

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

MINUTES

DATE: November 20, 2020

TIME: 2:00 P.M.

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

SUBMITTED BY: Richard Squires
Interim Director

MEMBERS PRESENT

Chief Chris Blue
Chief Eddie Buffaloe
Ms. Tasha Jones Butts
Sergeant Randy Byrd
Mr. Eddie Caldwell
Chief Cerelyn Davis
Ms. Leslie Dismukes
Mr. Richard Epley
Ms. Stephanie Freeman
Ms. Jane Gilchrist
Chief Robert Hassell
Mr. Brent Herron
Chief David Hess
Mr. Stan Hicks
Mr. Jonathan Holbrook
Chief Brian James
Mr. Steve Johnson
Mayor Bobby Kilgore
Chief Jeff McCracken
Major Joe Cotton, representing 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

Captain Marianne Bond
Mr. Lee Farnsworth
Mr. Andrew Gregson
Mr. Andrew Hendry
Ms. Teresa Jardon
Ms. Jamie Vaske

I. CALL TO ORDER

Commission Chair Chris Blue called the meeting to order. Ms. Donna Byrd, Clerk to the Commission, administered the Oath of Office to new member Chief Eddie Buffaloe with Elizabeth City Police Department, representing the North Carolina Association of Chiefs of Police. Ms. Byrd administered the Oath of Office to the following reappointed members: Ms. Tasha Jones Butts, North Carolina Department of Public Safety, and Division of Adult Correction & Juvenile Justice, appointed by Governor Roy Cooper and Ms. Stephanie Freeman, North Carolina Department of Public Safety, Office of Staff Development & Training, appointed by

Governor Cooper. Chair Blue read the Ethics Responsibility into the minutes. He declared that a quorum was present and welcomed all visitors to the Commission meeting.

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

II. PRESENTATION OF RESOLUTIONS

Commission Chair Blue presented Resolution in Memoriam for Officer Jordan Harris Sheldon of the Mooresville Police Department.

Next, Chair Blue acknowledged that former Commissioners Mr. Trey Robison and Dr. Kenneth Mullen were not present to accept their Resolutions of Appreciation; however, he read the Resolutions of Appreciation into the minutes.

Chair Blue presented a Resolution in Appreciation to former Commission Chair Tim Hayworth. He read the Resolution of Appreciation into the minutes. Mr. Hayworth stated he has enjoyed working with both the Commission and staff.

Chair Blue presented an appreciation award to Attorney General Josh Stein for his continued support to the North Carolina Criminal Justice Education & Training Standards Commission and law enforcement for North Carolina. Attorney General Stein thanked the Commission for the work that is being done by both the Commission as well as law enforcement.

III. AWARDING OF ADVANCED CERTIFICATES [Agenda Memorandum 04-20]

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

IV. MINUTES OF AUGUST 14, 2020 MEETING

Chair Blue entertained a motion to approve the minutes of August 14, 2020 meeting.

MOTION was made by Commissioner Hassell that the Commission approve the minutes of the August 14, 2020 meeting as presented; seconded by Commissioner Stan Hicks and carried unanimously.

V. STANDING COMMITTEE REPORTS

A. Executive Committee - Chairman Eddie Caldwell

Chair Caldwell reported that the Executive Committee met on Wednesday, November 18 and discussed several issues. He noted that one discussion was our Commission mail out packet that is sent out for our quarterly meeting. The Executive Committee has asked staff to send out electronically the mail out as well as a hard copy for a trial run. Chair Caldwell explained that in May, the mail out packet will be posted online and staff will not be sending any hard copies to the Commission.

Chair Caldwell reported that legal counsel, Ms. Brenda Rivera revised the By-Laws in which good faith language was added to page three (3) indicative that the Executive Committee is authorized to act on behalf of the Commission, so long as it acts in good faith and informs the full the Commission of its actions within five-business days. If any member of the Commission objects to such a decision

made by the Executive Committee, the member may, in writing, request that the Chair call a special meeting of the Commission to review the decision, and a special meeting be called by the Chair.

Ms. Rivera stated this good faith language was added for those instances when the Executive Committee would need to make decisions on behalf of the Commission. These decisions include, but are not limited to closing BLET classes due to COVID-19 events, student attendance waivers due to course closings, requesting executive orders from the Governor, etc.

MOTION was made by Chair Caldwell that the Commission adopt the proposed changes to the By-Laws; seconded by Commissioner Hicks. The MOTION carried unanimously.

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

Chair 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

Chair Freeman reported that the Education and Training Committee met on Wednesday, November 18, 2020 at Wake Technical Community College, Raleigh, North Carolina.

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

Chair Freeman noted that on behalf of the Joint In-Service Committee, Dan Worley, Training Manager for the North Carolina Justice Academy, appeared before the Committee to propose the 2022 Law Enforcement In-Service Training Topics.

MOTION was made by Commissioner Freeman that the Commission authorize the Planning and Standards Committee to conduct a rule making hearing for the 2022 Law Enforcement In-Service Training Topics as follows: 2022 Domestic Violence: The Psychology of Whether to Stay or Go (2 hours/credits); 2022 Creating a Safety Net (2 hours/credits; Juvenile Minority Sensitivity Training); 2022 Firearms and Qualification (4 hours/credits); 2022 Legal Update (4 hours/credits); 2022 Ethics: Preempting Misconduct and Increasing Integrity (2 hours/credits); and 2022 Practicing Proactive Wellness (2 hours/credits). Topics of Choice (10-12 hours/credits) – Incorporating a Co-Response: Partnering with Community Professionals (2 hours/credits); The Process of De-escalation: Listening, Talking, Defensive Tactics (2-4 hours/credits); Civil Unrest: Local Leaders Discuss Lesson Learned (2 hours/credits); Subversive Groups: Maneuvering Encounters with Fringe Groups (2 hours/credits); and Raising the Bar: Enhancing Community Engagement (2 hours/credits); seconded by Commissioner Mizell. The MOTION carried.

Chair Freeman reported that on behalf of the Instructor Training Advisory Group, Jessica Cook, North Carolina Justice Academy, requested rule revisions related to the Instructor Training curriculum.

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; 12 NCAC 09B .0209 – Criminal Justice Instructor Training and 12 NCAC 09G .0414 – Instructor Training; seconded by Commissioner Johnson. The MOTION carried.

Chair Freeman reported that on behalf of the Criminal Justice Standards Division, Deputy Director Michelle Schilling recommended the accreditation of the following institutions for a period of five (5) years in accordance with 12 NCAC 09B .0200 and 12 NCAC 09C .0401 for the delivery of the Commission-accredited courses: Reaccreditation for Bladen Community College, Fayetteville Police

Department Academy and Mayland Community College and accreditation for Alamance Community College. The Committee approved the recommendations.

Next, Chair Freeman reported that on behalf of the North Carolina Department of Public Safety, Ms. Felicia Banks requested approval for major revisions to the following program: Probation and Parole Officer Basic Training (PPO). These changes include the deletion, addition or revision of objectives and hours to the following courses: Handgun Familiarization and Qualification; Situational Decision Making; Handgun: Low/Limited Light; Handgun Care and Maintenance; Parole Law and Processing New Parole Cases; Arrest Procedures; Controls Restraints and Defensive Techniques and Academic Checklists. The Education and Training Committee approved the request, with the understanding that the firearms lesson plans will be modified to include "division issued" versus the use of "standard" when referencing handguns, cartridges, holsters, etc.

Next, Chair Freeman noted that Ms. Jessica Cook briefed the Committee on the status of the 2021 Mandated Instructor Training Orientation Refresher Update sessions being conducted across the state.

Deputy Director Schilling briefed the Committee on the status of the ongoing 2020 School Directors, Qualified Assistant Annual Training. She also provided the Committee with an update on the number of student completions of the one (1-hour) Online Annual General Instructor Training Update.

Ms. Banks also briefed the Committee on minor revisions to lesson plans within the following program for implementation in January 2021: Probation and Parole Officer Basic Training (PPO). The minor changes to lesson plans mainly consist of updates needed to be consistent with policy changes or correcting verbiage in the lesson plan.

Chair Freeman noted that on behalf of Ms. Jennifer Fisher, North Carolina Justice Academy, briefed the Committee on minor revisions to the BLET curriculum as approved by the BLET Advisory Group: Physical Fitness - minor content revisions were made in the lesson plan regarding the types of cholesterol and the statistics on obesity. Subject Control Arrest Techniques - Minor content and legal revisions were made throughout the lesson plan to include, but are not limited to, adding new content on bystander liability/duty to intervene, open-hand strikes, and guarding against positional asphyxiation. The POPAT evaluation form was also updated to add an end time to Scenario 1 for calculating the rest time between Scenarios 1 and 2. Responding to Victims and the Public - A minor revision was made to the lesson plan updating the content on North Carolina laws regarding crimes against the elderly. Motor Vehicle Laws - A minor content revision was made to the lesson plan regarding railroad crossings.

Next, Chair Freeman reported that on behalf of the North Carolina Justice Academy, Alex Gazaway and Jon Blum 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 staff receiving requests for BLET attendance waivers due to COVID-19.

Director Combs reported that a request was to be made by Chief David Donaldson with the University of North Carolina at Wilmington; however, the proposal was pulled for consideration at this time.

Director Combs gave an update regarding the Wake Technical Community College Virtual Training request.

Lastly, Chair Freeman gave an update on the Virtual Learning Advisory Group activities. This workgroup is exploring the possibility of remote learning options for BLET and similar Commission programs.

C. Planning and Standards Committee – Chairperson Leslie Dismukes

Chair Dismukes reported that the Planning and Standards Committee met on Wednesday, November 18, 2020 at Wake Technical Community College Public Safety Center.

Chair Dismukes reported that the Committee re-elected Chief Robert Hassell as the Committee's Vice-Chair.

Chair Dismukes reported that the minutes of the August 12, 2020 meeting were approved as written.

Chair Dismukes that the Committee conducted a rule making hearing on nine (9) rules. She advised that two rules were pulled for the Education & Training Committee for further review. The Committee considered rules: 12 NCAC 09A .0205 (Investigation of Violation of Rules) – The Committee adopted the changes proposed by staff which would remove the provision allowing the Probable Cause Committee to request that the Attorney General authorize an SBI investigation, as the SBI is no longer part of DOJ. 12 NCAC 09B .0202 (Responsibilities of the School Director) – The Committee considered the substantive changes to subsection (c)(1), which would remove the reference to the number of instruction hours and refer back to 09B .0209. The Committee would not have to amend both rules every time the hours changed. 12 NCAC 09B .0314 (Certification of Diversion Investigators and Supervisors) – The Committee considered revisions to these rules requested by the SBI. The number of hours for required training was reduced because the SBI, the DEA, and the Justice Academy conducted an audit and revised the curriculum to reduce redundancies. This resulted in fewer hours needed to complete the training. The revision also would add a submission date, identical to the requirements for instructors that would ensure that staff does not have to chase down the applications. 12 NCAC 09B .0409 (Satisfaction of Training – SMI Operators) – The Committee reviewed to consider reducing the number of hours of training. The SMI Committee stated that 12 hours was sufficient to accomplish the needed training. Subsection (a)(4) was amended to require 12 hours of training and subsection (a)(5) struck the number of hours as redundant to (a)(4).

Next, Chair Dismukes reported that the Committee considered revisions to these rules designed to give flexibility in the delivery of the courses. She noted that Commissioner Johnson explained that the changes would set forth a certain amount of classroom time, but also account for the needed practical skills exercises associated with each course. He clarified that the practical skill time would be tracked to ensure the instructional time was being met. Additionally, prequalification standards were added for each area of instruction.

MOTION was made by Commissioner Dismukes that the Commission adopt the changes as set out in the packet to the following rules; 12 NCAC 09A .0205 (Investigation of Violation of Rules); 12 NCAC 09B .0202 (Responsibilities of the School Director); 12 NCAC 09B .0314 (Certification of Diversion Investigators and Supervisors); 12 NCAC 09B .0409 (Satisfaction of Training – SMI Operators); 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); and 12 NCAC 09B .0417 (Specialized Explosives and Hazardous Materials Instructor Training); seconded by Commissioner Hassell. The MOTION carried.

Chair Dismukes reported that Deputy Director Richard Squires requested the Committee to consider revision of Commission forms and additional guidance for staff in light of the passage of the Second

Chance Act. The Committee discussed at length what the Commission should do with respect to examination of expunged records when considering certification.

MOTION was made by Commissioner Dismukes that the Commission adopt the Planning and Standards Committee recommendations: (1) Revise Commission forms to be consistent with the new AOC-CR-280 and the Second Chance Act; (2) Continue to investigate expunctions in the following way: all law enforcement officers, juvenile justice officers, juvenile court counselors, and probation/parole officers, expungements should be considered for all applicants as well as those already certified when a case is expunged; (3) Correctional officers expungements should be considered only for those who receive expungement(s) during their period of certification; (4) Staff with work with Department of Public Safety to ensure the appropriate rule revisions to bring probation/parole within the recommendation; (5) Staff will continue to examine expungements of cases that have been categories above; (6) Staff will no longer consider the expungement of any juvenile petition and should only consider those juvenile cases that have been transferred to Superior Court. The MOTION was seconded by Commissioner Hassell and carried unanimously.

Next, Chair Dismukes reported that Director Combs requested rule making authority with respect to the certification status for separated law enforcement officers in 12 NCAC 09B .0403. Staff made several revisions at the request of Committee members.

MOTION was made by Commissioner Dismukes to grant rule making authority to rule 12 NCAC 09B .0403 - Evaluation for Training Waiver; seconded by Commissioner Stella Patterson. The MOTION carried.

Chair Dismukes noted that the Committee heard from the Psychological Screening Examination Advisory Group regarding whether 12 NCAC 09B .0101(6) and 12 NCAC 09G .0205(b) should be revised to ensure clarity with the term "psychological screening examination" and the categories of applicants to whom it should apply. The Committee voted to adopt the recommendations of the Advisory Group with one addition, request staff to draft revisions to the administrative code so the Committee can request a rule making authority for our February meeting.

Lastly, Chair Dismukes reported that the Committee requested staff work with the Department of Public Safety to ensure that the PERT, SORT, and SOTIT teams be required to receive a clinical interview in addition to the MMPI screening, given the nature of the work.

D. Probable Cause Committee – Chairman Ron Parrish

Chair Parrish reported that the Probable Cause Committee met on Tuesday, November 17 and Wednesday, November 18 and Thursday, November 19, 2020 at Wake Technical Community College, Raleigh, North Carolina.

Chair Parrish reported that the minutes of August 11 and August 12, 2020 were approved as presented.

Chair Parrish reported that the Committee re-elected Commissioner Michael Slagle as Vice-Chair.

Chair Parrish noted no individuals were certified in accordance with the Probable Cause Policy after having committed a criminal offense by the Criminal Justice Standards Division during the last meeting.

Chair Parrish reported that on Tuesday, November 17, 2020, seventeen officers/applicants were on the agenda with thirty-three alleged violations of the Administrative Code. No probable cause was found against eleven officers/applicants involving twenty-six allegations. Probable Cause was found in the case of one officer involving one allegation. Two cases consisting of three allegations were continued. Two cases with two allegations were closed due to agency withdrawing the certification request. Probable Cause was found with one officer involving three alleged violations with offer of a lesser sanction. On Wednesday, November 18, 2020, there were fifteen officers with thirty alleged violations. Three cases with eight allegations were continued. No probable cause was found for nine officers with sixteen allegations. Probable Cause was found on three officers with six violations. On Thursday, November 19, 2020, there were eleven officers with twenty-nine alleged violations. Three cases with thirteen allegations were continued. No probable cause was found for five officers with ten alleged violations. Probable Cause was found in the case of two officers involving five alleged violations. There was probable cause found with one officer involving one alleged violation with the Committee offering a lesser sanction of a written reprimand.

MOTION was made by Commissioner Parrish that the Commission accept the lesser sanction of agreement of Memorandum Number 20/069A; seconded by Commissioner Slagle. The MOTION carried unanimously.

MOTION was made by Commissioner Parrish that the Commission accept the lesser sanction of agreement of Memorandum Number 20/121; seconded by Commissioner David Hess. The MOTION carried unanimously.

D. CJ Fellows Program Committee – Chairman Nathan Mizell

Chair Mizell reported that the Criminal Justice Fellows Program Committee met on Tuesday, November 17, 2020.

Chair Mizell reported that the minutes of August were approved as presented.

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

Chair Mizell reported he was re-elected as Chair of the Criminal Justice Fellows Program Committee.

Chair 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. The Committee will not be approving bachelor's extension waivers at this time.

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 Decision

David Scott Sutton, Jr.

MOTION was made by Commissioner Caldwell that the Commission adopt the Proposed Final Agency Decision as submitted by legal counsel; seconded by Commissioner Randy Byrd. The MOTION carried.

VIII. DATE OF NEXT MEETING

Commission Chair Blue reported that the Commission dates for May 2021 would change to May 19-21, 2021. The February Commission meeting is scheduled for February 24 - 26, 2021 at the Wake Technical Community College, Public Safety Education Campus in Raleigh, NC.

IX. MOTION TO ADJOURN

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