

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

MINUTES

DATE: August 13, 2021

TIME: 9:00AM

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

SUBMITTED BY: Jeffrey Smythe
Director

MEMBERS PRESENT

Chief Chris Blue
Sergeant Randy Byrd
Ms. Tasha Jones Butts
Mr. Eddie Caldwell
Ms. Leslie Dismukes
Mr. Richard Epley
Mr. Lee Farnsworth
Ms. Stephanie Freeman
Sergeant Billy Gartin
Ms. Jane Gilchrist
Chief Robert Hassell
Chief David Hess
Mr. Stan Hicks
Mr. Jonathan Holbrook
Chief Brian James
Mr. Steve Johnson
Colonel Freddy Johnson
Mayor Bobby Kilgore
Chief Jeff McCracken
Mr. Nathan Mizell
Ms. Tracy McPherson
Chief Ron Parrish
Mr. Michael Slagle
Ms. Jamie Vaske
Ms. Angela Williams
Mr. Frederick Sellers

MEMBERS ABSENT

Chief Eddie Buffaloe
Captain Marianne Bond
Chief Cerelyn Davis
Mr. Andrew Gregson
Mr. Andrew Hendry
Ms. Teresa Jardon
Director Bob Schurmeier
Chief Estella Patterson

I. CALL TO ORDER

Commission Chair Chris Blue called the meeting to order. Ms. Erica Reid, administered the Oath of Office to the following reappointed members: Chief Chris Blue of Chapel Hill Police Department, representing the N.C. Police Executives Association, Chief Robert Hassell of Rocky Mount Police Department, representing the N.C. Association of Chiefs of Police, and Colonel Freddy L. Johnson, Jr., Commander of the North Carolina Highway Patrol . Chair Blue read the Ethics Responsibility into the minutes. He declared that a quorum was present and welcomed all visitors to the Commission meeting.

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

**II. AWARDING OF ADVANCED CERTIFICATES
[Agenda Memorandum 03-21]**

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 Michael Slagle and carried unanimously.

III. ELECTIONS

A. Chair

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

MOTION was made by Commissioner Stephanie Freeman to nominate Commissioner Blue as Chair of the North Carolina Criminal Justice Education and Training Standards Commission. The MOTION was seconded by Commissioner Parrish and carried unanimously.

B. Vice-Chair

Chair Blue presided over the Commission to take nominations for the office of Vice-Chair.

MOTION was made by Commissioner Slagle to nominate Commissioner Caldwell, Vice-Chair of the Education and Training Standards Commission. The MOTION was seconded by Commissioner Richard Epley. The motion carried.

C. Standing Committee Chairs

1. Education and Training Committee

MOTION was made by Commissioner Jamie Vaske to nominate Commissioner Freeman as Chair of the Education and Training Committee. The MOTION was seconded by Commissioner Jane Gilchrist. The motion carried.

2. Planning and Standards Committee

MOTION was made by Commissioner Hassell to nominate Commissioner Leslie Dismukes as Chair of the Planning and Standards Committee. The MOTION was seconded by Commissioner Stan Hicks. The motion carried.

3. Probable Cause Committee

MOTION was made by Commissioner Brian James to nominate Commissioner Parrish as Chair of the Probable Cause Committee. The MOTION was seconded by Commissioner Angela Williams. The motion carried.

4. Criminal Justice Fellows Program Committee

MOTION was made by Commissioner Steve Johnson to nominate Commissioner Nathan Mizell as Chair of the Criminal Justice Fellows Program Committee. The MOTION was seconded by Commissioner Hassell. The motion carried.

IV. MINUTES OF MAY 21, 2021 and June 25, 2021 MEETINGS

Chair Blue entertained a motion to approve the minutes of the previous Commission meetings.

MOTION was made by Commissioner Freeman that the Commission approve the minutes of the May 21, 2021 meeting. The MOTION was seconded by Commissioner Mizell and carried unanimously.

MOTION was made by Commissioner Hassell that the Commission approve the minutes of the and June 25, 2021. The MOTION was seconded by Commissioner Williams and carried unanimously.

V. STANDING COMMITTEE REPORTS

A. Executive Committee - Chair Eddie Caldwell

Chair Caldwell gave a warm welcome to Director Jeffrey Smythe.

Chair Caldwell reported that the BLET Revision Project was discussed. The Executive Committee requested a Project Manager be assigned for the BLET Revision Project. Seth Dearmin, Chief of Staff for the NC Department of Justice said the Department of Justice will work to identify and fund someone as project manager. Chair Caldwell reported that there was a possibility of a BLET pilot program being scheduled to begin at Wake Tech in January 2022. In talking with the individuals involved with the BLET Revision Project, individuals at Wake Tech, and the Executive Committee, it was decided that the BLET pilot program will not start in January. Once the Project Manager is in place, they will work on a schedule on when the pilot program can be run and who would be in the pilot program.

Next, Chair Caldwell reported that there is proposed legislation (Senate Bill 105 Edition 6) to move the Criminal Justice Standards Division, Sheriffs' Standards Division, and the North Carolina Justice Academy from the Department of Justice to the Department of Public Safety. Commissioner Dismukes, as a representative of the Attorney General, spoke about the proposed legislation and the reasons why she believes this move should not take place. She said that there are several important reasons why the Divisions should stay with the Department of Justice. She said that there are generally several reasons why we would want this move to take place; it would be for a financial reason, an efficiency reason or a public policy reason. Commissioner Dismukes stated there were none of these reasons for this move. After discussion, Chair Blue stated the consensus was that the Commission, as a body, needs to remain impartial regarded this proposed legislation.

Chair Caldwell reported that at the May Commission Meeting, the question was raised about open meeting laws and individual Committees meeting again before the Full Commission Meeting on Friday. For example, if the Education & Training Standards Committee met on Wednesday, if additional questions arise regarding their meeting, could they meet again before the Full Commission Meeting on Friday and still remain in compliance with open meeting laws? Chair Caldwell stated Commissioner Dismukes gave a presentation at the Executive Committee Meeting on the research she and Mr. Jeff Welty, Special Deputy Attorney General for the Special Prosecutions Law Enforcement section of the Attorney General's office had done on open meeting laws.

Chair Caldwell stated that the meeting notices that are sent out and posted on the Secretary of State's website are going to be altered to say meetings of the respective Committees will convene at the stated times and will remain in session until the adjournment of the Full Commission Meeting on November 19, 2021. This way, the public is on notice that from Wednesday through Friday. The Committees and Commission may meet at any time and that if a Committee that first met on Wednesday needs to meet again, they can do so. Commissioner Dismukes stated that the meetings must have an end time. To do this, the Committees will meet at their normal times, recess, then adjourn Friday at the close of the Full Commission Meeting

Chair Caldwell asked Deputy Director Richard Squires 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 – Chair Stephanie Freeman

Chair Freeman reported that the Education and Training Committee met on Wednesday, August 11, 2021 at Wake Technical Community College, Raleigh, North Carolina.

Chair Freeman reported on behalf of the Criminal Justice Standards Division, Deputy Director Michelle Schilling recommended the accreditation for a period of 5 years in accordance with 12 NCAC 09B .0200 and 12 NCAC 09C .0401 for the delivery of the Commission-accredited courses at the following institutions: SMI - Edgecombe Community College; and Juvenile Justice Officer Basic, Juvenile Court Counselor Basic, Restraints, Controls, Defensive Techniques (RCDT) Instructor, and Instructor Training - Division of Juvenile Justice. Deputy Director Schilling recommended the reaccreditation period of 5 years in accordance with 12 NCAC 09B .0200 and 12 NCAC 09C .0401 of the following institutions: BLET and SMI – Surry Community College; SMI - Winston-Salem Police Department. The Committee approved the accreditation and reaccreditation recommendations.

Next, Chair Freeman reported that on behalf of the North Carolina Department of Public Safety, Division of Juvenile Justice, Deputy Director King Thomas requested a rule change to modify a training topic title. The request would require a rule change for the following rule: 12 NCAC 09B .0235 – Basic Training – Juvenile Court Counselors and Chief Court Counselors.

MOTION was made by Commissioner Freeman that the Commission authorize the Planning and Standards Committee to conduct a rulemaking hearing to amend the rule, 12 NCAC 09B .0235 – Basic Training – Juvenile Court Counselors and Chief Court Counselors as follows: Paragraph “b (2) (D)” shall be changed from “Risk and Needs Assessment” to “Assessing Risk and Needs”; seconded by Commissioner Tasha Jones Butts. MOTION carried unanimously.

Deputy Director King Thomas also requested approval of changes and an extensions of pilot authority to the last day of March, 2022 to the following programs: 12 NCAC 09B .0235 Basic

Training – Juvenile Court Counselors and Chief Court Counselors and 12 NCAC 09B .0236 Basic Training – Juvenile Justice Officers. The changes include major revisions to the following lesson plans, including the revision, deletion, addition of objectives and/or changes to the course lesson titles. The changes to 12 NCAC 09B .0235 Basic Training – Juvenile Court Counselors and Chief Court Counselors include Juvenile Law (JC115); Risk and Needs Assessment (JC120); Report Writing; and Documentation and Correspondence (JC111). The changes to 12 NCAC 09B .0235 Basic Training – Juvenile Court Counselors and Chief Court Counselors and 12 NCAC 09B .0236 Basic Training – Juvenile Justice Officers (two new lesson plans) include; Basic Life Support CPR (JJ135-1) and Basic Life Support First Aid (JJ135-2). The Committee approved the requests.

Next, Chair Freeman reported on behalf of Pitt Community College and their community partners, Thomas Forrest, BLET School Director, requested a waiver to reduce the minimum number of students required to start a BLET class as outlined in 12 NCAC 09B .0204 Training Course Enrollment. The Committee denied the request due to its lack of authority to waive an administrative code rule.

Chair Freeman reported, on behalf of Appalachian State University and the Criminal Justice Standards Division, Deputy Director Schilling requested to extend pilot authority to Appalachian State University for their modified BLET course pending a rule change (Pilot Authority Granted February 2020). The pilot authority will be extended to the last day of August 2022. The Committee approved the request.

Chair Freeman reported, on behalf of the North Carolina Department of Public Safety - Division of Juvenile Justice, Deputy Director King Thomas briefed the Committee on minor changes made to the following programs: 12 NCAC 09B .0235 Basic Training – Juvenile Court Counselors and Chief Court Counselors and 12 NCAC 09B .0236 Basic Training – Juvenile Justice Officers.

Deputy Director Schilling, on behalf of the School Directors' Advisory Group and Criminal Justice Standards Division, briefed the Committee on the status of the 2021 School Directors' Conference and that it will include a new breakout session. The conference is scheduled to be held in Greensboro on October 19-21, 2021. Deputy Director Schilling also provided an update to the Committee on the BLET Ammunition Shortage. Based on her research, no BLET School Directors have indicated any current issues with ammunition shortages. Deputy Director Schilling then briefed the Committee on ongoing investigations by her office related to the delivery and administration of training.

Chair Freeman reported that on behalf of the Criminal Justice Standards Division, Deputy Director Squires briefed the Committee on a request made to his office by Chief Mike Yaniero, Jacksonville Police Department, regarding the method used to evaluate military police training and experience. Chief Yaniero has requested a reevaluation of the method utilized by the Criminal Justice Standards Division to evaluate military police training and experience. Staff was asked to research the necessary changes that would be needed and come back to the Committee later with its findings.

Chair Freeman reported that on behalf of the North Carolina Justice Academy, Alex Gazaway briefed the Committee on the status of the ongoing BLET Revision Project pursuant to the Job Task Analysis. The Academy continues to progress in Phase 5 of the BLET Revision Project. The Research and Development Team continues its assessment, development, and revision of existing lesson plans and new content. Mr. Gazaway reminded the Committee that all modules have topics in development or some stage of review. The Academy continues to receive input from various personnel and stakeholders throughout the state and incorporates their recommendations in alignment with the

job task analysis. Upon a motion by Commissioner Johnson, the Committee agreed to change the title of the “Problem Solving” block to “Ethics and Ethical Problem Solving.”

Chair Freeman noted, that on behalf of Commissioner Tracy McPherson, she distributed and reviewed a document prepared by Commissioner McPherson providing information on steps the Community College System Office is taking to prepare for the roll-out of BLET 2023.

In closing, Chair Freeman noted that at the May meeting, on behalf of the Instructor Training Advisory Group, Jessica Cook, North Carolina Justice Academy, requested approval of a major revision to Instructor Training – removing the required video recording of instructor candidates from the "Student 8-Minute Introductions and Video Critique" lesson plan. The request was tabled for staff and legal to research further. Commissioner Leslie Dismukes (DOJ Legal Representative) reported to the Committee that based on a DOJ review, such videos would be considered a transitory record and a public record. A request will be made by DOJ Legal to State Archives for a definitive decision and report back to the Committee.

C. **Planning and Standards Committee – Chair Leslie Dismukes**

Chair Dismukes reported that the Planning and Standards Committee met on August 11, 2021 at Wake Technical Community College Public Safety Center.

Chair Dismukes reported that the Committee considered three rules for request for rulemaking authority: 12 NCAC 09G .0504 – Suspension: Revocation: or Denial of Certification; 12 NCAC 09A .0205 – Period of Suspension: Revocation: or Denial; and 12 NCAC 09G .0505 – Period of Suspension: Revocation: or Denial. 12 NCAC 09G .0504 – Suspension: Revocation: or Denial of Certification - The Committee considered proposed changes to make it consistent with 12 NCAC 09G .0206 – Moral Character. The Moral Character rule does not require sanctions for corrections officers for the commission of misdemeanor offenses, only for conviction. The Committee accepted the revisions as proposed. 12 NCAC 09A .0205 – Period of Suspension: Revocation: or Denial and 12 NCAC 09G .0505 – Period of Suspension: Revocation: or Denial (sister rules) - The Committee considered proposed changes to allow the Commission to both reduce the period of sanction and impose a period of probation if it feels it as appropriate to do so, in effect, offering a “split sentence.” The Committee accepted the revisions to each rule along with the following changes: in 09G 0505, subsection (b), remove the language “under Paragraph (c) of this Rule” as unnecessary.

MOTION was made by Commissioner Dismukes that the Commission grant rulemaking authority to the Committee regarding the above-described revisions to the following rules: 12 NCAC 09G .0504 (Suspension: Revocation: or Denial of Certification), 12 NCAC 09A .0205 (Period of Suspension: Revocation: or Denial), and 12 NCAC 09G .0505 (Period of Suspension: Revocation: or Denial); seconded by Commissioner Hassell.

Next, Chair Dismukes reported that that the Committee conducted a public rulemaking hearing on one rule. The Committee considered 12 NCAC 09B .0305 – Terms and Conditions of Specialized Instructor Certification. The Committee considered revisions to this rule to allow Specialized Instructors whose certifications have expired to renew without having to take the whole course again. The Committee voted to recommend adoption of the proposed changes to the rule with the following additional revisions: on page 2, line 33, change “documented evidence” to “documentation”; on page 3, lines 7-9, change “documented proof” and “shall be maintained” to “has documentation that.....have been maintained”; change (6) to (g); change (7) to (h); change (g) to (i).

MOTION was made by Commissioner Dismukes that the Commission adopt the changes as set out in the packet, to 12 NCAC 09B .0305 – Specialized Instructor Certification; seconded by Commissioner Billy Gartin.

MOTION was made by Commissioner Dismukes that the Commission strike the previous motion to adopt the changes to 12 NCAC 09B .0305 – Specialized Instructor Certification due to the period for public comment not having closed - The rule will be brought to the Commission for a vote in November; seconded by Commissioner Johnson.

Next, Chair Dismukes reported that the Department of Public Safety has requested that it be allowed to use verified electronic signatures on certain forms. Staff has reviewed this request and, in light of legal precedent and existing statutes, does not see an issue with allowing electronic signatures. The Committee voted to allow electronic signatures on the requested forms.

Lastly, Chair Dismukes noted the Committee reviewed proposed goals and objectives for the 10th System Plan. The Commission then discussed and provided feedback to the System Plan. Editions and revisions were recommended. This included adding Goal #5 for the Law Enforcement Accreditation Program. The Planning and Standards Committee will finalize the language of the System Plan at the November meeting so that the Commission can vote to approve it in time for it to go into effect in January of 2021.

D. Probable Cause Committee – Chair Ron Parrish

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

Chair Parrish reported that the Committee approved the minutes of the May 20, 2021 Committee Meeting.

Next, Chair Parrish reported that two 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.

MOTION was made by Commissioner Parrish to approve the list of individuals with offenses who were certified in accordance with the Probable Cause Policy; seconded by Commissioner Williams. The MOTION carried.

Chair Parrish reported that the Committee heard from staff who recommend changes to the Commission's Probable Cause Policy. The Committee approved the recommend changes. The proposed changes address the Commission of offenses, expungements, and juvenile and restricted records.

MOTION was made by Commissioner Parrish to approve the changes to the Commission's Probable Cause Policy; seconded by Commissioner Jones Butts. The MOTION carried.

Chair Parrish reported that on Wednesday, August 11, 2021, fifteen officers/applicants were on the agenda with thirty-six alleged violations of the Administrative Code. Probable Cause was found against four officers/applicants involving six allegations. No Probable Cause was found in the case against eight officers/applicants involving twenty allegations. One case consisting of four allegations

was continued. One case of two allegations was closed out due to the applicant no longer being employed with the agency. One case consisting of four allegations was tabled and referred to staff.

Lastly, Chair Parrish reported that on Thursday, August 12, 2021 there were thirteen officers on the agenda with thirty-three alleged violations. No Probable Cause was found for eight officers with twenty-three allegations. Probable Cause was found on three officers with six alleged violations. One case with one allegation was continued. There was Probable Cause found with one officer involving three alleged violations with the Committee offering a lesser sanction of a written reprimand.

MOTION was made by Commissioner Parrish that the Commission accept a lesser sanction of a written reprimand for Memorandum Number 21/056 seconded by Commissioner Jonathan Holbrook. The MOTION carried unanimously.

D. CJ Fellows Program Committee – Chair Nathan Mizell

Chair Mizell reported the minutes of May and June meetings were approved.

Chair Mizell reported Program Manager Erica Reid updated the Committee on the status of the Fellows.

Next, Chair Mizell reported the amended Community College Transfer Request Form (FP-4) was approved. This form was amended due to receiving the first transfer request this past spring. The form has been simplified and language was added that clearly states and requires the Fellow to acknowledge what their responsibilities are during the transfer process.

Chair Mizell noted that discussion was held at the May Committee meeting regarding the releasing information about Fellows to potential hiring agencies and the media. Staff researched this issue and found that a release was not needed to release the name of the Fellows, the community colleges they were attending, or the county they were from. Hiring agencies can request information regarding Fellows by submitting the “Authorization for Release of Information” used by Criminal Justice Standards Division.

Lastly, Chair Mizell reported that Commissioner McPherson gave an update on the draft sponsorship form for the Criminal Justice Fellows Program. The sponsorship form will be brought to the Committee in November.

VI. OTHER BUSINESS

None

VII. OLD BUSINESS

A. Old Business

None

B. Legal Counsel Report

Ms. Ameshia Cooper distributed a document entitled “Pending Administrative Cases” for the membership’s review.

VIII. DATE OF NEXT MEETING

Commission Chair Blue advised that the next Commission meeting is scheduled for November 17-19, 2021 at the Wake Technical Community College, Public Safety Education Campus in Raleigh, NC.

IX. MOTION TO ADJOURN

MOTION was made by Commissioner Parrish that the Commission adjourn; seconded by Commissioner Hicks. The MOTION carried unanimously.