

MINUTES

North Carolina Criminal Justice Education and Training Standards Commission

Planning & Standards Committee

February 14, 2018

The Planning & Standards (P&S) Committee of the NC Criminal Justice Education and Training Standards (CJETS) Commission met at Wake Technical Community College, Public Safety Center, Raleigh on 2/14/18 at 10:30am.

Ms. Donna Byrd, clerk to the Commission administered the swearing in of new Commission member Ms. Leslie Cooley-Dismukes. Chairman Welty welcomed her to the committee.

Committee Members Present

Commissioner Jeff Welty, Chair, Commissioner Brent Herron, Commissioner Richard Epley, Commissioner James Fisher-Davis, Commissioner Robert Hassell, Commissioner Randy Byrd, Commissioner Leslie Cooley-Dismukes.

Guests Present

Commissioner Tracy McPherson, NC Community Colleges, Commissioner Steve Johnson, Director Trevor Allen, NC Justice Academy, Capt. Brian Reitz, Durham PD and Sgt. Nicholas Schneider, Durham PD

CJ Standards Staff Present

Steven Combs, Michelle Schilling, Charminique Williams, Jason McIntyre, Sharon Witherspoon, Dawn Suffel

Call to Order

Committee Chair Jeff Welty called the meeting to order and declared a quorum.

Approval Minutes

Motion to approve the November 2017 committee meeting minutes was made by Commissioner Byrd and **seconded** by Commissioner Epley. **Motion carried** unanimously.

Rule-Making Hearing

Under separate cover.

System Plan – 9th Edition

As part of the development for the 9th Edition System Plan, Ms. Charminique Williams shared results from a survey launched in mid-January to law enforcement, corrections and local confinement professionals. Due to low response from law enforcement, the committee asked staff to recirculate the survey inclusive of Company/Campus Police and come back with additional results in May; separating law enforcement results from corrections and categorized for consideration in the plan. System Plan must be in place by January 2019.

Decennial Rules Review

As part of the Commission's decennial review of all its rules, the committee reviewed 48 administrative rules; 27 of which were reclassified. Consideration was given to whether we have received or reasonably expect objections to a rule. Each of the 48 rules was categorized as necessary without substantive public interest. At the conclusion of the categorization process, likely in August 2018, the committee will summarize all work and seek approval from the full commission.

Date of Next Meeting

May 16, 2018

Adjournment

Motion to adjourn was made by Commissioner Epley and **seconded** by Commissioner Hassell. **Motion carried.**

RULEMAKING HEARING RULES REVISIONS

**North Carolina Criminal Justice Education and Training Standards Commission
February 14, 2018**

Call to Order

The Planning & Standards (P&S) Committee of the North Carolina Criminal Justice Education and Training Standards Commission met at the Wake Technical Community College, Public Safety Center on 2/14/18. This committee presided over the public Rulemaking Hearing with Committee Chair Jeff Welty calling the hearing to order at 10:30 am. Commissioner Welty stated the purpose of the hearing is to receive remarks from any persons interested in commenting on the proposed amendments to the Commission's Administrative Rules.

Committee Members Present

Commissioner Jeff Welty, Chair, Commissioner Brent Herron, Commissioner Richard Epley, Commissioner James Fisher-Davis, Commissioner Robert Hassell, Commissioner Randy Byrd, Commissioner Leslie Cooley-Dismukes.

Guests Present

Commissioner Tracy McPherson, NC Community Colleges, Commissioner Steve Johnson, Director Trevor Allen, NC Justice Academy, Capt. Brian Reitz, Durham PD and Sgt. Nicholas Schneider, Durham PD

CJ Standards Staff Present

Steven Combs, Michelle Schilling, Charminique Williams, Jason McIntyre, Sharon Witherspoon, Dawn Suffel

PUBLIC HEARING

Commissioner Welty advised that proposed amendments would be read and, if needed, the amendments would be explained by staff and stated that after the rules are presented and explained, anyone wishing to comment would be allowed to do so. Mr. Welty read into the record the proposed rule amendments.

12 NCAC 09B .0101 MINIMUM STANDARDS FOR CRIMINAL JUSTICE OFFICERS
12 NCAC 09B .0104 MEDICAL EXAMINATION
12 NCAC 09B .0106 DOCUMENTATION OF EDUCATIONAL REQUIREMENTS
12 NCAC 09B .0203 ADMISSION OF TRAINEES
12 NCAC 09B .0204 TRAINING COURSE ENROLLMENT
12 NCAC 09B .0205 BASIC LAW ENFORCEMENT TRAINING
12 NCAC 09B .0209 CRIMINAL JUSTICE INSTRUCTOR TRAINING
12 NCAC 09C .0306 LATERAL TRANSFER OF LAW ENFORCEMENT OFFICERS
12 NCAC 09E .0106 ANNUAL IN-SERVICE FIREARMS QUALIFICATION SPECIFICATIONS
12 NCAC 09F .0105 INSTRUCTOR RESPONSIBILITIES
12 NCAC 09F .0106 SANCTIONS
12 NCAC 09G .0204 EDUCATION
12 NCAC 09G .0414 INSTRUCTOR TRAINING

Statutory authority for the rule change: G.S. 17C-6; 17C-2; 17C-10; G.S. 14-415.12; 14-145.13

ALL MOTIONS stated include adoption of the proposed rule changes as presented and forward to the full Commission for approval.

Proposed change to the following three rules amends language to include physician assistants and nurse practitioners as medical professionals who are approved to administer physical examinations. The committee agreed to changes with addition of the word "or" *after* physician assistant and *before* nurse practitioner.

12 NCAC 09B .0101(5); Motion by Commissioner Fisher-Davis; **seconded** by Commissioner Hassell; **carried** unanimously.
12 NCAC 09B .0104(a); Motion by Commissioner Fisher-Davis; **seconded** by Commissioner Hassell; **carried** unanimously.
12 NCAC 09C .0306(b)(2); Motion by Commissioner Hassell; **seconded** by Commissioner Fisher-Davis; **carried** unanimously.

Proposed change to the next three rules amends language to allow high school diplomas earned through correspondence/distance learning except for diplomas earned from an entity that charges a fee and requires little to no coursework.

12 NCAC 09B .0106(b); Motion by Commissioner Byrd; **seconded** by Commissioner Herron; **carried** unanimously.
12 NCAC 09B .0203(g); Motion by Commissioner Byrd; **seconded** by Commissioner Epley; **carried** unanimously.
12 NCAC 09G .0204 (c) (1); Motion by Commissioner Byrd; **seconded** by Commissioner Hassell; **carried** unanimously.

Proposed change to the next rule increases the allowance from 16 to 18 trainees in the presentation of the CJ Instructor Training Course.

12 NCAC 09B .0204(d); Motion by Commissioner Epley; **seconded** by Commissioner Herron; **carried** unanimously.

Proposed change to the next rule involves reorganization of BLET topics moving "Controlled Substances" from INVESTIGATION UNIT of training into the LEGAL UNIT and moving "Preparing for & Testifying in Court" from LEGAL UNIT of training into the COMMUNICATION UNIT.

12NCAC 09B .0205, items (1), (3), (4); Motion by Commissioner Epley; **seconded** by Commissioner Hassell; **carried** unanimously.

Proposed changes to the following two rules involve CJ Instructor Training curriculum and adjusting topic hours and modifying topic titles, [under item (c)].

- *Instructional Leadership* change to *Criminal Justice Instructional Leadership*
- *Lesson Plan Development Format and Objectives* change to *Lesson Plan Development and Formatting*
- *Adult Learning* change hours from 4 to 6

- *Instructional Styles and Platform Skills* change hours from 4 to 5
- *Classroom Management* change hours 4 to 5
- *Principles of Instruction Audio Visual* change to *Audio Visual Aids*
- *Student 8-Minute Talk and Video* hours change 6 to 5
- *Final 70-Minute Presentation* hours change 12 to 8
- *Course Closing* change to *Course Closing and Post-Test* and hours change 1 to 2

12 NCAC 9B .0209(c); Motion by Commissioner Hassell; **seconded** by Commissioner Herron; **carried** unanimously.

12 NCAC 09G .0414(c); Motion by Commissioner Hassell; **seconded** by Commissioner Byrd; **carried** unanimously.

Proposed change to the following rule involves adding requirement that if an officer's duty handgun is replaced, the officer must qualify both day and night with the new handgun within 15 days of issuance. Motion also includes grammatical correction in item (d), *excerpt "Paragraphs (a) (c)" "thru"* replacing the word "and".

Public comment:

Sgt. Nicholas Schneider and Capt. Brian Reitz of Durham PD came before the committee stating no objections to the proposed changes, but rather seeks clarification of interpretation of the rule to ensure their agency complies with requirements.

12 NCAC 09E .0106; Motion by Commissioner Hassell; **seconded** by Commissioner Fisher-Davis; motion **carried** with 1 "no" vote.

Proposed change clarifies the requirement that Concealed Carry Handgun instructors have a valid certification at time of teaching and specifies Commission's sanctions to deny, suspend or revoke certification should the instructor fail to comply.

12NCAC 09F .0105; Motion by Commissioner Hassell; **seconded** by Commissioner Herron; **carried** unanimously.

12 NCAC 09F .0106; Motion by Commissioner Hassell; **seconded** by Commissioner Epley; **carried** unanimously.

Commissioner Welty stated for the record that there were no other written comments or objections received by the rulemaking coordinator. Mr. Welty called an end to the rulemaking hearing.