

MINUTES

North Carolina Criminal Justice Education and Training Standards Commission

Planning & Standards Committee

August 15, 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, in Raleigh on August 15, 2018 at 10:30am.

Committee Members Present

Commissioner Jeff Welty (Chair), Commissioner Richard Epley, Commissioner Trey Robison, Commissioner Robert Hassell, Commissioner Teresa Jardon, Commissioner Randy Byrd, Commissioner Cerelyn Davis, Commissioner Andrew Hendry, Commissioner Leslie Cooley-Dismukes

Guests Present

Director Trevor Allen, NC Justice Academy, Director Diane Konopka, Sheriffs' Standards, Thomas Forrest, Pitt CC, Commissioner Tracy McPherson, NC Community Colleges, Sheriff Alan Jones, Caldwell County, Sheriff Alan Cloninger, Gaston County, Sheriff Dwayne Goodwin, Chowan County, Sheriff Brad Riley, Cabarrus County, Commissioner Stephanie Freeman, DACJJ, Monica Shabo, DACJJ, Catherine Anderson, DACJJ

CJ Standards Staff Present

Steven Combs, Michelle Schilling, Richard Squires, Charminique Williams, Jason McIntyre, Dawn Suffel

Call to Order

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

New Committee Members

Ms. Donna Byrd, clerk to the Commission, administered the swearing in of new Commission members Chief Cerelyn Davis and Andrew Hendry. Chairman Welty welcomed both to the committee.

Approval of Minutes

Motion to approve the May 2018 committee meeting minutes was made by Commissioner Jardon and **seconded** by Commissioner Robison. **Motion carried** unanimously.

Rule-Making Hearing

Under separate cover.

Requests for Interpretive Rule Changes

Interpretive Rule for Juvenile Justice Officer and Court Counselor Positions

Ms. Catherine Anderson, DACJJ, requested modification to the interpretive rule to reflect current job titles whose job names have changed due to a recent classification and compensation implementation and to add a new job title “*Juvenile Court Services Field Specialist*”. **Motion** to adopt and forward to the full Commission for approval by Commissioner Cooley-Dismukes; **seconded** by Commissioner Hassell; **carried** unanimously.

Interpretive Rule for New Department and Position under Corrections and Probation/Parole

Commissioner Stephanie Freeman, as Director on behalf of DACJJ, came before the committee to request a change to interpretive rule involving a new Special Operations Unit along with a new corresponding position “*Chief of Special Operations*” under corrections and probation/parole entities. Committee asked staff to bring proposed language changes to the November meeting for Committee review. **Motion** to table this item until November made by Commissioner Robison; **seconded** by Commissioner Davis; **carried** unanimously.

Request for Rule-Making Authority

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

Legal counsel Ms. Whitney Belich recommends clarification to the current rule concerning reporting requirements involving domestic violence orders and adds language to address when an officer is determined by the DA unfit to testify in court. Proposed changes would make consistent with rule language that exists under Sheriffs’ Standards Commission. **Motion** to seek rule-making authority from the full Commission made by Commissioner Byrd; **seconded** by Commissioner Cooley-Dismukes; **carried** unanimously.

12 NCAC 09G .0302 – Notification of Criminal Charges/Convictions

Proposed change clarifies reporting requirements for DACJJ officers making consistent with the proposed change to the law enforcement rule **09B .0101**. **Motion** to seek rule-making authority from the full Commission made by Commissioner Cooley-Dismukes; **seconded** by Commissioner Byrd; **carried** unanimously.

Certification Forms (F-5B Affidavit of Separation, F-3 Personal History Statement, F-8 Mandated Background Investigation Form, and new Form F-20 Verification of Issuance of Giglio Notice)

Deputy Director Squires presented a packet of changes of said forms with objective to address required reporting of *Giglio* notices encountered by officers. Due to complexities surrounding *Giglio* issues, Commissioner Robison made **motion** to table this item until November to allow further consultation with the Conference of DAs regarding suitable *Giglio* language; **seconded** by Commissioner Byrd; **carried** unanimously.

12 NCAC 09B .0301 - Certification of Instructors

12 NCAC 09G .0307 – Certification of Instructors

Deputy Director Squires proposed to amend these rules to automatically suspend or revoke instructor certification upon an officer’s certification being denied, suspended or revoked to include officers under the NC Company/Campus Police Program and out-of-state officers as well as extend it to corrections officers and add a good moral character requirement for instructors on the corrections side. **Motion** by Commissioner Welty to table request for rule-making authority of **09B .0301** and **09G .0307** until November to allow time for staff to revisit language in proposed revisions to ensure consistent rules of moral character in both **09B** and **09G**; **seconded** by Commissioner Byrd; **carried** unanimously.

Open Issues

Decennial Final Determination

Ms. Charminique Williams presented final draft of all proposed classification of rules adopted over the past several meetings; Chairman Welty confirmed that no public comments were received. **Motion** to adopt the proposed classification and forward to the full Commission for approval made by Commissioner Cooley-Dismukes and **seconded** by Commissioner Jardon; **carried** unanimously.

Update Department of Adult Corrections In-Service Training

Discussion involving annual in-service training for corrections officers and potential changes to code is tabled until November. **Motion** by Commissioner Byrd, **seconded** Commissioner Hassel, **carried** unanimously.

System Plan – 9th Edition

Committee agreed to continue to review and share changes of the current draft by working with staff electronically between now and the next committee meeting in November.

Date of Next Meeting

November 28th at 10:00 a.m.

Adjournment

Motion to adjourn at 2:15 p.m. 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
August 15, 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 August 15, 2018. This committee presided over the public rulemaking hearing with Committee Chair Jeff Welty calling the hearing to order at 10:35 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 Richard Epley, Commissioner Trey Robison, Commissioner Robert Hassell, Commissioner Teresa Jardon, Commissioner Randy Byrd, Commissioner Cerelyn Davis, Commissioner Andrew Hendry, Commissioner Leslie Cooley-Dismukes

Guests Present

Director Trevor Allen, NC Justice Academy, Director Diane Konopka, Sheriffs' Standards, Thomas Forrest, Pitt CC, Commissioner Tracy McPherson, NC Community Colleges, Sheriff Alan Jones, Caldwell County, Sheriff Alan Cloninger, Gaston County, Sheriff Dwayne Goodwin, Chowan County, Sheriff Brad Riley, Cabarrus County, Commissioner Stephanie Freeman, DACJJ, Monica Shabo, DACJJ, Catherine Anderson, DACJJ

CJ Standards Staff Present

Steven Combs, Michelle Schilling, Richard Squires, Charminique Williams, Jason McIntyre, 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 .0203 Admission of Trainee**
- 12 NCAC 09B .0205 Basic Law Enforcement Training**
- 12 NCAC 09B .0301 Certification of Instructors**
- 12 NCAC 09B .0313 Certification Training for School Resource Officer (for adoption)**
- 12 NCAC 09C .0103 Divulging Personnel Information**
- 12 NCAC 09C .0208 Report of Separation**
- 12 NCAC 09C .0305 Report of Separation**
- 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**
- 12 NCAC 09E .0105 Minimum Training Specifications: Annual In-Service Training**
- 12 NCAC 09G .0102 Definitions**

12 NCAC 09G .0103 Rule-making and Administration Hearing Procedures
12 NCAC 09G .0302 Notification of Criminal Charges Convictions
12 NCAC 09G .0304 General Certification
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 Corrections Certificate
12 NCAC 09G .0701 Report: Application: and Certification Forms

Statutory authority for the rule changes: G.S. 17C-2; 17C-6; 17C-9; 17C-10; 153A-217; 150B-20; 150B-21.6; 150B-38(h); 150B-40

MOTIONS regarding proposed changes (specified below) detail the committee's agreement to adopt, reject or repeal as identified and forward to the full Commission for approval.

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

Proposed change corrects an inaccurate legal citation in the moral character rule, item (3) (h). **Motion** to adopt and forward to the full Commission for approval by Commissioner Byrd; **seconded** by Commissioner Hendry; **carried** unanimously.

12 NCAC 09B .0203 Admission of Trainee

Proposed change amends the rule, item (e), to add the “*NROC Edready Skills Inventory for English*” assessment, used by the community colleges system, as an additional option to prove at least a 10th grade reading level. **Motion** to adopt and forward to the full Commission for approval by Commissioner Hassell; **seconded** by Commissioner Jardon; **carried** unanimously.

12 NCAC 09B .0205 Basic Law Enforcement Training

The first proposed change amends the rule that would allow BLET accredited delivery “agencies” to exclude the Sheriffs’ Specific Unit (Unit 6).

Public Comments

Sheriff Alan Jones, Caldwell County, Sheriff Alan Cloninger, Gaston County, Sheriff Dwayne Goodwin, Chowan County, Sheriff Brad Riley, Cabarrus County all spoke briefly before the committee to advise against the Commission from making this change to ensure officers understand the responsibilities of deputies, provide consistent basic training for both officers and deputies, allow for easier transition for officers to transfer as deputies, and ultimately better serve the public.

Commissioner Tracy McPherson, also Director of Public Safety Training for the NC Community Colleges System (NCCCS), requested to go on record before the committee, on behalf of senior management at NCCCS, in support of keeping the state’s BLET program as it currently stands and to not allow “agencies” to omit Sheriffs’ Specific training from basic training. Ms. McPherson went on to express an opinion that such a move by the Commission could adversely impact the state’s criminal justice workforce and that by keeping it (Sheriffs’ Specific training) is likely the best outcome for criminal justice employers and employees across the state. She went on to convey that the NCCCS recognizes their role in the process and will comply with the Commission’s decision.

Planning and Standards Committee Meeting

The Committee discussed and shared views that by keeping BLET as is will benefit the community, benefit officers seeking employment and advancement in both sheriffs' offices and police departments and prove advantageous by having a single, standard curriculum.

The second proposed change makes revision to topic hours, i.e. "*Traffic Crash Investigation*", increase from 20 to 24 hours and "*Domestic Violence Response*", from 12 to 16 hours, thus increasing the overall course hours from 632 to 640 total hours, effective January 2019.

Motion to reject allowance to exclude Sheriffs' Specific training and adopt changes to topic hours and forward to the full Commission for approval, made by Commissioner Robison; **seconded** by Commissioner Hendry; **carried** unanimously.

12 NCAC 09B .0301 Certification of Instructors

Proposed change corrects an inaccurate legal citation in the moral character rule, item (8). **Motion** to adopt and forward to the full Commission for approval by Commissioner Byrd; **seconded** by Commissioner Epley; **carried** unanimously.

12 NCAC 09B .0313 Certification Training for School Resource Officer (SRO)

Proposed (new) rule is in response to legislation setting forth training requirements of a forty (40) hour training course, authored by the NC Justice Academy, within one year of assignment as an SRO, effective October 2018. **Motion** to adopt and forward to the full Commission for approval by Commissioner Hassell; **seconded** by Commissioner Jardon; **carried** unanimously.

12 NCAC 09C .0103 Divulging Personnel Information

Proposed change defines that the Director of the Standards Division shall divulge properly requested information "*in accordance with state personnel laws*". **Motion** to adopt and forward to the full Commission for approval by Commissioner Hendry; **seconded** by Commissioner Jardon; **carried** unanimously.

12 NCAC 09C .0208 Report of Separation

Proposed change stipulates that agencies must submit a report of separation within 10 days of separating an officer. **Motion** to adopt and forward to the full Commission for approval by Commissioner Hendry; **seconded** by Commissioner Byrd; **carried** unanimously.

12 NCAC 09C .0305 Report of Separation

Proposed change repeals this rule which proves redundant to rule 09C .0208. **Motion** to adopt and forward to the full Commission for approval by Commissioner Byrd; **seconded** by Commissioner Hendry; **carried** unanimously.

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

Proposed change clarifies and expands the list of records agencies must keep regarding officers. Committee is not opposed to rule change but noted that the rule does not contain a retention period. Staff is being asked to research retention schedules dictated by State Archives and whether a retention period should be added to the rule. **Motion** to table this change until November made by Commissioner Cooley-Dismukes; **seconded** by Commissioner Hassell; **carried** unanimously.

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

Proposed change stipulates that agencies keep copy of an officer's drug screen panel along with results. **Motion** to adopt and forward to the full Commission for approval by Commissioner Hassell; **seconded** by Commissioner Cooley-Dismukes; **carried** unanimously.

12 NCAC 09D .0203 Basic Criminal Justice Certificate

Proposed change repeals this rule since the first earned certificate is the "intermediate" certificate. **Motion** to adopt and forward to the full Commission for approval by Commissioner Davis; **seconded** by Commissioner Hassell; **carried** unanimously.

12 NCAC 09E .0105 Minimum Training Specifications: Annual In-Service Training

Proposed change corrects a grammatical error under item (b) that inserts "*these topics*" after "*satisfy this requirement*". Change also amends the in-service training credits and topics for 2019 and allows national certification programs run by IADLEST to count towards "Chief's choice" hours. **Motion** to adopt and forward to the full Commission for approval by Commissioner Cooley-Dismukes; **seconded** by Commissioner Hassell; **carried** unanimously.

12 NCAC 09G .0102 Definitions

Proposed change involves definition of the term "misdemeanor" for corrections officers and updates the listed misdemeanors. **Motion** to adopt and forward to the full Commission for approval by Commissioner Hassell; **seconded** by Commissioner Jardon; **carried** unanimously.

12 NCAC 09G .0103 Rule-making and Administration Hearing Procedures

Proposed change reduces the length of time a corrections officer has to request a contested case hearing from 60 days to 30 days. **Motion** to adopt and forward to the full Commission for approval by Commissioner Hassell; **seconded** by Commissioner Cooley-Dismukes; **carried** unanimously.

12 NCAC 09G .0302 Notification of Criminal Charges Convictions

Proposed change clarifies reporting requirements for corrections officers to conform with current practice of law enforcement officers. Ms. Charminique Williams acknowledged that additional changes are in the process of being made to the rule. **Motion** to reject as written in consideration of further changes to the rule made by Commissioner Jardon; **seconded** by Commissioner Hassell; **carried** unanimously.

12 NCAC 09G .0304 General Certification

Proposed change allows certified corrections officers who move into a non-certified position for other than disciplinary reasons and later moves back into a certified position to be certified without having to repeat basic training. **Motion** to adopt and forward to the full Commission for approval by Commissioner Jardon; **seconded** by Commissioner Hendry; **carried** unanimously.

12 NCAC 09G .0306 Retention of Records of Certification

Proposed change clarifies and expands the list of records Division of Adult Correction & Juvenile Justice must keep regarding officers. Committee is not opposed to rule change but noted that the rule does not contain a retention period. Staff is being asked to research retention schedules dictated by State Archives and whether a retention period should be added to the rule. **Motion** to table this change until November made by Commissioner Cooley-Dismukes; **seconded** by Commissioner Epley; **carried** unanimously.

12 NCAC 09G .0504 Suspension: Revocation: or Denial of Certification

Proposed change under item (4) replaces an outdated definition of good moral character with a more current one. Change makes it consistent with rule on the law enforcement side. **Motion** to adopt and forward to the full Commission for approval by Commissioner Hassell; **seconded** by Commissioner Cooley-Dismukes; **carried** unanimously.

12 NCAC 09G .0505 Period of Suspension: Revocation: or Denial

Proposed change under item (b) corrects name of the corrections agency to the current name which is *NC Department of Public Safety – Division of Adult Correction & Juvenile Justice*. **Motion** to adopt and forward to the full Commission for approval by Commissioner Hassell; **seconded** by Commissioner Jardon; **carried** unanimously.

12 NCAC 09G .0603 Basic State Corrections Certificate

Proposed change repeals this rule since the first earned certificate is the “intermediate” certificate. **Motion** to adopt and forward to the full Commission for approval by Commissioner Jardon; **seconded** by Commissioner Hassell; **carried** unanimously.

12 NCAC 09G .0701 Report: Application: and Certification Forms

Proposed change corrects name of the corrections agency to the current name which is *NC Department of Public Safety – Division of Adult Correction & Juvenile Justice* as well as a few minor changes to job and organizational titles. **Motion** to adopt and forward to the full Commission for approval by Commissioner Hassell; **seconded** by Commissioner Davis; **carried** unanimously.

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