissioner Johnson. The MOTION carried.

Next, Chairperson Freeman reported that on behalf of the North Carolina Justice Academy, Director Trevor Allen requested a rule change for providing in-service training credit to participants attending an In-Service Instructor Update conducted by the North Carolina Justice Academy.

MOTION was made by Commissioner Freeman that the Commission authorize the Planning and Standards Committee to conduct a rule making hearing to amend 12 NCAC 09E .0104 – Instructors Annual In-Service Training: Add a new paragraph “(3)” to read as follows: “Instructors completing mandated in-service topics in their entirety pursuant to 12 NCAC 09E .0105 as presented by the North Carolina Justice Academy as part of the Instructor Training Update program no more than 60 days prior to the calendar year, shall satisfy the requirements of 12 NCAC 09E .0105. Renumber remaining paragraphs as necessary; seconded by Commissioner Johnson. The MOTON carried.

Deputy Director Michelle Schilling recommended the accreditation of the following institutions: McDowell Technical Community College (SMI), Rockingham Community College (SMI) and North Carolina Justice Academy (Diversion Investigator/Supervisor Course). Ms. Schilling recommended reaccreditation to Blue Ridge Community College (BLET, SMI), Edgecombe Community College (BLET), Forsyth Technical Community College (BLET, SMI), Richmond Community College (BLET, SMI, and Instructor), and Rockingham Community College (BLET). Brunswick County Sheriff’s Office is not seeking reaccreditation (BLET, will maintain SMI). The Committee approved the recommendations.

Chairperson Freeman reported that on behalf of the BLET Advisory Group, Jennifer Fisher requested approval for major revisions made to the following lesson plan: Subject Control Arrest Techniques – major revisions were made in the lesson plan to include providing safety rules while conducting the practical exercises. New videos were produced to demonstrate the new terminology used in the lesson plan and removal of the SPEAR technique, and the practical exercise evaluation form was revised to be consistent with the revisions. The Committee approved the request.

Ms. Felicia Banks requested approval for major revisions to the following programs and lesson plans. Rule 12 NCAC 09G .0411 – Basic Training – Basic Correctional Officer Training Curriculum request pilot authority. Rule 12 NCAC 09G .0412 – Basic Training – Probation and Parole Officer Training – Handgun Safety – (Objective changes); Controls, Restraints and Defensive Techniques – increase hours from 18 to 22 and CRDT – Advanced Techniques – (Decrease hours from 22 to 18). The Committee approved the request with modification of one of the goals/objectives related to the handgun safety lesson plan.

Chairperson Freeman reported that Ms. Fisher briefed the Committee on minor revisions to the BLET curriculum as approved by the BLET Advisory Group: Orientation – in addition to the formatting revisions, minor revisions were made in the lesson plan. Physical Fitness – in addition to the formatting revisions, minor revisions were made to include providing safety rules when conducting the practical exercises. Ethics for Law Enforcement Professionals – formatting revisions only. Arrest, Search and Seizure/Constitutional Law – formatting revisions only. Elements of Criminal Law – formatting revisions only. Communication Skills for Law Enforcement Officers – in addition to the formatting revisions, there were minor revisions to include replacing the “implicit association test” with the “excessive force practical exercise” and the associated practical exercise handout. Law Enforcement Communication and Information Systems – Formatting revisions only. Field Note-Taking and Report Writing – Formatting revisions only. Interviews – Formatting revisions only. Juvenile Laws and Procedures – In addition to the formatting revisions, minor revisions were made regarding the “Raise the Age” laws. Fingerprinting and Photographing Arrestee – In addition to the formatting revisions, minor revisions were made and the practical exercise handout was revised to include criteria to be evaluated. Legislative updates were also included. Responding to Victims and the Public – In addition to the formatting revisions, minor revisions were made. Firearms – In addition to the formatting revisions, there were minor revisions to include providing safety rules when conducting practical exercises. Criminal Investigations – Formatting revisions only. Alcohol Beverage Control Laws and Procedures – In addition to the formatting revisions, there were minor revisions and the practical exercise handout was revised to include criteria to be evaluated. Motor Vehicle Laws – In addition to the formatting revisions, minor revisions were made throughout the lesson plan. Law Enforcement Driver Training – In addition to the formatting revisions, the instructor notes were revised. Crime Prevention – In addition to the formatting revisions, minor revision were made throughout the lesson plan. First Responder – In addition to formatting revisions were made to include providing safety rules when conducting the practical exercises. Domestic Violence Response – In addition to the formatting revisions, minor revisions were made and a handout was updated with newer statistics. Controlled Substance – Formatting revisions only. Techniques of Traffic Law Enforcement – In addition to the formatting revisions, minor revisions were made regarding consent searches of a vehicle. In-Custody Transportation – In addition to the formatting revisions, a 1991 video titled, “High Risk Transport” was removed due to no longer being accessible. The practical exercise handout was revised. Traffic Crash Investigation – formatting revisions only. Explosives and Hazardous Materials Emergencies – In addition to the formatting revisions, minor revisions were made, including providing safety rules when conducting the practical exercise. Individuals with Mental Illness and Developmental Disabilities – In addition to the formatting revisions, minor revisions were made in the lesson plan. Crowd Management – In addition to the formatting revisions, minor revisions were made to include providing safety rules when conducting the practical exercise. Preparing for Court and Testifying in Court – In addition to the formatting revisions, a minor revision was made in the lesson plan. Patrol Techniques – In addition to the formatting revisions,

minor revisions were made to the content relating to reactionary positioning. Sheriffs' Responsibilities: Detention Duties – Formatting revisions only. Sheriffs' Responsibilities Court Duties – In addition to the formatting revisions, minor revisions were made in the lesson plan, to include providing safety rules when conducting the practical exercise. Civil Process – In addition to the formatting revisions, the handouts were updated. Anti-Terrorism – Formatting revisions only. Rapid Deployment – In addition to the formatting revisions, a minor revision was made in the instructor notes section of the lesson plan. Human Trafficking – In addition to the formatting revisions, minor revisions were made throughout the lesson plan.

Next, Chairperson Freeman reported that Commissioner Johnson made a motion to request that the Safety Rules within the following lesson plans be removed from the opening statement and placed in the instructor notes portion of the lesson plan(s): Subject Control Arrest Techniques, Physical Fitness, Firearms, First Responder, Explosives and Hazardous Materials Emergencies, Crowd Management, and Sheriffs' Responsibilities. The Committee approved the request.

Chairperson Freeman reported that Commissioner Jane Gilchrist made a motion to request additional legal review, by a Juvenile Law Expert, of the following lesson plan prior to implementation as well as any other impacted lesson plans: Fingerprinting and Photographing Arrestee. The Committee approved this request.

Chairperson Freeman reported that Ms. Banks provided the Committee with information regarding minor revisions to lesson plans from the Basic Correctional Officer Training and Probation Parole Officer Basic Training programs. The minor changes to lesson plans mainly consist of updates needed to be consistent with policy changes or correcting verbiage in the lesson plan.

Deputy Director Schilling provided information regarding the Mayland Community College SMI Program. At the request of the Commission, Mayland Community was not reaccredited to administer Basic Law Enforcement Training or Instructor Training due to deficiencies identified during their reaccreditation audit. They were granted a one-year reaccreditation period to administer speed measuring instrument training with the understanding that Division staff would conduct numerous unannounced inspections.

Deputy Director Schilling provided information regarding the Entry Level Law Enforcement Job Task Analysis surveys. The vendor has 30 days to compile, analyze and summarize the data. She noted that these next steps include transitioning the information to the North Carolina Justice Academy for updating the BLET curriculum.

Deputy Director Schilling provided information regarding BLET Trainee Attendance. A rule change was proposed that would change the absentee rate from 5% to 10% based on a request from a School Director. Ms. Schilling reported that staff was asked to gather feedback on the impact of the proposed change to the absentee rate. At the School Directors' Conference in August, it was voted to keep the absentee rate at 5% due to the significant logistical issues that would occur should the absentee rate be raised to 10%.

In closing, Chairperson Freeman noted that Director Combs provided an update on the BLET Course Timeline regarding a previous request made by Appalachian State University.

C. Planning and Standards Committee – Chairman Jeff Welty

Chairman Welty reported that the Planning and Standards Committee met on Thursday, November 21, 2019 at Wake Technical Community College, Raleigh, North Carolina.

Chairman Welty reported that the Committee elected Commissioner Hassell as Vice-Chairman of the Planning and Standards Committee.

Chairman Welty reported that the Committee approved the minutes of August 15, 2019.

Chairman Welty reported that the Committee held a public hearing for rules. He explained that the Committee voted to recommend adoption of the proposed changes to 12 NCAC 09B .0302 – General Instructor Certification set out in the packet. The current rule effectively makes it impossible for out-of-state instructors to become certified in North Carolina. These changes would allow individuals who (1) have completed an instructor training course elsewhere that is equivalent to the Commission’s, (2) are certified as instructors by an out-of-state, federal, or military POST organization, or who have been certified in the last two years, and (3) who pass the Commission’s examination with at least a 75% score, to be certified as probationary instructors.

MOTION was made by Commissioner Welty that the Commission adopt the changes to 12 NCAC 09B .0302; seconded by Commissioner Patterson. The MOTION carried.

Chairman Welty reported that the Committee recommended adoption of rule 12 NCAC 09B .0314 – Certification of Diversion Investigators and Supervisors, which would require officers seeking certification as drug diversion investigators or supervisors to complete specified training. Investigators would need 24 hours of classroom training while supervisors would need four hours of online training, all to be authored by the Justice Academy.

MOTION was made by Commissioner Welty that the Commission adopt 12 NCAC 09B .0314 – Certification of Diversion Investigators and Supervisors; seconded by Commissioner Hassell. The MOTION carried.

Chairman Welty reported that the Committee recommended adoption of 12 NCAC 09E .0105 – Minimum Training Specifications: Annual In-Service Training to change a capital I in the word “Incorporated” on page 1, line 9 with a lowercase i. The proposed revision would take the annual in-service training topics out of the Administrative Code and place them in a manual maintained by NCDOJ. This would make the process of revising the topics each year faster and easier because the new topics would not need to go through rulemaking. Under the proposed revision, the Commission would continue to set the topics each year, operating through the Joint In-Service Training Committee, but those topics would be listed in the manual and not the Code.

MOTION was made by Commissioner Welty that the Commission adopt 12 NCAC 09E .0105 – Minimum Training Specifications: Annual In-Service Training to change a capital I in the word “Incorporated” on page 1, line 9 with a lowercase i; seconded by Commissioner Johnson. The MOTION carried.

Chairman Welty reported that the Committee considered proposed revisions to 12 NCAC 09B .0101 – Minimum Standards for Criminal Justice Officer and 12 NCAC 09G .0302 – Notification of Criminal Charges/Convictions in which (1) shorten the time period within which officers must notify the Standards Division of certain events such as being charged with a crime or being served with a 50B order to five days, and (2) addressed certain inconsistencies and ambiguities in the reporting rules. The Committee took no action on the revisions at this time, asking staff to return at the February meeting with two revised versions of the rules. One should make no substantive changes but should resolve any inconsistencies and ambiguities. One should require officers to report qualifying events to their agencies within five days (or shorter if agency policy requires) and to the Standards Division within 30 days. Staff should also be prepared to explain what problems have arisen under the current rule that require a change.

The Committee also considered a proposed revision to 12 NCAC 09B .0101 only that would add a new subdivision (8) requiring officers to report to the Standards Division whenever they are notified in writing by a judge, prosecutor, or their agency head, or in open court by a judge, that because of their lack of honesty, they may not testify in court as a law enforcement officer. The goal of the proposed revision is to treat such information the same as, for example, the issuance of a criminal charge or a 50B order against an officer, in that it must be reported, carries no consequence by itself, and may trigger an investigation by the Division in which the officer would be given an opportunity to participate in an effort to clear his or her name. After extensive discussion, a majority of the Committee was satisfied with the proposed revision.

MOTION was made by Commissioner Welty that the Commission authorize the Planning and Standards Committee to conduct a rule making hearing to rule 12 NCAC 09B .0101 that would add a new subdivision (8) requiring officers to report to the Standards Division whenever they are notified in writing by a judge, prosecutor, or their agency head, or in open court by a judge, that because of their lack of honesty, they may not testify in court as a law enforcement officer. The goal of the proposed revision is to treat such information the same as, for example, the issuance of a criminal charge or a 50B order against an officer, in that it must be reported, carries no consequence by itself, and may trigger an investigation by the division in which the officer would be given an opportunity to participate in an effort to clear his or her name; seconded by Commissioner Hassell. The MOTION carried.

Chairman Welty reported that the Committee considered proposed revision to 12 NCAC 09B .0203 – Admission of Trainees that the officers provide criminal record checks from every place they have ever lived. The advisory group recommended several options to streamline the process, including using a “right to review” record check conducted by the SBI.

MOTION was made by Commissioner Welty that the Commission authorize the Planning and Standards to conduct a rule making hearing to rule 12 NCAC 09B .0203 – Admission of Trainees that the officers provide criminal record checks from every place they have ever lived; seconded by Commissioner Leslie Cooley-Dismukes. The MOTION carried.

Chairman Welty reported that the Committee considered proposed revisions to 12 NCAC 09B .0301 – Certification of Instructors and 12 NCAC 09G .0307 – Certification of Instructors that would prohibit instructors, school directors and qualified assistants from being involved with the instruction of students with whom they have a close personal relationship. Several drafting and substantive issues were identified during the discussion and the Committee asked staff to prepare revised version of both rules for the Committee’s next meeting.

Chairman Welty reported that the Committee considered several form changes but tabled most of them because they were connected to the above-described proposed revision of 12 NCAC 09B .0101 – Minimum Standards for Criminal Justice Officers, and the full Commission’s decision regarding that revision may impact the propriety of the forms changes. The Committee voted to recommend the adoption of the new form F-25, Criminal Record and Conviction History for BLET. This form is connected to proposed revision to 12 NCAC 09B .0203- Admission of Trainees. This revision would allow an agency to complete a record check on an aspiring officer, and if no criminal convictions are found, to report to a school director, who would accept the agency’s certification in satisfaction of the record check requirement.

MOTION was made by Commissioner Welty that the Commission adopt the proposed revision to 12 NCAC 09B .0203 – Admission of Trainees; seconded by Commissioner Cooley-Dismukes. The MOTION carried.

Chairman Welty noted that the Committee received reports on the progress of the Field Training Advisory Group and the Psychological Evaluation Advisory Group. He reported that staff would begin drafting a rule regarding the renewal of certification for drug diversion investigators and supervisors before any drug diversion investigator or supervisor is eligible for renewal.

Chairman Welty reported that he would be leaving the North Carolina School of Government and joining the North Carolina Department of Justice. He stated that he would be leaving the Commission as well. However, Commissioner Cooley-Dismukes explained that Commissioner Welty would continue working with our Commission as well as DOJ.

Commission Chairman Hayworth presided over the Commission to take nominations for Chairman of the Planning and Standards Committee.

MOTION was made Commissioner Hassell to nominate Commissioner Cooley Dismukes as Chairperson to the Planning and Standards Committee. The MOTION was seconded by Commissioner Richard Epley. The MOTION carried.

D. Probable Cause Committee - Chairman Ron Parrish

Chairman Parrish reported that the Probable Cause Committee met on Wednesday, November 20 and Thursday, November 21, 2019 at Wake Technical Community College, Raleigh, North Carolina.

He reported that the Committee approved the minutes of August 14 -15, 2019.

Chairman Parrish reported that the Committee elected Commissioner Mike Slagle as Vice-Chairman of the Probable Cause Committee.

He reported that the Committee reviewed thirty-four (32) cases. Probable cause was found in eleven (11) cases and no probable cause in nineteen (19) cases. Two cases were continued for additional investigation. He related that the Committee found probable cause in three cases in which the Committee offered a lesser sanction of an "Official Written Reprimand."

MOTION was made by Commissioner Parrish that the Commission accept a lesser sanction of agreement for Memorandum Number 19/091; seconded by Commissioner Hess. The MOTION carried unanimously.

MOTION was made by Commissioner Parrish that the Commission accept a lesser sanction of agreement for Memorandum Number 19/106; seconded by Commissioner Hess. The MOTION carried unanimously.

MOTION was made by Commissioner Parrish that the Commission accept a lesser sanction of agreement for Memorandum Number 19/107; seconded by Commissioner Hess. The MOTION carried unanimously.

Chairman Parrish reported that the Committee recommended rule 12 NCAC 09A .0205 – Period of Suspension: Revocation: or Denial be amended to include the ability of the Commission to reduce or suspend the period of sanction for the commission or conviction of "Four or more Class B misdemeanors".

MOTION was made by Commissioner Parrish that the Commission authorize the Planning and Standards to conduct a rule making hearing for rule 12 NCAC 09A .0205 – Period of Suspension: Revocation: or Denial be amended to include the ability of the Commission to reduce or suspend the period of sanction for the commission or conviction of "Four or more Class B misdemeanors"; seconded by Commissioner Hassell. The MOTION carried.

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

Vice-Chairman Johnson reported that the amended Form FP-5 (Post-Graduation Status Form), the revision would include what type of training the fellows would be receiving after graduation and the start and end dates. The Committee approved the request.

Vice-Chairman Johnson reported the Committee voted to approve the use of CJFP to pay for remedial and failed classes that the Fellow takes during the two years that they receive funding. It is their responsibility to pay for classes beyond the two years.

Vice-Chairman Johnson reported that acceptance letters were forwarded to the Fellows who have been awarded the Fellowship. The awardees will receive a checklist of community college requirements that must be met by July 15 of each year.

In closing, Vice-Chairman Johnson noted that the Committee discussed termination of Fellows that no longer meet the eligibility requirements for this program.

VI. OTHER BUSINESS

None

VII. OLD BUSINESS**A. Old Business**

None

B. Legal Counsel Report

Mr. Jason Caccamo distributed a document entitled "Pending Administrative Cases" for the membership's review.

C. Final Agency Decisions

Commission Chairman Hayworth recused himself from all Final Agency Decisions. Vice-Chairman Caldwell presided over the Commission for the Final Agency Decisions.

Vice-Chairman Caldwell noted that Mr. John Congleton, an Assistant Attorney General, would serve as the Commission's Legal Counsel for the Final Agency Decision.

Vice-Chairman Caldwell read the Recusal Statement to the Commission members and reminded everyone that both the Petitioner and the Respondent would be limited to 30 minutes of oral argument.

1. Nickolas Cody Jacobs

Mr. Caccamo presented oral argument regarding the case against Mr. Jacobs.

MOTION was made by Commissioner Hassell that the Commission go into Closed Session; seconded by Commissioner Patterson. The MOTION carried.

Commissioner Johnson made a motion that the Commission return to Open Session; seconded by Commissioner Kenneth Mullen. The MOTION carried.

MOTION was made by Commissioner Byrd that the Commission enter a Final Agency Decision that: (1) includes paragraph 7 from page 6 of the Administrative Law Judge's Amended Proposal For Decision; (2) finds that the petitioner committed the offense of misdemeanor larceny; (3) suspends the petitioner's certification for a period of five years; and (4) suspends the period of petitioner's suspension for five years conditioned on the Commission's standard terms and conditions. The motion was seconded by Commissioner Hicks and the MOTION carried.

Vice-Chairman Caldwell asked legal counsel for petitioner and legal counsel for the Commission, to work together to prepare a Final Agency Decision reflecting the above motion for signature by Vice-Chairman Caldwell.

Vice-Chairman stated that if legal counsel for both parties could agree on the contents of a Final Agency Decision that accurately reflects the motion above, he would sign it; and that if the attorneys cannot agree on language for the Final Agency Decision, then the attorneys for both parties will need to submit their respective versions and appear at the Commission's February meeting at which time the full Commission would enter a Final Agency Decision.

2. Martia Antoinette Wilson

Mr. Caccamo presented oral argument regarding the case against Ms. Wilson.

MOTION was made by Commissioner Hassell that the Commission adopt the Proposed Final Agency Decision as presented by legal counsel; seconded by Commissioner Teresa Jardon. The MOTION carried.

3. Joseph Michael Stewart

Mr. Caccamo presented oral argument regarding the case against Mr. Stewart.

MOTION was made by Commissioner Patterson that the Commission adopt the Proposed Final Agency Decision as presented by legal counsel; seconded by Commissioner Johnson. The MOTION carried.

VIII. DATE OF NEXT MEETING

Commission Chairman Hayworth noted that the next Commission meeting is scheduled for February 19-21, 2020 at the Wake Technical Community College, Public Safety Education Campus in Raleigh, NC.

IX. MOTION TO ADJOURN

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