

MINUTES

North Carolina Criminal Justice Education and Training Standards Commission

Planning and Standards Committee

November 18, 2020

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 Wednesday, November 18, 2020, at 10:02 a.m.

Committee Members Present

Commissioner Leslie Dismukes (Chair), Commissioner Robert Hassell (Vice Chair), Commissioner Richard Epley, Commissioner David Rose, Commissioner Andrew Hendry, Commissioner Stella Patterson, Commissioner Cerelyn Davis, Commissioner Andrew Gregson and Commissioner Stan Hicks.

Guests Present

Jessica Bullock, NCJA, Nelson Freeman, FMRT, Catherine Anders, DPS, Tracy Little, DPS, Kim Quintus, DPS, Monica Shabo, DPS, Peter Kuhns, DPS, Commissioner Stan Hicks, DPS, Theresa Starleny, DPS, Thomas Forrest, Pitt Community College, Erica Zendt, PDS, Elizabeth Morris, FMRT, Mickey Biggs, NCCC, Director Trevor Allen, NCJA, Commissioner Tracy McPherson, NC Community Colleges, Commissioner Steve Johnson, Commissioner Eddie Caldwell, Commissioner Stephanie Freeman, Brenda Revera, Legal Staff and Commissioner Jane Gilcrest, DPS.

CJ Standards Staff Present

Director Steven Combs, Deputy Director Michelle Schilling, Deputy Director Richard Squires, Charminique Williams, Alex Radford.

Call to Order

Committee Chair Leslie Dismukes called the meeting to order and declared a quorum.

Vote for Committee Vice Chair

Commissioner Cerelyn Davis made a motion to nominate Commissioner Robert Hassell as Vice-Chair. It was seconded by Commissioner Stella Patterson. The committee unanimously re-elected Commissioner Robert Hassell as the Vice-Chair.

Approval of Minutes

<p>Commissioner David Rose noted that Commissioner Randy Byrd and Attorney Mike McGuinness were not listed on the guest list from the previous committee minutes. A Motion to approve the August 12, 2020 committee minutes with the amended guests was then made by Commissioner Robert Hassell, seconded by Commissioner Stan Hicks. Motion carried.</p>
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Interpretive Rule

Rule changes for the interpretive rule were shown to committee members to vote for clarification and approval of the rule. A motion was made by Commissioner Robert Hassell and a second was made by Commissioner Cerelyn Davis. The Motion carried.

Requests for Rulemaking Authority

There were no requests for rulemaking authority for this meeting.

Rulemaking Hearing

The Committee conducted a public rulemaking hearing on nine (9) rules. Two rules (12 NCAC 09B .0209 & 12 NCAC 09G .0414) were pulled from consideration because the Education and Training Committee is going to further revise them. Because many of the rules were related to specialized training, they were considered together and not in the order listed on the agenda. The Committee considered the following rules:

12 NCAC 09A .0205 – Investigation of Violation of Rules

The Committee adopted the technical changes proposed by staff, which would remove the provision allowing the Probable Cause Committee to request the Attorney General authorize and SBI investigation, as the SBI is no longer part of DOJ.

A motion to adopt the above change was made by Commissioner Cerelyn Davis and Seconded by Commissioner Stan Hicks. The Motion carries.

12 NCAC 09B .0202 – Responsibilities of the School Director

The Committee considered the substantive changes to subsection (c)(1), which would remove the reference to the number of instruction hours and refer back to 09B .0209. This would keep the Commission from having to amend both rules every time the hours changed.

A motion to adopt the above changes was made by Commissioner Stella Patterson and Seconded by Commissioner Cerelyn Davis. The Motion carries.

12 NCAC 09B .0314 – Certification of Diversion Investigators and Supervisors

The committee considered revisions to these rules requested by the SBI. The number of hours of required training was reduced because the SBI, along with DEA and the Justice Academy, revised the curriculum to reduce redundancies. This resulted in fewer hours needed to complete the training. The revisions also add a submission date, identical to the requirements for instructors, requiring the submission of applications for certification to be submitted to CJ Standards within 60 days of completion of the state examination.

A motion to adopt the above changes was made by Commissioner Rober Hassell and Seconded by Commissioner Stan Hicks. The Motion carries.

12 NCAC 09B .0409 – Satisfaction of Training – SMI Operators

The Committee considered revisions to this rule to reduce the number of hours of training. The SMI Committee has reviewed the training and believes that 12 hours is sufficient to accomplish the needed training. Subsection (a)(4) was amended to require 12 hours of training and subsection (a)(5) struck the number of hours as redundant to (a)(4).

A motion to adopt the above changes was made by Commissioner Rober Hassell and Seconded by Commissioner Stella Patterson. The Motion carries

The following rules were considered together with an explanation from Commissioner Steve Johnson, who was present for this meeting:

12 NCAC 09B .0226 – Specialized Firearms Instructor Training

12 NCAC 09B .0227 – Specialized Driver Instructor Training

12 NCAC 09B .0232 – Specialized Subject Control Arrest Techniques Instructor Training

12 NCAC 09B .0233 – Specialized Physical Fitness Instructor Training

12 NCAC 09B .0417 – Specialized Explosives and Hazardous Materials Instructor Training

The committee considered revisions to all of these rules designed to give more flexibility in the delivery of these courses. Specifically, Commissioner Steve Johnson explained that the changes would set forth a certain amount of classroom time, but also account for the needed practical skills exercises associated with each course. He clarified that the practical skills time would be tracked so as to ensure the instructional time was being met. Additionally, prequalification standards were added for each area of Instruction.

A motion to adopt the changes for **12 NCAC 09B .0226** was made by Commissioner Stan Hicks and Seconded by Commissioner Robert Hassell. The Motion carries.

A motion to adopt the changes for **12 NCAC 09B .0227** was made by Commissioner Robert Hassell and Seconded by Commissioner Stella Patterson. The Motion carries.

A motion to adopt the changes for **12 NCAC 09B .0232** was made by Commissioner Stan Hicks and Seconded by Commissioner Cerelyn Davis. The Motion carries.

A motion to adopt the changes for **12 NCAC 09B .0233** was made by Commissioner Stella Patterson and Seconded by Commissioner Robert Hassell. The Motion carries.

A motion to adopt the changes for **12 NCAC 09B .0417** was made by Commissioner Stan Hicks and Seconded by Commissioner Robert Hassell. The Motion carries.

Committee Action Item:

Deputy Director Richard Squires requested that the Committee consider revision of Commission forms and additional guidance for staff in light of the passage of the Second Chance Act. The Committee discussed at length what the Commission should do with respect to examination of expunged records when considering certification.

- a. Staff should revise Commission Forms to be consistent with the new AOC-CR-280 and the Second Chance Act.

A motion to allow technical changes to the new AOC-CR-280 form and Second Chance Act was made by Commissioner Robert Hassell and Seconded by Stella Patterson. The Motion carries.

- b. The staff continues to investigate expunctions in the following way:
 - i. For all law enforcement officers, Juvenile Justice Officers, Juvenile Court Counselors, and Probation/Parole Officers, expungements should be considered for applicants as well as those already certified when a case is expunged.
 - ii. For Corrections Officer, expungements should be considered only for those who receive an expungement during their period of certification.
 - iii. Staff will work with DPS to ensure the appropriate rule revisions are made to bring Probation/Parole within this recommendation.
 - iv. Staff should continue to examine expungements of cases that have been dismissed or a finding of not guilty has been entered for the appropriate categories above.
 - v. Staff should no longer consider the expungement of any juvenile petition and should only consider those juvenile cases that have been transferred to superior court.

A motion by Commissioner Stan Hicks was made, which was seconded by Commissioner David Rose and approved unanimously by the Committee. The Motion carries.

Director Steven Combs brought before the Committee a proposal to request rulemaking authority with respect to the certification status for separated law enforcement officers in 12 NCAC 09B .0403. Staff made several revisions at the request of Committee members and the Committee voted to request Rulemaking Authority with respect to the changes as set forth in your packet.

The Motion was made by Commissioner Robert Hassell and seconded by Commissioner Cerelyn Davis. The Motion carries.

The Committee heard from the Psychological Screening Examination Advisory Group regarding its work over the past year to determine whether 12 NCAC 09B .0101(6) and 12 NCAC 09G .0205(b) should be revised to ensure more clarity around the term “psychological screening examination” and the categories of applicants to whom it should apply. The full report is produced in your packet. The Committee voted to adopt the recommendations of the Advisory Group with one addition and request that staff begin to draft revisions to the administrative code so that the Committee can request Rulemaking Authority at the February 2021 meeting.

The Motion was made by Commissioner Robert Hassell and seconded by Commissioner Cerelyn Davis. The Motion carries.

- a. The Committee requested that, as to recommendation #1, staff work with DPS to ensure that the PERT, SORT, and SOTIT teams be required to receive a clinical interview in addition to the MMPI screening, given the nature of their work.

Next Meeting

The next meeting of the committee will be on February 24, 2021.

The meeting adjourned at 2:20 pm

