

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

MINUTES

DATE: February 21, 2020
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
Ms. Tasha Jones Butts
Sergeant Randy Byrd
Mr. Eddie Caldwell
Major Joseph Cotton
Chief Cerelyn Davis
Ms. Leslie Dismukes
Mr. Richard Epley
Mr. Lee Farnsworth
Ms. Stephanie Freeman
Ms. Jane Gilchrist
Chief Robert Hassell
Chief Tim Hayworth
Mr. Andrew Hendry
Chief David Hess
Chief Brian James
Mr. Steve Johnson
Mayor Bobby Kilgore
Chief Jeff McCracken
Ms. Tracy McPherson
Mr. Nathan Mizell
Dr. Kenneth Mullen
Chief Ron Parrish
Deputy Chief Stella Patterson
Sergeant David Rose
Mr. Michael Slagle
Ms. Angela Williams

MEMBERS ABSENT

Mr. Brent Herron
Mr. Stan Hicks
Ms. Teresa Jardon
Director Bob Schurmeier

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 member: Major Joseph Cotton, who represents Colonel Glenn McNeill, Jr., Commander of the North Carolina Highway Patrol. 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 welcomed Mr. Bradford Sneed, Legislative Liaison to Attorney General Josh Stein.

Commission Chairman Hayworth personally thanked Mr. Jeff Robinson for assisting the Commission at the Wake Technical Community College Public Safety Education Campus during inclement weather.

II. PRESENTATION OF RESOLUTIONS

Next, Commission Chairman Hayworth presented a Resolution of Appreciation to former Commissioner Jeff Welty, with the University of North Carolina School of Government. Chairman Hayworth acknowledged that Jeff would be joining the Department of Justice, Special Prosecutions and Law Enforcement, Criminal Division. Chairman Hayworth read the Resolution of Appreciation into the minutes.

III. AWARDING OF ADVANCED CERTIFICATES [Agenda Memorandum No. 01-2020]

Commission Chairman Hayworth reported that staff had evaluated the applications of all one hundred and ninety-seven (197) candidates. There were two hundred and twelve (112) candidates for the Advanced Law Enforcement Certificate and eight-five (85) 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 Ron Parrish that the Commission award the Advanced Law Enforcement Certificate or Advanced Criminal Justice Certificate to each named individual. The MOTION was seconded by Commissioner Chris Blue and carried unanimously.

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

Russell C. Atkins	NCDPS/Division of Adult Correction Presented by Commissioner Hayworth
Jeffery A. Billups	NCDPS/Division of Adult Correction Presented by Commissioner Angela Williams
Amanda Cobb	NCDPS/Division of Adult Correction Presented by Commissioner Hayworth
Tabatha Croom	NCDPS/Division of Adult Correction Presented by Commissioner Hayworth
Dawn M. Dye	NCDPS/Division of Adult Correction Presented by Commissioner Hayworth
Sarah H. Kylander	NCDPS/Division of Adult Correction Presented by Amanda Cobb, Warden
Mary A. White	NCDPS/Division of Adult Correction Presented by Commissioner Hayworth
Michael Wilson	NCDPS/Division of Adult Correction Presented by Commissioner Hayworth
Angela Winchester	NCDPS/Division of Adult Correction Presented by Commissioner Hayworth
Paul McCabe	NCDPS/Division of Adult Correction Presented by Commissioner Hayworth
Craig E. Richards	Oakboro Police Department Presented by Commissioner Hayworth
David J. Wanamaker	Zebulon Police Department Presented by Chief Hayworth
Felix Kilette	Zebulon Police Department Presented by Chief Hayworth
Robert Prichard	Zebulon Police Department Presented by Chief Hayworth

A MOTION was made by Commissioner Caldwell on behalf of the Executive Committee that it be the policy of the Commission that each year's annual Mandatory In-Service Training (MIST) must include: (1) instruction to officers about all mandatory requirements that officers report certain information to the Criminal Justice Standards Division to include, but not be limited to: the requirement that criminal charges must be reported; and the requirement that certain personal relationships must be reported by instructors, qualified assistants and school directors; (2) include information on the requirement that officers maintain good moral character; (3) any information on any related topics deemed appropriate; and (4) reminders to instructors that it is the responsibility of the instructor, not their agency, to take necessary steps to keep the instructor's certification current, including the requirement for timely submission of required documents to the Criminal Justice Standards Division; seconded by Commissioner Epley. The MOTION carried.

Director Combs reported that staff receive requests wanting a copy of their advanced certificate due to unforeseen conditions. He explained that the Standards Division does not have the original dates from past years to give the officer a certificate of when they officially received their certificate. He explained that the Commission could present an Advanced Certificate with a revised date.

MOTION was made by Commissioner Byrd that the Commission adopt the revised Advanced Certificate for officers; seconded by Commissioner Bobby Kilgore. 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 Thursday, February 20, 2020 at Wake Technical Community College, Raleigh, North Carolina.

Chairperson Freeman stated that Deputy Director Michelle Schilling requested a rule change for adding the requirement for BLET School Directors to provide an Orientation class enrollment roster, along with existing required post-delivery documentation.

MOTION was made by Commissioner Freeman that the Commission authorize the Planning and Standards Committee to conduct a rule-making hearing to amend rule 12 NCAC 09B .0202 – Responsibilities of the School Director as follows: Paragraph (b)(10)(D) shall be added to read as follows: "Orientation class enrollment roster"; seconded by Commissioner Jeff McCracken. The MOTION carried.

Deputy Director Schilling recommended accreditation for Appalachian State University – BLET. The Committee approved the request. She stated that Appalachian State University has requested pilot authority to administer a BLET course, at their location, with a modified presentation schedule that would allow cadets to receive required BLET curriculum training as follows: August 3 – 13, 2020, November 7, 2020 (Review), January 16, 2021, April 10, 2021 (Review), May 10, 2021 through August 11, 2021 and August 13, 2021 (State Exam).

Deputy Director Schilling reported that Appalachian State University has met all requirements as outlined in 12 NCAC 09C .0401, for accreditation to administer the BLET course of instruction and is requesting pilot authority to allow their modified BLET course to be conducted. The proposed course curriculum has been reviewed and meets all requirements as outlined in 12 NCAC 09B .0205 and 12 NCAC 09B .0202 with one exception of paragraph .0202(b): "In planning, developing, coordinating, and delivery each Commission-certified Basic Law Enforcement Training Course, the School Director shall: (2) Schedule course presentation to include 12 hours of instruction each week during consecutive calendar weeks, except that there may be as many as three one-week breaks until course requirements are completed."

MOTION was made by Commissioner Freeman that the Commission grant pilot authority to Appalachian State University to administer a BLET course, at their location, with a modified presentation schedule that would allow cadets to receive required BLET curriculum training as follows: August 3 – 13, 2020; November 7, 2020 (Review); January 16, 2021; April 10, 2021 (Review); May 10, 2021 – August 11, 2021 and August 13, 2021 (State Exam); seconded by Commissioner Lee Farnsworth. The MOTION carried.

Next, Chairperson Freeman reported that on behalf of the Instructor Training Advisory Group, Jessica Bullock, North Carolina Justice Academy, requested major revisions and/or additions to the Instructor Training curriculum including the academic checklist. The requested changes are designed to provide students with an additional understanding of resources to assist them in preparing a lesson plan and to afford them additional time to present material during the Instructor Training course. The request would require a rule change for the following rules: 12 NCAC 09B .0410 – Criminal Justice Instructor Training Course; 12 NCAC 09G .0313 – Corrections Instructor Training Course; 12 NCAC 09B .0209 – Criminal Justice Instructor Training and 12 NCAC 09G .0414 – Instructor Training.

MOTION was made by Commissioner Freeman that the Commission authorize the Planning and Standards Committee to conduct a rule-making hearing to amend the rule, 12 NCAC 09B .0410 – Criminal Justice Instructor Training Course as follows: Language in paragraph “a(1)” shall be modified to read as follows: “satisfactorily complete all of the required course work pursuant to 12 NCAC 09B .0209. All trainee presentations shall have met the criteria and conditions specified in the course orientation of the “Instructor Training Manual as published by the North Carolina Justice Academy;” Language in paragraph “b” shall be modified to read as follows: “Should a trainee fail to meet the minimum criteria on the final lesson plan or the final 70-minute presentation, he or she shall be authorized one opportunity to correct either of these deficiencies by the end of the course”; seconded by Commissioner Kilgore. The MOTION carried.

MOTION was made by Commissioner Freeman that the Commission authorize the Planning and Standards Committee to conduct a rule-making hearing to amend rule 12 NCAC 09G .0313 – Corrections Instructor Training Course as follows: Language in paragraph “a(1)” shall be modified to read as follows: “satisfactory complete all of the required course work pursuant to 12 NCAC 09B .0209”. All trainee presentations shall have met the criteria and conditions specified in the course orientation of the “Instructor Training Manual as published by the North Carolina Justice Academy;” and Language in paragraph “a(2)” shall be modified to read: “attain the minimum score on each performance area as specified in the course abstract of the “Instructor Training Manual” for the final written lesson plan and final 70-minute presentation; and” Language in paragraph “a(3)” shall be deleted. Language in paragraph “b” shall be modified to read as follows: “If a trainee fails to meet, the minimum criteria on the final lesson plan or the final 70-minute presentation, he or she shall be authorized one opportunity to correct either of these deficiencies by the end of the course”; seconded by Commissioner Mizell.” The MOTION carried.

MOTION was made by Commissioner Freeman that the Commission authorize the Planning and Standards Committee to conduct a rule-making hearing to amend rule 12 NCAC 09B .0209 – Criminal Justice Instructor Training as follows: Language in paragraph “a” shall be modified to read as follows: “The Instructor Training course required for General Instructor Certification shall consist of 90 hours of instruction” Language in paragraph “b” shall be modified to read “Each Instructor Training course shall be designed to provide the trainee with the skills and knowledge to perform the functions of a criminal justice instructor”; Language in paragraph “c” shall be modified to read: “Each Instructor Training course shall include the following identified topic areas and minimum instructional hours for each area”; Language in paragraph “c(1)” shall be modified as follows: Change the hours from “3” to “4”; Language in paragraph “c(2)” shall be modified as follows: Change the hours from “6” to “8”; Language in paragraph “c(7)” shall be modified as follows: Change the hours from “6” to “4”. Language in paragraph “c(8)” shall be modified as follows: Change the hours from “5” to “8”; Language in paragraph “c(9)” shall be modified as follows: Change the hours from “3” to “4”. Language in paragraph “c(10)” shall be modified as follows: Change the hours from “6” to “8”; Language in paragraph “c(11)” shall be modified as follows: Change the hours from “4” to “5”; Language in paragraph “c(12)” shall be modified as follows: Change the hours from “4” to “6”; Language in paragraph “c(15)” shall be modified as follows: Change the hours from “2” to “4”; Add a new paragraph “d” to read as follows: “The Instructor Training Course shall be completed in one of the following two methods: (1) Completion of all topics specified in Paragraph (c) of this rule within a fifteen day period; or (2) individuals may complete topics contained in Paragraph (c)(3), (c)(4), and (c)(5) of this rule by either in-person or online delivery via a Commission-accredited delivery site within 60 days prior to the delivery of topics specified in paragraph (c)(1), (c)(2) and (c)(6) through (c)(15) of this rule.” Relater original paragraph “d” as paragraph “e”; seconded by Commissioner Johnson. The MOTION carried.

MOTION was made by Commissioner Freeman that the Commission authorize the Planning and Standards Committee to conduct a rule-making hearing to amend the rule, 12 NCAC 09G .0414 – Instructor Training as follows: Language in paragraph “a” shall be modified to read as follows: “The Instructor Training course required for General Instructor certification shall consist of a minimum of 90 hours of instruction”; Language in paragraph “b” shall be modified to read as follows: “Each Instructor Training course shall be designed to provide the trainee with the skills and knowledge to perform the functions of a criminal justice instructor”; Language in paragraph “c” shall be modified to read as follows: “Each Instructor Training course shall include the topic areas, delivery methods, and minimum instructional hours pursuant to 12 NCAC 09B .0209(c) and (d)”; Language in paragraph “c(1) – c(15)” shall be deleted; seconded by Commissioner Farnsworth. The MOTION carried.

Next, Chairperson Freeman stated that Commissioner Farnsworth requested that the Committee mandate that an instructor training update be prepared by the North Carolina Justice Academy, and that all instructors who are currently certified or authorized to instruct in the general instructor training class be required to complete the update. The Committee approved the request.

Chairperson Freeman noted that on behalf of the Joint In-Service Training Committee, Ms. Merrily Cheek, North Carolina Justice Academy, presented the approved recommended training objectives for the 2021 Law Enforcement In-Service Training Topics. The Joint In-Service Training Committee met on January 28, 2020, finalized, and approved the training objectives. Ms. Cheek asked for approval, which the Committee approved.

Chairperson Freeman reported that on behalf of the School Accreditation Subcommittee, Deputy Director Schilling recommended the re-accreditation for the following institutions: Cary Police Department (SMI); Davidson Community College (BLET, SMI, GI); Haywood Community College (BLET, SMI, GI); Johnston Community College (BLET, SMI, GI); Randolph Community College (BLET, SMI, GI); and Stanly Community College (SMI, GI). The Committee approved the recommendation.

Chairperson Freeman reported that on behalf of the Specialized Explosives & Hazardous Materials Advisory Group, Laurie Austen, North Carolina Justice Academy, requested approval for major revisions made to the Specialized Explosives & Hazardous Materials Instructor Training Course: Adoption of the 5th Edition International Fire Service Training Association (IFSTA) Manual. The Committee approved the request.

Next, Dan Worley with the North Carolina Justice Academy, briefed the Committee on the status of the ongoing BLET Revision Project pursuant to the Job Task Analysis.

Director Combs provided the Committee with information related to the establishment and progress of the Division of Adult Corrections In-Service Training Advisory Group as requested during the November 2019 meeting.

Chairperson Freeman reported that Mayland Community College was not re-accredited to administer Basic Law Enforcement Training or Instructor Training due to a series of deficiencies during their re-accreditation audit. Deputy Director Schilling provided a status report regarding the recent audit request for BLET.

Deputy Director Schilling provided an update on the number of instructor completions for the year 2019 regarding the required one-hour online renewal training.

Next, Deputy Director Schilling briefed the Committee on the 2020 School Directors' Conference scheduled for August 18-20, 2020 in Greensboro.

Lastly, Chairperson Freeman reported that Mr. Timothy Russell and his attorney Jeff Gray presented information regarding Mr. Russell's loss of his specialized firearm instructor certification. The issue was taken to the Commission Executive meeting.

C. Planning and Standards Committee – Chairperson Leslie Dismukes

Chairperson Dismukes reported that the Planning and Standards Committee met on Thursday, February 20, 2020 at Wake Technical Community College, Raleigh, North Carolina.

Chairperson Dismukes reported that the Committee approved the minutes of November 21, 2019.

Chairperson Dismukes reported that the Committee did not have a rule-making hearing.

Chairperson Dismukes reported that the Committee considered whether to request rule-making authority regarding the following rules: 12 NCAC 09 .0101 – Minimum Standards for Criminal Justice Officers and 12 NCAC 09G .0302 – Notification of Criminal Charges/Convictions were reviewed together due to their similarity. The Committee considered proposed revisions to both rules that would have (1) one shortened 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 reviewed revisions to each rule and approved the staff revisions.

MOTION was made by Commissioner Dismukes that the Commission grant rule making authority to the Planning and Standards Committee for rule 12 NCAC 09B .0101 – [Minimum Standards for Criminal Justice Officers] - Paragraph (7)(a)-(c): “within thirty business days” was changed to “within thirty days.” Paragraph 8: add a comma after “handled” on line 11; remove the redundant statement on lines 12-13. Paragraph 9: to ensure consistency of reporting deadlines within the rule, the words “5 days” in lines 19, 28 and 31 were changed to “30 days.” Rule 12 NCAC 09G .0302 – [Notification of Criminal Charges/Convictions] - Paragraphs (1) – (3) – “within thirty business days” was changed to “within thirty days.” Remainder paragraph: inserted “of” between “date” and “the” on line 36; seconded by Commissioner Robert Hassell. The MOTION carried.

Chairperson Dismukes reported that the Committee considered rule 12 NCAC 09B .0301 - Certification of Instructors and 12 NCAC 09G .0307 - Certification of Instructors – both rules would prohibit instructors, school directors and qualified assistants from being involved with the instruction of students with whom they have a close personal relationship. The Committee reviewed revisions to each rule and approved.

MOTION was made by Commissioner Dismukes that the Commission grant rule making authority to the Planning and Standards Committee for rule 12 NCAC 09B .0301- [Certification of Instructors] – Paragraph (e)(6): on line 22, change “who” to “whom”; Paragraph (e) (9); line 8 shall read “has failed to meet or maintain good moral character as defined in ...” The Committee removed “or involve moral turpitude.” Paragraph (f): on line 30, change “ten days” to “5 days”; Rule 12 NCAC 09G .0307 – [Certification of Instructors] – Paragraph (e)(5): change “commission” to “Commission”; Paragraph (e)(9): line 8 shall remain unchanged and read “has failed to meet or maintain good moral character as defined in ...” The Committee removed the proposed changes including “involve” and “moral turpitude”. Paragraph (f): on line 24, change “ten days” to “5 days”; seconded by Commissioner Stella Patterson. The MOTION carried.

Chairperson Dismukes reported that Director Combs presented an update on the Field Training Best Practices document entitled: “North Carolina Criminal Justice Education Training Standards Commission recommendation for Law Enforcement Field Training Programs” developed by the North Carolina Justice Academy. He explained that the law enforcement field-training document provides an overview to the Commission of the foundation for and best practices in well-run programs. Much of the content in the document is an accumulation of the best aspects of existing field training programs. The Committee requested that Director Combs ensure that the final document notes the date of legal review and the name of the reviewer, consistent with other Justice Academy publications. Chairperson Dismukes stated that the Planning and Standards Committee would review the document and vote to make it a commission-approved publication at the May 2020 meeting.

D. Probable Cause Committee - Chairman Ron Parrish

Chairman Parrish reported that the Probable Cause Committee met on Wednesday, February 19 and Thursday, February 20, 2020 at Wake Technical Community College, Raleigh, North Carolina.

He reported that the Committee approved the minutes of November 20-21, 2019.

Chairman Parrish reported that there were no individuals to report that were certified in accordance with the Probable Cause Policy after having committed a criminal offense by the Criminal Justice Standards Division.

He reported that the Committee reviewed thirty-one (31) cases. Probable cause was found in ten (10) cases and no probable cause in seventeen (17) cases. Two cases were closed due to the applicants no longer being with the agency. He related that the Committee found probable cause in four 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 20/005; seconded by Commissioner Kilgore. The MOTION carried unanimously.

MOTION was made by Commissioner Parrish that the Commission accept a lesser sanction of agreement for Memorandum Number 20/015; seconded by Commissioner Tasha Jones Butts. The MOTION carried unanimously.

MOTION was made by Commissioner Parrish that the Commission accept a lesser sanction of agreement for Memorandum Number 20/018; seconded by Commissioner Williams. The MOTION carried unanimously.

MOTION was made by Commissioner Parrish that the Commission accept a lesser sanction of agreement for Memorandum Number 20/022; seconded by Commissioner Mike Slagle. The MOTION carried unanimously.

Vice-Chairman Caldwell presided over the remainder of the Commission meeting.

E. CJ Fellows Program Committee – Chairman Nathan Mizell

Chairman Mizell reported that the CJ Fellows Program Committee met on Thursday, February 20, 2020 at Wake Technical Community College, Raleigh, North Carolina.

Chairman Mizell reported that the minutes from the November meeting were approved.

Next, Chairman Mizell noted that Erica Reid, Program Manager, updated the Committee on the status of the current Fellows and applications received.

Chairman Mizell stated that the Committee decided to continue to have the application open with the statement "Acceptance into the Criminal Justice Fellows Program is not a guarantee of funding. Funding for this program is within the exclusive control and discretion of the North Carolina General Assembly." Applicants must initial the statement to show that they have read it. He stated that applicants would be notified upon receipt of their application. Also, included in this notification would be a statement regarding funding.

In closing, Chairman Mizell noted that Fellows may request an extension for repayment due to circumstances such as sickness, age, etc. A 60-day notice is required for all extension requests.

VI. OTHER BUSINESS

None

VII. OLD BUSINESS

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

VIII. DATE OF NEXT MEETING

Commission Vice-Chairman Caldwell advised that the next Commission meeting is scheduled for May 13-15, 2020 at the Wake Technical Community College, Public Safety Education Campus in Raleigh, NC.

IX. MOTION TO ADJOURN

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