

MINUTES

North Carolina Criminal Justice Education and Training Standards Commission

Planning & Standards Committee

May 16, 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 5/16/18 at 10:30am.

Committee Members Present

Commissioner Jeff Welty, Chair, Commissioner Brent Herron, Commissioner Richard Epley, Commissioner Trey Robison, Commissioner James Fisher-Davis, Commissioner Robert Hassell, Commissioner Teresa Jardon, Commissioner Leslie Cooley-Dismukes

Guests Present

Captain Joseph Moody, NC DMV License & Theft Bureau, Monica Shabo, DPS- Juvenile Justice, Director Trevor Allen, NC Justice Academy

CJ Standards Staff Present

Charminique Williams, Jason McIntyre, Erica Reid

Call to Order

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

Approval Minutes

Motion to approve the February 2018 committee meeting minutes was made by Commissioner Cooley-Dismukes and **seconded** by Commissioner Epley. **Motion carried** unanimously.

Rule-Making Hearing

Under separate cover.

Request for Rule-Making Authority

The committee reviewed several rule changes, most recommended by staff, and agreed to seek rule-making authority regarding the following rules:

12 NCAC 09B .0101 Minimum Standards for Criminal Justice Officers

12 NCAC 09B .0301 Certification of Instructors

12 NCAC 09G .0304 General Certification

12 NCAC 09C .0103 Divulging Personnel Information

12 NCAC 09C .0307 Agency Retention of Records of Certification

12 NCAC 09C .0310 Agency Reporting of Drug Screening Results

12 NCAC 09D .0203 Basic Criminal Justice Certificate- **[Repealed]**
12 NCAC 09G .0103 Rule-Making and Administrative Hearing Procedures
12 NCAC 09G .0302 Notification of Criminal Charges/Convictions
12 NCAC 09G .0306 Retention of Records of Certification
12 NCAC 09G .0504 Suspension: Revocation: Or Denial of Certification
12 NCAC 09G .0505 Period of Suspension: Revocation: Or Denial
12 NCAC 09G .0603 Basic State Correction Certificate-**[Repealed]**
12 NCAC 09G .0701 Report: Application: And Certification Forms
12 NCAC 09C .0208 Report of Separation
12 NCAC 09C .0305 Report of Separation- **[Repealed]**
12 NCAC 09C .0602 Testing Accuracy-**[Repealed]**
12 NCAC 09G .0102 Definitions

Proposed change to the rule to fix typographical error in legal citation.

12 NCAC 09B .0101 Minimum Standards for Criminal Justice Officers; **Motion** by Commissioner Hassell; **seconded** by Commissioner Fisher-Davis; **carried** unanimously.

Proposed change to the rule to fix typographical error in legal citation.

12 NCAC 09B .0301 Certification of Instructors; **Motion** by Commissioner Hassell; **seconded** by Commissioner Fisher-Davis; **carried** unanimously.

Proposed change to the rule to allow certified correction officers who move into non-certified positions to move back to certified positions without taking basic training again, unless the move to a non-certified position was for disciplinary reasons.

12 NCAC 09G .0304 General Certification; **Motion** by Commissioner Jardon; **seconded** by Commissioner Cooley-Dismukes; **carried** unanimously.

Proposed change to the rule to provide that the Standards Division may release information regarding officers only in accordance with state personnel laws; was, "as [the Director] deems necessary".

12 NCAC 09C .0103 Divulging Personnel Information; **Motion** by Commissioner Jardon; **seconded** by Commissioner Hassell; **carried** unanimously.

Proposed change to the rule to clarify what records an agency must keep for officers with probationary certification and for officers with general certification, including officers transferring from another agency; note that line 30 should read " . . . with general certification".

12 NCAC 09C .0307 Agency Retention of Records of Certification; **Motion** by Commissioner Hassell; **seconded** by Commissioner Fisher-Davis; **carried** unanimously.

Proposed change to the rule to require agencies to keep a copy of the "drug screen panel" when an officer tests positive, not merely the fact of the positive result.

12 NCAC 09C .0310 Agency Reporting of Drug Screening Results; **Motion** by Commissioner Cooley-Dismukes; **seconded** by Commissioner Herron; **carried** unanimously.

Proposed change to the rule is that it should be repealed; the intermediate certificate is the first earned certificate level.

12 NCAC 09D .0203 Basic Criminal Justice Certificate- **[Repealed]**; **Motion** by Commissioner Jardon; **seconded** by Commissioner Cooley-Dismukes; **carried** unanimously.

Proposed change to the rule is that correctional officers have 30 days, not 60, to request a contested case hearing after receiving a notice of proposed action from the Commission; conforms to time period required by statute.

12 NCAC 09G .0103 Rule-Making and Administrative Hearing Procedures; **Motion** by Commissioner Fisher-Davis; **seconded** by Commissioner Hassell; **carried** unanimously.

Proposed change to the rule to require correctional officers to notify the Commission of any arrest or charge other than for a minor traffic offense; conforms with practice for criminal justice officers.

12 NCAC 09G .0302 Notification of Criminal Charges/Convictions; **Motion** by Commissioner Fisher-Davis; **seconded** by Commissioner Hassell; **carried** unanimously.

Proposed change to the rule to require DACJJ to keep on file each correctional officer's oath of office and, if separated, separation paperwork.

12 NCAC 09G .0306 Retention of Records of Certification; **Motion** by Commissioner Hassell; **seconded** by Commissioner Jardon; **carried** unanimously.

Proposed change to the rule to remove outdated definition of good moral character and adds cross-reference to current definition.

12 NCAC 09G .0504 Suspension: Revocation: Or Denial of Certification; **Motion** by Commissioner Fisher-Davis; **seconded** by Commissioner Cooley-Dismukes; **carried** unanimously.

Proposed change to the rule to correct typographical error in cross-reference to another rule.

12 NCAC 09G .0505 Period of Suspension: Revocation: Or Denial; **Motion** by Commissioner Cooley-Dismukes; **seconded** by Commissioner Fisher-Davis; **carried** unanimously.

Proposed change to the rule is that it should be repealed; the intermediate certificate is the first earned certificate level.

12 NCAC 09G .0603 Basic State Correction Certificate- **[Repealed]**; **Motion** by Commissioner Jardon; **seconded** by Commissioner Hassell; **carried** unanimously.

Proposed change to the rule is minor clean-up including removal of reference to defunct surveillance officer classification.

12 NCAC 09G .0701 Report: Application: And Certification Forms; Motion by Commissioner Jardon; seconded by Commissioner Epley; carried unanimously.

Proposed change to the rule to require that the Report of Separation be submitted to the Commission within 10 days of an officer's separation; allows repeal of 12 NCAC 09C .0305, below.

12 NCAC 09C .0208 Report of Separation -Motion by Commissioner Cooley-Dismukes; seconded by Commissioner Herron; carried unanimously.

Proposed change to the rule is that it should be repealed; requires that Report of Separation be submitted to the Commission within 10 days of an officer's separation; redundant with revised 12 NCAC 09C .0208.

12 NCAC 09C .0305 Report of Separation- [Repealed]; Motion by Commissioner Cooley-Dismukes; seconded by Commissioner Herron; carried unanimously.

Proposed change to the rule is that it should be repealed; this is merely a rule number and title with no actual rule content) the rule was repealed in 1998, however was not reflected in the administrative code as such. The Office of Administrative Hearing will make the correction, therefore rule making authority is not necessary.

12 NCAC 09C .0602 Testing Accuracy-[Repealed]; Motion by Commissioner Cooley-Dismukes; seconded by Commissioner Fisher-Davis; carried unanimously.

Proposed change to the rule is to update definition of "misdemeanor" for correctional officers to conform with current crime names and classifications.

12 NCAC 09G .0102 Definitions; Motion by Commissioner Hassell; seconded by Commissioner Jardon; carried unanimously.

Decennial Rules Review

Final Phase Timeline

1. Initial Determination Report by Commission 5/18/18
2. Publication of Report
3. Review of Public Comments & Final Determination 8/17/18
4. Final Report filed before Rules Review Commission March 2019 Meeting 2/15/19
5. RRC Review Report March 2019

As part of the Commission's decennial review of all its rules, the committee reviewed 91 administrative rules. Consideration was given to whether we have received or reasonably expect objections to a rule. Eighty-seven of the 91 rules were categorized as necessary without substantive public interest. Four of the 91 rules were categorized as unnecessary (those 4 rules were the 4 recommended for repeal above).

Motion by Commissioner Fisher-Davis and Commissioner Cooley-Dismukes to categorize 87 of the 91 rules as necessary without substantive public interest and to categorize 4 of the 91 rules as unnecessary.

Planning and Standards Committee Meeting

The committee asked staff, in the future, to prepare a short summary of each proposed rule change and the reason for it in order to facilitate the committee's review.

The committee also asked staff to review the status of in-service training for correctional officers and whether there is any reason to add provisions to the rules regarding such training.

Rule Classification Report

The initial determination of rules has been completed and must be approved by the full Commission. At the full Commission meeting, the committee chair will **move that the full Commission adopt the committee's proposed classification of all rules and forward the classification report for publication.**

System Plan – 9th Edition

As part of the development for the 9th Edition System Plan, a survey was launched in mid-January to law enforcement, DACJJ and local confinement professionals. Due to the low response rate by law enforcement professionals, the survey was recirculated. The total survey response of the recirculation was 2660, with just under 400 responses from law enforcement officers. Charminique Williams summarized the results of the survey for the committee.

The committee then discussed various possible topics for inclusion, such as: diversity training; implicit bias training; a track for middle school students and student athletes interested in criminal justice; an Associate's program for high school students interested in criminal justice; situational training for mass casualties and school resource officers; standardization of leadership training for chiefs and deputy chiefs; supervisory or management training; and how much will technology change over the next 3 to 5 years and how can it be used to make an officer's job easier. It was also suggested that the Committee review the past recruitment and retention studies for ideas.

The committee will hold additional meetings for further discussion on the system plan and will have a draft of the plan ready by the next full Commission meeting.

Date of Next Meeting

August 15, 2018

Adjournment

Motion to adjourn was made by Commissioner Cooley-Dismukes and **seconded** by Commissioner Epley.
Motion carried.

RULEMAKING HEARING RULES REVISIONS

**North Carolina Criminal Justice Education and Training Standards Commission
May 16, 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 5/16/18. 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 Trey Robison, Commissioner James Fisher-Davis, Commissioner Robert Hassell, Commissioner Teresa Jardon, Commissioner Leslie Cooley-Dismukes

Guests Present

Captain Joseph Moody, NC DMV License & Theft Bureau, Monica Shabo, DPS- Juvenile Justice, Director Trevor Allen, NC Justice Academy

CJ Standards Staff Present

Charminique Williams, Jason McIntyre, Erica Reid

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 .0209 CRIMINAL JUSTICE INSTRUCTOR TRAINING
12 NCAC 09B .0406 COMPREHENSIVE WRITTEN EXAMINATION –BASIC LAW ENFORCEMENT TRAINING
12NCAC 09G .0414 INSTRUCTOR TRAINING

Statutory authority for the rule changes: G.S. 17C-6; 17C-10

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

Proposed change to the rule consists of a minor change to topic titles and hours based on the results of the Justice Academy's pilot program on instructor training; note that line 28 should read "2 hours," not "2 hour".

12 NCAC 09B .0209 CRIMINAL JUSTICE INSTRUCTOR TRAINING; Motion by Commissioner Hassell; seconded by Commissioner Cooley-Dismukes; carried unanimously.

Proposed change to the rule amendment to allow trainee who has successfully completed a POPAT during BLEET, but who is injured prior to the final POPAT, to sit for the written exam with the class and take the final POPAT within 120 days.

12 NCAC 09B .0406 COMPREHENSIVE WRITTEN EXAMINATION –BASIC LAW ENFORCEMENT TRAINING; Motion by Commissioner Hassell; **seconded** by Commissioner Herron; **carried** unanimously.

Public comment: *Captain Joseph Moody of NC DMV License & Theft Bureau spoke about how his son was injured while going through BLET about two weeks before taking the state exam and had to sit out of the physical portion. Captain Moody said that the state exam and POPAT are two separate exams and that as long as there were no other deficiencies the student should be able to take the state exam along with the rest of their class and that he appreciated the Commission considering the rule change.*

Proposed change to the rule to topic titles and hours based on the results of the Justice Academy's pilot program on instructor training.

12NCAC 09G .0414 INSTRUCTOR TRAINING; Motion by Commissioner Jardon; **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.