

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

**MINUTES**

**DATE:** August 14, 2020

**TIME:** 2:00 P.M.

**LOCATION:** N.C. Department of Justice/Training and Standards Division  
321 Chapanoke Road  
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  
Chief Cerelyn Davis  
Ms. Leslie Dismukes  
Mr. Richard Epley  
Mr. Lee Farnsworth  
Ms. Stephanie Freeman  
Ms. Jane Gilchrist  
Mr. Andrew Gregson  
Chief Robert Hassell  
Chief Tim Hayworth  
Mr. Andrew Hendry  
Chief David Hess  
Mr. Stan Hicks  
Mr. Jonathan Holbrook  
Chief Brian James  
Ms. Teresa Jardon  
Mr. Steve Johnson  
Mayor Bobby Kilgore  
Chief Jeff McCracken  
Colonel Glenn McNeill  
Ms. Tracy McPherson  
Mr. Nathan Mizell  
Chief Ron Parrish  
Deputy Chief Stella Patterson  
Sergeant David Rose  
Director Bob Schurmeier  
Mr. Michael Slagle  
Ms. Angela Williams

**MEMBERS ABSENT**

Mr. Brent Herron

**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 the following new members: Mr. Jonathan Holbrook, representing Mr. Michael Smith, Dean of UNC Chapel Hill School of Government and Mr. Andrew Gregson, representing the North Carolina Conference of District Attorneys. Ms. Byrd administered the Oath of Office to the following reappointed members: Mr. Eddie Caldwell and Mr. Lee Farnsworth representing the North Carolina Law Enforcement Officers' Association; Sergeant David Rose of Winston-Salem Police Department, appointed by North Carolina Attorney General Josh Stein and Mr. Nathan Mizell of Martin Community College, representing the North Carolina Law Enforcement Training Officers' 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 Mr. Jon Gregory and Ms. Joleigh Kelley for hosting the Commission at the Wake Technical Community College Public Safety Education Campus. Commission Chairman Hayworth thanked Sergeant Ricky Tucker with the North Carolina State Capitol Police for being with us at the meeting.

**II. AWARDING OF ADVANCED CERTIFICATES  
[Agenda Memorandum 03-20]**

**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 Angela Williams and carried unanimously.**

Chairman Hayworth reported that he was retiring from the Zebulon Police Department. He explained that he represents the North Carolina Association of Chiefs of Police and he would need to be an active chief in order to stay on the Commission through the association. He noted that he would proceed with the remainder of the Commission meeting with the new Commission Chairman in office to begin at the next meeting in November.

**III. ELECTIONS****A. Chairman**

Vice-Chairman Eddie Caldwell presided over the Commission to take nominations for the office of Chairman.

**MOTION was made by Commissioner Stephanie Freeman to nominate Commissioner Chris Blue as Chairman of the North Carolina Criminal Justice Education and Training Standards Commission. The MOTION was seconded by Commissioner David Rose and carried unanimously.**

**MOTION was made by Commissioner Teresa Jardon to nominate Commissioner Robert Hassell as Chairman of the North Carolina Criminal Justice Education and Training Standards Commission and Commissioner Tracy McPherson seconded that motion.**

After a ballot was completed, the vote was 20 for Commissioner Blue and 11 for Commissioner Hassell. Commissioner Blue was elected Commission Chairman of the North Carolina Criminal Justice Education and Training Standards Commission.

**B. Vice-Chairman**

Chairman Hayworth presided over the Commission to take nominations for the office of Vice-Chairman.

**MOTION was made by Commissioner Mike Slagle to nominate Commissioner Eddie Caldwell, Vice-Chairman of the Education and Training Standards Commission. Commissioner Bobby Kilgore seconded the motion. The motion carried.**

### C. Standing Committee Chairpersons

#### 1. Education and Training Committee

**MOTION was made by Commissioner Lee Farnsworth to nominate Commissioner Freeman as Chairperson of the Education and Training Committee. The MOTION was seconded by Commissioner Rose. The motion carried.**

#### 2. Planning and Standards Committee

**MOTION was made by Commissioner Robert Hassell to nominate Commissioner Leslie Dismukes as Chairman of the Planning and Standards Committee. The MOTION was seconded by Commissioner Freeman. The motion carried.**

#### 3. Probable Cause Committee

**MOTION was made by Commissioner Kilgore to nominate Commissioner Ron Parrish as Chairman of the Probable Cause Committee. The MOTION was seconded by Commissioner Williams. The motion carried.**

### IV. MINUTES OF MAY 15, 2020 and JULY 29, 2020 MEETINGS AND THE LIST OF INDIVIDUALS WITH OFFENSES WHO WERE CERTIFIED IN ACCORDANCE WITH THE PROBABLE CAUSE POLICY

Chairman Hayworth entertained a motion to approve the minutes of the previous Commission meetings and the list of Individuals with offenses who were certified in accordance with the probable cause policy.

**MOTION was made by Commissioner Dismukes that the Commission approve the minutes of the May 15, 2020 and July 29, 2020 meetings and the list of individuals with offenses who were certified in accordance with the probable cause policy. The MOTION was seconded by Commissioner Hassell and carried unanimously.**

### V. STANDING COMMITTEE REPORTS

#### A. Executive Committee - Chairman Eddie Caldwell

Chairman Caldwell reported that the Executive Committee met and discussed several issues. He noted that one discussion was our Commission schedule. He stated that in the past, the Commission has met on Wednesday, Thursday and Friday with hearing Final Agency Decisions on Friday. He noted that first, due to the scheduling of the public rule making hearings; the rotating schedule was not feasible. Second, it was hard for Legal Counsel to inform the Commission several weeks in advance of the total number of Final Agency Decisions to be presented at that meeting.

**MOTION was made by Commissioner Caldwell on behalf of the Executive Committee, that the Commission adopt the following schedule for our quarterly meetings: Wednesday: Probable Cause Meeting would be at 9:00 am, Planning and Standards Committee Meeting at 10:00 am, the Education and Training Committee at 1:00 pm and the CJ Fellows Meeting at 3:00 pm. On Thursday, Probable Cause Meeting at 9:00 am, Final Agency Decisions at 9:00 am and the Executive Committee Meeting would meet at the conclusion of the Final**

**Agency Decisions. On Friday, the full Commission would meet at 9:00 am. The motion was seconded by Commissioner David Hess. The MOTION carried unanimously.**

Chairman Caldwell reported that Director Combs presented a recommendation to create a database for the public to have access to a database of criminal justice officers that have had their certification revoked or suspended. He explained that this database would be searchable by anyone via the Commission's website and searchable only by the criminal justice officer's name. He explained that most licensing boards have listed this on their website and it is public record.

**MOTION was made by Commissioner Caldwell on behalf of the Executive Committee, that the Commission authorize Director Steven Combs to create a database of criminal justice officers that are revoked and suspended that is: (1) searchable by anyone via the Commission's website; (2) searchable only by the criminal justice officer's name and (3) does not include a list of revoked and suspended criminal justice officers; seconded by Commissioner Hess. The MOTION carried unanimously.**

Lastly, Chairman Caldwell reported that the Executive Committee reviewed a legislative change to the North Carolina General Statute 93-1(3) concerning state agency licensing boards. Chairman Caldwell noted that language in the state should be clear that the Commission is not a state agency licensing board.

**MOTION was made by Commissioner Caldwell on behalf of the Executive Committee, that the Commission pursue a legislative change to the North Carolina General Statute (NCGS) §93-1(3) that: (1) maintains the language in the statute making it clear that the Commission is not a "State Agency Licensing Board;" and (2) delete NCGS §93-1(3)(e) which lists the Commission as a "State Agency Licensing Board" under the Department of Justice; seconded by Commissioner Hess. The MOTION carried unanimously.**

Chairman Caldwell asked Director Steven 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, August 13, 2020 at Wake Technical Community College, Raleigh, North Carolina.

Chairperson Freeman reported that in conjunction with the North Carolina Justice Academy, Commissioner Steve Johnson requested several rule revisions related to the General Instructor and Specialized Instructor Training Courses to clarify specific course requirements. She related that this request would require a rule change for the following rules: 12 NCAC 09B .0202 – Responsibilities of the School Director; 12 NCAC 09B .0209 – Criminal Justice Instructor Training; 12 NCAC 09B .0226 – Specialized Firearms Instructor Training; 12 NCAC 09B .0227 – Specialized Driver Instructor Training; 12 NCAC 09B .0232 – Specialized Subject Control Arrest Techniques Instructor Training; 12 NCAC 09B .0233 – Special Physical Fitness Instructor Training; 12 NCAC 09B .0417 – Specialized Explosive and Hazardous Material 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 rules: 12 NCAC 09B .0202 – Responsibilities of the School Director; 12 NCAC 09B .0209 – Criminal Justice Instructor Training; 12 NCAC 09B .0226 – Specialized Firearms Instructor Training; 12 NCAC 09B .0227 – Specialized Driver Instructor Training; 12 NCAC 09B .0232 – Specialized**

**Subject Control Arrest Techniques Instructor Training; 12 NCAC 09B .0233 – Special Physical Fitness Instructor Training; 12 NCAC 09B .0417 – Specialized Explosive and Hazardous Material Instructor Training and 12 NCAC 09G .0414 – Instructor Training; seconded by Commissioner Parrish. The Motion carried.**

Chairperson Freeman reported that Deputy Director Michelle Schilling, Criminal Justice Standards Division, requested a rule change for updating the instructional hours of the Drug Diversion Investigator Course and for installing a time submittal frame for Drug Diversion Investigators and Drug Diversion Investigator Supervisor applications for certification purposes.

**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 .0314 – Certification of Diversion Investigators and Supervisors as follows: Change classroom hours from “24” to “20” in paragraph “(a)”. Add a new paragraph “(b)” to read: “Applications for Diversion Investigator or Diversion Investigator Supervisor Certification shall be submitted to the Standards Division within 60 days of the date the applicant passed the state comprehensive examination administered at the conclusion of the Commission-accredited diversion training program. Persons having completed the Commission-accredited diversion training course and not having submitted the application within 60 days of the date the applicant passed the state comprehensive examination shall complete a subsequent Commission-accredited diversion training course in its entirety.” The remaining paragraph will be adjusted to reflect “(c) – (e)”; seconded by Nathan Mizell. The Motion carried.**

Chairperson Freeman reported that on behalf of the Speed Measuring Instrument Advisory Group, Terry Miller, North Carolina Justice Academy requested a rule change for reducing the SMI supervised field practice hours from 16 to 12. This would require a rule change to 12 NCAC 09B .0409 – Satisfaction of Training – SMI Operators.

**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 .0409 – Satisfaction of Training – SMI Operators as follows: change “16 hours” to “12 hours” in paragraphs “(a)(4)” and “(a)(5)”; seconded by Commissioner Johnson. The Motion carried.**

Mr. Miller updated the Committee on the SMI program response to concerns expressed from the field and made recommendations to the SMI training curriculum. The recommendations are as follows: (1) allow the use of electronic devices on motor skills testing day: change would be made on instructor initial forms and added to SMI forms and any references in the SMI manuals, effective January 1, 2021; (2) SMI Tuning Fork Testing: No change recommended; (3) SMI instructor instrument sign offs: no change recommended; and (4) written pre-entrance minimum test score for SMI instructors: no change recommended. The Committee approved the recommendations.

Next, Chairperson Freeman noted that Deputy Director Schilling reported that Southwestern Community College has requested authorization to deliver specialized instructor training courses. In order for the Committee to grant this request, it would require rule changes to: 12 NCAC 09B .0226 – Specialized Firearms Instructor Training; 12 NCAC 09B .0227 – Specialized Driver Instructor Training; 12 NCAC 09B .0232 – Specialized Subject Control Arrest Techniques Instructor Training; 12 NCAC 09B .0233 – Specialized Physical Fitness Instructor Training; 12 NCAC 09B .0417 –

Specialized Explosives and Hazardous Materials Instructor Training Course. The Committee denied the request.

Deputy Director Schilling recommended accreditation for the following institutions: Stanly Community College – BLET, SMI, and Instructor Training; Blue Ridge Community College – Instructor Training. Reaccreditation for Durham Technical Community College – BLET, SMI, Instructor Training; Raleigh Police Academy – BLET and SMI; Sandhills Community College – BLET, SMI and Instructor Training; Tri-County Community College – BLET and Instructor Training; N.C. State Highway Patrol Training Academy – BLET; Wake Technical Community College – BLET, SMI and Instructor Training and Wake County Sheriff's Office - BLET. She noted that Wake County Sheriff's Office Training Academy would not be seeking reaccreditation for SMI. The Committee approved the recommendations.

Chairperson Freeman reported that on behalf of the Instructor Training Advisory Group, Jessica Cook, North Carolina Justice Academy recommended major revisions and/or additions to the Instructor Training curriculum. The recommended revisions are: orientation and pre-test: the major changes proposed are as follows: (a) an objective was added to explain the purpose of instructor evaluations; (b) the pre-test was updated and currently includes 100 multiple choice questions as opposed to 69; (c) new training aids and updated practical exercises were added to aid in providing the student with an opportunity to feel more comfortable in the class with their peers and when speaking in front of a group; (d) the Easy as ABC practical exercise was removed; and (e) objective content was updated and corrected as needed.

She noted that the Lesson Plan Development and Formatting proposed major changes are as follows: (a) The additions of seven new handouts and the updating of one handout. The handouts that were newly added/created and the handout that was updated are listed below: (1) Explanation template; (2) Articles and prepositions; (3) Correct and incorrect headers and sub-headers; (4) Answer key correct and incorrect headers and sub-headers; (5) Construct a class evaluation form; (6) Conflict management lesson plan (updated) and (7) Ruler. (b) New training aids were added to include a video and materials for a new practical exercise. (c) One new practical was added – Construct a Class. The step-by-step practical exercise was also updated and now includes instructions to assist all learning styles. (d) Supporting content under the objectives were updated. Adult Learning: the major changes proposed are as follows: (a) Some new training aids were added to this block; (b) The practical exercises that were already being used were updated; (c) A section was added on strategies for motivating students. Instructional Styles and Platform Skills: the major changes proposed are as follows: (a) Supporting content under the objectives was updated. (b) Three handouts were updated, and six new handouts were added. They are as follows: (1) Prepared lesson plan presentation evaluation form (updated); (2) Officer/Awareness: responding to victims of trauma instructional packet; (3) Followership: being an influential employee instructional packet; (4) Physical and mental awareness: building a plan for improvement instructional packet; (5) Continue to make a difference instructional packet; (6) Communication strategies with the deaf and hard of hearing instructional packet; (7) Shift management skills in the telecommunications center instructional packet; (8) 70-minute presentation evaluation form (updated); (9) Presentation evaluation criteria (updated). (c) A few new sections were added: (1) Facilitated learning; (2) Using think, pair, share; (3) Utilizing student recorders; (4) Utilizing the think time technique when asking questions to check comprehension; (5) Utilizing the 3-2-1 method of summarizing after each section or after each presentation of content delivery. (d) The practical exercises that were already present were updated and expanded to allow more time for student presentations and evaluation. These updated exercises combine student engagement, presentations and problem solving. The Evaluation Process of Learning: the major changes proposed are as follows: (a) Four new objectives were added. Along

with supporting information for each. (1) Given the different types of test questions, correctly select which questions would be classified as objective test questions and provide their benefits and limitations. (2) Identify the two types of subjective test questions and provide their benefits and limitations, (3) Select which type of test question(s) would be the most appropriate to provide to the students based upon the desired learning outcomes. (4) Using the information in the lesson plan you created, construct a test that encompasses a minimum of six questions and a minimum of three different types of test questions. (b) Four new handouts were created: (1) Instructor training – instructor evaluations; (2) Pre-test example; (3) Post-test example; (4) Considerations for each question type. (c) Two new problem-solving practical exercises were added. These exercises combine student engagement, presentations, and problem solving. (1) Questions Designed to Get Your Students Thinking Exercise and (2) Writing Your Tests Questions Practical. (d) Supporting content for the objectives was also updated. Classroom Management: the major changes proposed are as follows: (a) Supporting content for the objectives was updated. (b) One new objective was added. Explain, in your own words, the proper way to assist a student during training who experiences a stress reaction. (c) The following new practical exercises were added to assist students with problem solving and presentation skill building. (1) Three prompts practical exercise; (2) On the phone/not paying attention practical exercise; (3) Sleeping practical exercise; (4) Talking practical exercise; (5) Argumentative practical exercise; (6) Late arrival practical exercise; (7) Continuously late arrival practical exercise; (8) Clicking pen practical exercise. (d) A new section was added on scenario-based training and ways to incorporate this into training.

Chairperson Freeman noted Criminal Justice Instructional Leadership: the major changes proposed are as follows: (a) Modified that the lesson plan can be taught in the classroom or on-line. (b) The following new objectives were created, along with supporting materials. Other listed below were modified. (1) In your own words, define the term “leadership”. (2) Identify and explain a minimum of three of the five character traits that should be displayed by an effective leader. (3) List and describe at least three styles of leadership. (4) Name and describe the five levels of Leadership, according to John Maxwell. (5) Explain the Pygmalion Effect and discuss its relevance to law enforcement leadership. (6) Complete a personality self-assessment to determine your personality type and how this may affect your leadership style. (c) New handouts were created. (1) Understanding the Personality Types and Leadership Qualities of Each. (2) Did You Exercise Empathy and Emotional Intelligence Today. (d) The supporting content of the objectives was updated. (e) A self-assessment practical exercise was added.

Chairperson Freeman reported Lesson Plan Preparation: Professional Resources: the major changes proposed are as follows: (a) Modified that the lesson plan can be taught in the classroom or on-line. (b) The following objective was updated. Correctly cite at least three bibliographical references using the current Turabian edition style of citing. (c) New training aids were added. (d) The following handouts were updated. (1) Lesson Plan Preparation: Professional Resources Quick Reference Guide for References and Endnotes; (2) How to Obtain Permission (e) Supporting information under the objectives was updated. (f) Multiple new practical exercises were added: (1) NC LIVE demonstration; (2) ProQuest Criminal Justice Demonstration; (3) Basic searching practical exercise (4) Plagiarism and citing practical exercise; (g) Examples of Statistical Reports were added to include the following: (1) Juvenile Justice statistical reports; (2) Bureau of justice statistics; (3) Blue HELP (h) New information was provided on professional associations. (i) Additional examples of government sources were provided to include the following: (1) National Institute of Justice; (2) The Office of Juvenile Justice Delinquency and Prevention; (3) Criminal Justice Information Network.

Chairperson Freeman noted Instructional Systems Design: the major changes proposed are as follows: (a) The following handouts were updated and/or newly created: (1) Final Report on the Job Task Analysis of Entry-Level Law Enforcement in the state of North Carolina. (2) ISD Phases; (3) Measurable Verbs; (4) 70-Minute Lesson Plan Evaluation; (5) 70-Minute Presentation Evaluation; (6) Instructional Objectives Test; (7) Instructional Objectives Answer Key; (8) Action, Condition, and Standard Exercise; (9) Action, Condition, and Standard Answer Key. (b) The following is a list of the problem-solving practical exercises that were updated and/or newly created for this block. (1) Job Task Analysis of Entry-Level Law Enforcement in the State of North Carolina Exercise. (2) Lesson Purpose Development Exercise; (3) Lesson Plan Title Exercise; (4) Action, Condition, and Standard Exercise; (5) Instructional Objectives Test Exercise and (6) Writing your training objectives practical.

Next, Chairperson Freeman noted Student Performance: the major changes proposed are as follows: (a) The following handouts were updated: (1) 1<sup>st</sup> 35-Minute Presentation Evaluation Form; (2) 2<sup>nd</sup> 35-Minute Presentation Evaluation Form; (3) Final 70-Minute Presentation Evaluation Form and (4) Final Lesson Plan Evaluation Form. (b) The training objectives were updated as follows: (1) Present the first half of their lesson plan, meeting the performance standards set by the Instructor Training course, with peer and instructor critiques. (2) Present the second half of their lesson plan, meeting the performance standards set by the Instructor Training course, with peer and instructor critiques. (3) Provide a copy of the written lesson plan for instructor review during the first half and second-half presentations. (4) Demonstrate the ability to write and present a lesson plan that equates to a 70-minute presentation, meeting the criteria established in the Instructor Training course. (c) The following student presentation practical exercises were updated: (1) First-Half Presentation Exercise; (2) Second-Half Presentation Exercise; (3) Final Presentation Exercise and (4) Final Lesson Plan Exercise.

Chairperson Freeman noted Course Closing: the major changes proposed are as follows: (a) The following objectives were added and/or updated: (1) Take a post-test that reviews some of the course materials covered during the Instructor Training program. (2) Correctly, name the criteria that must be met, at a minimum, to maintain a General Instructor Certification; (3) Participate in a group review using one of the review methods, as discussed in the Evaluation Process of Learning Instructor Training program lesson plan. (b) The following handouts were added and/or updated. (1) Program Evaluation Form; (2) Post-Test; (3) Post-Test Answer Key; (4) Blank Bubble Sheets; (5) State Exam Locations. (c) New training aids were added. (d) The following practical exercises were created and/or updated. (1) Program Evaluations; (2) Post-Test Exercise; (3) Group Review Practical Exercise; (e) Supporting information under the objectives were updated.

Next, Chairperson Freeman noted on behalf of the SMI Advisory Group, Jason McIntyre, presented information regarding evaluation of new technology proposed by various manufacturers for addition to the North Carolina Approved List of Speed Measuring Instruments as published in Appendix A of the Supplement for Speed Measuring Instrument Training Courses. Two speed-measuring instruments were submitted for review during the 2019-2020 evaluation cycle. Based on the evaluation and consideration of these instruments, the SMI Advisory Group recommended the following: Denial of the Laser Technology Inc., True Speed SXB LIDAR and Denial of the Kustom Signals, Inc., Eagle 3 RADAR. The Committee approved the recommendation.

Chairperson Freeman reported that Alex Gazaway, the North Carolina Justice Academy briefed the Committee on the status of the ongoing BLET Revision Project pursuant to the Job Task Analysis.

Chairperson Freeman reported that Director Steven Combs updated the Committee regarding a previous request made by Police Chief David Donaldson, University of North Carolina at Wilmington regarding the creation of a mandatory in-service training executive track.

Lastly, Chairperson Freeman noted that the Committee was provided an update on the Virtual Learning Workgroup Activities. This workgroup is exploring the possibility of remote learning options for BLET. The Committee agreed to continue this discussion within the Virtual Learning Workgroup.

### C. **Planning and Standards Committee – Chairperson Leslie Dismukes**

Chairperson Dismukes reported that the Planning and Standards Committee met on August 12, 2020 at Wake Technical Community College Public Safety Center.

Chairperson Dismukes reported that the minutes of the May 13, 2020 meeting were approved as written.

Chairperson Dismukes that the Committee considered requesting a rule making authority for rule 12 NCAC 09A .0201 (Investigation of Violation of Rules).

**MOTION was made by Commissioner Dismukes that the Commission grant rule making authority to the Planning and Standards Committee to 12 NCAC 09A .0201 – Investigation of Violation of Rules. The revision to remove language about the Attorney General authorizing the SBI to investigate, given that the SBI is no longer housed under the Department of Justice; seconded by Commissioner Hassell. The MOTION carried unanimously.**

Chairperson Dismukes reported that the Committee conducted a public rule making hearing on nine rules. She explained that many of the rules are “sister rules” for justice officers and corrections. The Committee considered the following rules: Rule 12 NCAC 09B .0202 (Responsibilities of the School Director) – The Committee adopted the technical changes proposed by staff and considered the substantive changes to subsection (b)(10), which would require School Directors to report additional data at the beginning of BLET so that the Commission has accurate records regarding those individuals who start BLET and not just those who complete it. The Committee recommended adoption of the proposed changes to the rule as follows: Paragraph (10)(C): “Office” should be “Officer”. Rule 12 NCAC 09B .0209 – Criminal Justice Instructor Training and 12 NCAC 09G .0414 – Instructor Training – based on pilot work done by the Instructor Training Advisory Group, the number of hours needed for instructor training should be 90 instead of 78. The Committee voted to recommend adoption of the proposed changes to the rule as set out in the packet along with the following changes: 09B .0209 – paragraph (a): lines 5 and 6 were changed to read “... shall consist of a minimum of 90 hours of instruction, as defined in subsection (c), within a 15-day period.” Paragraph (d) was stricken from this provision and tabled for further development by the Education and Training Committee regarding how online training would be provided. Rule 09G .0414 – paragraph (a): lines 3 and 4 were changed to read “...shall consist of a minimum of 90 hours of instruction, as defined in 12 NCAC 09B .0209(c), to be completed within a 15-day period.” Paragraph (c) was stricken as unnecessary in light of the revisions to paragraph (a). Paragraph (d) now becomes paragraph (c).

Chairperson Dismukes reported that 12 NCAC 09B .0301 – Certification of Instructors and 12 NCAC 09G .0307 – Certification of Instructors –The Committee considered revisions to have these rules

readily understandable as well as to add in language for Instructors that had been previously added to the School Directors rule related to the conduct of relationships with students. Rule 09G .0307 – paragraph (5)(d): line 10, remove “thus impeding the students” ability to learn” and adding a semi-colon after “environment”. Paragraph (5)(e) and (f) should be underlined indicating that they are newly moved to that location.

Chairperson Dismukes reported that 12 NCAC 09B .0410 – Criminal Justice Instructor Training Course and 09G .0313 – Corrections Instructor Course – The Committee considered simplifying these rules to rule 09B .0209 to be consistent with one another. Rule 09G .0313 – paragraph (a)(2): amended to read: “attain the passing score” instead of “attain the minimum score”.

**MOTION was made by Commissioner Dismukes that the Commission adopt the changes to the following rules: 12 NCAC 09B .0202 – (Responsibilities of the School Director) adopt the technical changes proposed by staff and consider the substantive changes to subsection (b)(10), which would require School Directors to report additional data at the beginning of BLET so that the Commission has accurate records regarding these individuals who start BLET and not just those who complete it. The Committee recommended adoption of the proposed changes to the rule as follows: Paragraph (10)(C): “Office” should be “Office<sub>1</sub>”. Rule 12 NCAC 09B .0209 – (Criminal Justice Instructor Training) and 12 NCAC 09G .0414 – (Instructor Training) – revisions to these rules based on pilot work done by the Instructor Training Advisory Group, who determines that the number of hours needed for instructor training should be 90 instead of 78. Adopt the proposed changes to the rule as set out in the packet along with the following changes: 09B .0209 – paragraph (a): lines 5 and 6 were changed to read “... shall consist of a minimum of 90 hours of instruction, as defined in subsection (c), within a 15-day period.” Paragraph (d) was stricken from this provision and tabled for further development by the Education and Training Committee regarding how online training would be provided. Rule 09G .0414 – paragraph (a): lines 3 and 4 were changed to read “...shall consist of a minimum of 90 hours of instruction, as defined in 12 NCAC 09B .0209(c), to be completed within a 15-day period.” Paragraph (c) was stricken as unnecessary in light of the revisions to paragraph (a). Paragraph (d) now becomes paragraph (c). 12 NCAC 09B .0301 – (Certification of Instructors) and 12 NCAC 09G .0307 – (Certification of Instructors) – add in language for Instructors that had been previously added to the School Directors rule related to the conduct of relationships with students. Rule 09G .0307 – paragraph (5)(d): line 10, remove “thus impeding the students” ability to learn” and adding a semi-colon after “environment”. Paragraph (5)(e) and (f) should be underlined indicating that they are newly moved to that location. 12 NCAC 09B .0410 – (Criminal Justice Instructor Training Course) and 09G .0313 – (Corrections Instructor Course) – The Committee considered simplifying these rules to rule 09B .0209 to be consistent with one another. Rule 09G .0313 – paragraph (a)(2): amended to read: “attain the passing score” instead of “attain the minimum score”. 12 NCAC 09B .0301 – (Certification of Instructors) and 12 NCAC 09G .0307 – (Certification of Instructors) – add in language for Instructors that had been previously added to the School Directors rule related to the conduct of relationships with students. Rule 09G .0307 – paragraph (5)(d): line 10, remove “thus impeding the students” ability to learn” and adding a semi-colon after “environment”. Paragraph (5)(e) and (f) should be underlined indicating that they are newly moved to that location. 12 NCAC 09B .0410 – Criminal Justice Instructor Training Course and 09G .0313 – Corrections Instructor Course – The Committee considered simplifying these rules to rule 09B .0209 to be consistent with one another. Rule 09G .0313 – paragraph (a)(2): amended to read: “attain the passing score” instead of “attain the**

**minimum score". 12 NCAC 09B .0410 – Criminal Justice Instructor Training Course and 09G .0313 – Corrections Instructor Course – The Committee considered simplifying these rules to rule 09B .0209 to be consistent with one another. Rule 09G .0313 – paragraph (a)(2): amended to read: “attain the passing score” instead of “attain the minimum score”. The Motion was seconded by Commissioner Hassell. The MOTION carried.**

Chairperson Dismukes reported that the Committee considered revisions to rule 12 NCAC 09B .0101 (Minimum Standards for Criminal Justice Officers) and 12 NCAC 09G .0302 (Notification of Criminal Charges/Convictions) as well as improving the readability and understandability of the rules. Rule 12 NCAC 09B .0101, the Committee considered the addition of paragraph (9), which would require criminal justice officers to report to the Commission when they have been notified that they cannot testify as a law enforcement officer by certain court officials because of issues related to honesty, truthfulness or credibility. The Committee recommended adoption of the proposed changes as set out in the packet with the following additional changes: 09B .0101 Paragraph (7) “communicate” should not be stricken. Paragraph (7)(c): reference to DVPO was accidentally removed from this rule, add in a new (c) to mirror the language in 09G .0302(3), “within thirty days of service, officers shall notify the Standards Division of all Domestic Violence Protective Orders and Civil No Contact Orders that are issued by a judicial official against the officer”. Paragraph (7)(c) become (7)(d), Paragraph (7)(d) becomes (7)(e) and Paragraph (9) is stricken.

**MOTION was made by Commissioner Dismukes that the Commission adopt the changes to 12 NCAC 09B .0101 (Minimum Standards for Criminal Justice Officers) as set out in the packet with the addition of changes to paragraphs (7)(c), (7)(d) and (7) (e), and paragraph 9 is stricken; seconded by Commissioner Rose.**

**Commissioner Robert Hassell made the motion to amend the motion of Commissioner Dismukes to add to approve rule 12 NCAC 09G .0302 (Notification of Criminal Charges/Convictions) and rule 12 NCAC 09B .0101 (Minimum Standards for Criminal Justice Officers), subsection (9) as previously sent out in the packet to the Commission. Subsection (9) that every officer shall notify the Standards Division within thirty days of being notified that because of the officer’s lack of honesty, truthfulness, or credibility, the officer may not testify in court as a law enforcement officer. This provision shall apply only to notifications (1) made in writing by a superior court judge, district court judge, federal judge, district attorney, assistant district attorney, United States Attorney, Assistant United States Attorney, or the officer’s department head, or (2) made in open court by a superior court judge, district court judge, or federal judge. The officer’s notification to the Standards Division shall be in writing and shall state who notified the officer that the officer may not testify in court as a law enforcement officer and when the officer was so notified. An officer required to notify the Standards Division under this subparagraph shall make the same notification to his or her department head within thirty days of being notified that he or she may not testify in court as a law enforcement officer. A department head who is notified that an officer in his or her agency has been notified that the officer may not testify in court as a law enforcement officer shall also notify the Standards Division within thirty days of the department head’s receipt of such notice. Receipt by the Standards Division of a single notification, from either the office or the department head, shall be sufficient notice for compliance with this subparagraph; seconded by Commissioner Bob Schurmeier. The Motion failed 17 No and 12 yes.**

**The Original Motion carried unanimously**

Chairperson Dismukes noted that even though subsection 9 did not pass, she asked if the Commission would consider wanting to issue, a letter to the officer if no probable cause is found. She

noted that she would be willing to work with a group in the future if they decided to issue a letter to an officer.

**MOTION was made by Commissioner Dismukes that the Commission adopt the changes to rule 12 NCAC 09G .0302 (Notification of Criminal Charges/Convictions) to improve the readability and understandability of the rule as set out in the packet for the Correction rule; seconded by Commissioner Williams. The MOTION carried.**

Lastly, Chairperson Dismukes reported that Director Combs proposed a request for rule making authority to certification status for separated law enforcement officers in 12 NCAC 09B .0403. The Committee had several questions related to this rule. The Committee asked staff to research and bring back to the Committee for review for rule making authority.

**D. Probable Cause Committee – Chairman Ron Parrish**

Chairman Parrish reported that the Probable Cause Committee met on Tuesday, August 11 and Wednesday, August 12, 2020 at Wake Technical Community College, Raleigh, North Carolina.

Chairman Parrish reported that the minutes of July 8 and July 9, 2020 were approved as presented.

Chairman Parrish reported that on Tuesday, August 11, 2020, seventeen officers/applicants were on the agenda with thirty-six alleged violations of the Administrative Code. No probable cause was found against ten officers/applicants involving fifteen allegations. Probable Cause was found in the case of two officers involving six allegations. Four cases consisting of thirteen allegations were continued. One case consisting of two allegations were tabled to conduct further investigations. On Wednesday, August 12, sixteen officers/applicants were on the agenda with twenty-nine allegations. No probable cause was found in the case of six officers/applicants involving fourteen alleged allegations. Probable Cause was found in the case of seven officers/applicants involving eleven alleged violations.

Chairman Parrish reported that two officers were certified after having committed a criminal offense by the Criminal Justice Standards Division.

**D. CJ Fellows Program Committee – Chairman Nathan Mizell**

Chairman Mizell reported that the Criminal Justice Fellows Program Committee met on Thursday, August 13, 2020.

Chairman Mizell reported that the minutes of May and June were approved as presented.

Chairman Mizell reported that Ms. Erica Reid, Program Manager with the Criminal Justice Standards Division updated the Committee on the status of the Fellows.

Chairman Mizell reported that the new essay prompt requires the applicant to include their career goal in the criminal justice profession and include a minimum and maximum word count.

Chairman Mizell noted that discussion was held regarding allowing Fellows a two-year extension on repayment in order for them to earn their bachelor's degree before going to work. After much discussion, this was tabled to the next meeting in November.

Lastly, Chairman Mizell stated that a virtual orientation would be held for the new Fellows at 10:00 am on August 26, 2020.

**VI. OTHER BUSINESS**

None

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

None

**B. Legal Counsel Report**

Ms. Brenda Rivera 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 the members of the Probable Cause Committee were recused from the Final Agency Decisions.

Vice-Chairman Caldwell reported that Mr. Chris Brooks, an Assistant Attorney General, would serve as the Commission's Legal Counsel for the Final Agency Decisions.

Commission 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. Kenneth Tanguay**

Commissioner Dismukes recused herself from this case.

Ms. Rivera presented oral argument regarding the case against Mr. Tanguay.

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

**MOTION was made by Commissioner Blue that the Commission return to Open Session; seconded by Commissioner Johnson. The MOTION carried.**

**MOTION was made by Commissioner Jane Gilchrist that the Commission continue to certify the petitioner as a law enforcement officer and take no action on his law enforcement officer certification and adopt the proposed decision as prepared by legal counsel except for the Commission not strike paragraph #15 and strike the proposed paragraph #10 and that the petitioner continue to be certified and not indefinitely suspended. Also, make any conforming changes as necessary for the ORDER; seconded by Commissioner Farnsworth. The MOTION carried.**

**2. Kevin Marin**

Commissioner Cerelyn Davis recused herself from this case.

Mr. Adren Harris presented oral argument regarding the case against Mr. Marin.

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

**MOTION was made by Commissioner Dismukes that the Commission return to Open Session; seconded by Commissioner Johnson. The MOTION carried.**

**MOTION was made by Commissioner Farnsworth that the Commission accept the respondent's Proposed Final Agency Decision with the following changes: the petitioner's law enforcement officer certification be suspended for a period of not less than five years for the commission of a "Class B misdemeanor" offense, to wit: "Assault on Female" and an additional five years for "Damage to Property". This period of five years, run concurrent; seconded by Commissioner Glenn McNeill. The MOTION carried.**

**3. Craig Malton**

Ms. Rivera reported that Mr. Malton did not receive his notice of the meeting. She stated that Mr. Malton's case would be continued until the next meeting.

**VIII. DATE OF NEXT MEETING**

Commission Vice-Chairman Caldwell advised that the next Commission meeting is scheduled for November 18-20, 2020 at the Wake Technical Community College, Public Safety Education Campus in Raleigh, NC.

**IX. MOTION TO ADJOURN**

**MOTION was made by Commissioner Hassell that the Commission adjourn; seconded by Commissioner Farnsworth. The MOTION carried unanimously.**