

MINUTES

North Carolina Criminal Justice Education and Training Standards Commission

Planning and Standards Committee

November 21, 2019

The Planning & Standards (P&S) Committee of the North Carolina Criminal Justice Education and Training Standards (CJETS) Commission met at the Wake Technical Community College Public Safety Center on Thursday, November 21, 2019, at 10:01 a.m.

Committee Members Present

Commissioner Jeff Welty (Chair), Commissioner Richard Epley, Commissioner Trey Robison, Commissioner Teresa Jardon, Commissioner Robert Hassell, Commissioner David Rose, Commissioner Leslie Cooley-Dismukes, Commissioner Andrew Hendry, Commissioner Stan Hicks, and Commissioner Stella Patterson.

Guests Present

Director Trevor Allen, NCJA, Commissioner Tracy McPherson and Ms. Andrea Hyson, NC Community Colleges, Mr. Steve Bell and Mr. Chris Nesbitt, Rowan-Cabarrus Community College, Mr. Mickey Biggs, Robeson Community College, Mr. Thomas Forrest, Pitt Community College, Commissioner Stephanie Freeman, Ms. Tara Richardson, and Ms. Monica Shabo, NCDPS/DACJJ, and Mr. Brandon McGaha, NC Police Benevolent Association.

CJ Standards Staff Present

Director Steven Combs, Deputy Director Michelle Schilling, Deputy Director Richard Squires, Charminique Williams, Jason McIntyre, Alex Radford, and Donna Byrd.

Call to Order

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

Vote for Vice-chair

The first order of business was to vote for a vice-chair for the Planning and Standards Committee. Commissioner Cerelyn Davis nominated Commissioner Robert Hassell as vice-chair of the committee and Commissioner Cooley-Dismukes seconded the motion. Chairman Welty announced he accepted a position with the Department of Justice and would be resigning as chair of the Planning and Standards Committee and the Commission would vote for a new Chair.

Approval of Minutes

<p>Motion to approve the August 14, 2019 committee minutes was made by Commissioner Robert Hassell, seconded by Commissioner Teresa Jardon. Motion carried.</p>

Rulemaking Hearing

Under separate cover.

Requests for Rulemaking Authority

12 NCAC 09B .0101 – Minimum Standards for Criminal Justice Officers (reporting charges)

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

Deputy Director Richard Squires explained that Rule 12 NCAC 09B .0101 – Minimum Standards for Criminal Justice Officers was being presented on behalf of legal counsel and would be congruent with the Sheriffs’ Commission rules. He explained that this rule would have a time period of five days to report to an agency and 30 days to report to the Criminal Justice Standards Division. He explained that rule 12 NCAC 09G .0302 – Notification of Criminal Charges/Convictions rule would reflect the same language as rule 12 NCAC 09B .0101. After much discussion, a motion was made by Commissioner Cooley-Dismukes to ask staff to revise the rule with two versions: (1) bring into conformity the timeframes, including the “Class B Misdemeanor” manual regarding driving traffic offense(s) and clarify any ambiguity; (2) change the department head language from 5 days notice to Agency and 30-day notice to department heads. Then bring the two versions back to the Planning & Standards Committee in February for review, seconded by Commissioner Hendry.

Next, Director Steven Combs reported that an advisory group was in place to discuss and put together a field-training program for law enforcement officers. Director Combs explained that if this field training were mandated, it would be burdensome to small agencies. He noted that the best practices were completed and given to legal counsel for review to present at the February meeting.

Director Combs stated that the Planning and Standards Committee asked an advisory group to discuss psychological evaluation screening. He explained that the group was making progress. In closing, he stated that FMRT would be speaking at the February Planning and Standards Committee meeting.

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

Next, Chairman Welty reported that there has been much discussion regarding Giglio concerns which brought about proposed revisions for 12 NCAC 09B .0101 adding a new subsection 8 requiring officers to report to the Standards Division when they are notified in writing by a judge, prosecutor, or their agency head, or in open court by a judge, that because of their lack of honesty, they may not testify in court as a law enforcement officer. A motion was made by Commissioner Cooley-Dismukes that the Committee accepts subsection 8, of 12 NCAC 09B .0101 moving it forward to the full Commission for review, seconded by Commissioner Jardon. Motion carried. The Committee approved to hold the Commission forms until the next meeting.

Planning and Standards Committee Meeting

12 NCAC 09B .0203 – Admission of Trainees the proposed language amendments recommended by the advisory group would streamline the process for recruits to obtain criminal record checks, that included the “right to review” record check conducted by the SBI. A motion was made by Commissioner Epley to forward this rule to the full Commission for rulemaking authority; seconded by Commissioner Jardon. The motion carried.

12 NCAC 09B .0203 – Admission of Trainees (new form F-25)

New Form F-25 (LE) would allow an agency to notify a school director that they have already completed a background check. This rule would implement a new subdivision (h)(1) line 12. A motion was made to approve the new form by Commissioner Hassell and seconded by Commissioner Epley. The motion carried.

12 NCAC 09B .0301 – Certification of Instructor and **09G .0307 Certification of Instructor** in which page 2 of 4, line 16 (LEO rule) revision as follows: “when notified, personnel shall ensure the instructor, school director or qualified assistant are not allowed to instruct or manage the instruction of the identified student”. After much discussion, Commissioner Cooley-Dismukes asked that staff work with Commissioner Tracy McPherson and Commissioner Welty to revise this rule and bring to the next Committee meeting; seconded by Commissioner Hassell.

Next meeting

The next meeting of the committee will be on February 19, 2020.

The meeting adjourned at 1:02 pm