

## MINUTES

### NORTH CAROLINA CRIMINAL JUSTICE EDUCATION AND TRAINING STANDARDS COMMISSION

#### EDUCATION AND TRAINING COMMITTEE

August 15, 2018

The Education and Training Committee of the North Carolina Criminal Justice Education and Training Standards Commission met in Room 1826 of the Public Safety Training Center, Wake Technical Community College, Raleigh, NC. Chair Stephanie Freeman called the meeting to order at 1:14 pm. Those in attendance were:

- \*Stephanie Freeman, Appointment by the Governor- Correctional Officer-OSDT
- \*Steve Johnson, Appointment by the General Assembly- Speaker of the House
- \*Lee Farnsworth, NC Law Enforcement Officers' Association
- \*Kenneth Mullen, NC Criminal Justice Association
- \*Tracy McPherson, NC Community College System - Ex-Officio Member
- \*Chris Blue, NC Police Executives Association
- \*Nathan Mizell, Jr., NC Law Enforcement Training Officers' Association
- \*David Rose, Appointment by the Attorney General - Citizen
- \*Glenn McNeil Jr., NC Department of Public Safety; Colonel, NC State Highway Patrol
- \*Jeff McCracken, NC Police Executives Association

#### **Visitors**

Chief William Hollingsed, NC Police Executives Association  
Eddie Caldwell, NC Law Enforcement Officers Association  
Thomas Forrest, Pitt Community College, BLET School Director  
Major Shane Manuel, NC DPS/N.C. State Highway Patrol  
Frank Scuiletti, NC Community College System

#### **Staff**

Michelle Schilling, NC Criminal Justice Standards Division  
Jason McIntyre, NC Criminal Justice Standards Division  
Trevor Allen, Director, NC Justice Academy  
Stacy Holloman, Deputy Director, NC Justice Academy  
Tony Losada, NC Justice Academy  
Jessica Bullock, NC Justice Academy  
Laurie Austen, NC Justice Academy  
Vicki Helms, NC Justice Academy

\*Committee Members

#### **WELCOME/ROLL CALL**

Chairperson Stephanie Freeman welcomed members and guests. The meeting was called to order and the roll was called. A quorum was present.

#### **MINUTES**

Commissioner Tracey McPherson requested two changes to the May 16, 2018 minutes. On Page 3, (third paragraph, first sentence) “*Commissioner Rose shared that some agencies deliver their own BLET Training, while being managed by the local community college*” insert “*partner with community colleges to*” and replace with “***Commissioner Rose shared that some agencies partner with community colleges to deliver their own BLET training, while being managed by the local community college.***”

Commissioner Tracey McPherson also requested on Page 1, (under committee names) *Commissioner Tracy McPherson, Department of Community Colleges – Ex-Officio Member*, remove “Department of Community Colleges” and insert “NC Community College System” and replace with “***Tracy McPherson, NC Community College System - Ex-Officio Member.***”

With no other changes, Commissioner David Rose proposed a **motion** to accept the May 16, 2018 minutes with the suggested changes. Commissioner Kenneth Mullen **seconded** the motion, **motion carried.**

## **COMMITTEE ACTION**

### **SCHOOL ACCREDITATION SUBCOMMITTEE**

On behalf of the School Accreditation Subcommittee, Deputy Director Michelle Schilling, Criminal Justice Standards Division, presented a recommendation that the following institutions be accredited and reaccredited for a period of five (5) years in accordance with ***12 NCAC 09B .0200*** and ***12 NCAC 09C .0401*** for the delivery of the Commission regulated training:

- Accreditation:
  - Brunswick County Sheriff’s Office – SMI
- Re-Accreditation:
  - Martin Community College – BLET
  - Robeson Community College – BLET, GI, and SMI
  - Mitchell Community County – BLET and SMI
  - Wilson Community College – BLET, GI, and SMI
- Withdrawal:
  - Kill Devil Hills Police Department - SMI

Commissioner Steve Johnson proposed a **motion** to accept the recommendation presented for Brunswick County Sheriff’s Office to receive accreditation for the SMI program. Commissioner Nathan Mizell **seconded** the motion, **motion carried.**

Martin Community College requested re-accreditation for their BLET program. The committee placed Martin Community College under a one (1) year probation oversight due to deficiencies from an audit. In the past year, numerous audits were conducted and as of July 2018 Martin Community College has re-submitted their re-accreditation with the request to remove the 1 year probation. The Standards Division reviewed the college’s records and will continue to monitor the school to ensure they remain

compliant. The Division recommended that Martin Community College receive their five (5) year reaccreditation.

Robeson Community College requested re-accreditation for their BLET, GI and SMI programs. Field representatives found them compliant, however a safety issue was identified with their firearms range. The college obtained a MOU with Southeastern Community College to utilize another range and to continue their mandated courses until the range was repaired. The Standards Division will inspect the range once repairs are made to ensure compliance. Robeson Community College has met all requirements for reaccreditation with the MOU in place and it was recommended they receive their five (5) year re-accreditation.

Commissioner Steve Johnson proposed a **motion** to accept the recommendation for the (5) year re-accreditation for Martin, Robeson, Mitchell and Wilson Community Colleges with the contingency that Robeson Community College repair their range or continue to use another range until such time approved by the committee. Commissioner Chris Blue **seconded** the motion, **motion carried**.

The Committee approved the request understanding Robeson Community College will repair their firing range prior to its continued use.

Kills Devil Hill Police Department has withdrawn from teaching commission courses further and wish to no longer offer SMI. Deputy Director Michelle Schilling shared their accreditation has expired and they are not seeking re-accreditation.

### **TRAINING HOURS VS. CREDITS: CONCEALED CARRY HANDGUN TRAINING**

On behalf of the Commission, Commissioner Steve Johnson presented a discussion on the topic of establishing training credits verses training hours regarding the Concealed Carry Handgun Training, *NCAC 12 NCAC 09F .0102 – Topical Areas*

Commissioner Steve Johnson shared a request made by Ron Parish for the committee to review training hours vs credit hours for the Concealed Carry Training Course. An issue was addressed before the full commission during a probable cause committee report. An instructor completed teaching a concealed carry class in 5 ½ hours which the lesson plan requires 8 hours to complete. The same individual received a second complaint which prompted the review.

The Concealed Carry law was passed on December 1, 1995. The General Assembly did not clearly define or specify an instructor's responsibilities during the instruction. The commission was later asked to re-evaluate the topic areas, hours, and from the evaluation a minimal shooting proficiency test was developed.

Commissioner Steve Johnson addressed his first concern regarding Administrative Code 12 NCAC 09F .0102 under Item 1, the Legal Issue alone mandated two (2) hours of training in addition to items 2-9, and a written test. The shooting practical has its own hours and is not a part of the required 8 hours. Commissioner Steve Johnson stated he does not know anyone who could teach this class in less than 8 hours and include the shooting practical.

The second concern addressed was the concept of credits verses hours. Credits were introduced through the in-service development of on-line training. This on-line training was adopted and certain individuals were found to read at a faster rate than others. A classroom delivery would be conducted within the same number of training hours. Commissioner Steve Johnson further shared it would not be in the best interest for the Concealed Carry course to one day become on-line training from what he has observed from other states.

Commissioner Lee Farnsworth agreed and shared that manual skills are not related to ones reading capability or speed. He suggested specifics and clarity regarding the timeframe for completing the training course.

Commissioner Steve Johnson shared his experience as a Concealed Carry Instructor revealed each class delivery will take the same amount of time based upon the power point slides used, despite the number of students who attended. He proposed a **motion** to continue the use of hours and abide by the current ***Administrative Code NCAC 12 NCAC 09F .0102- Topical Areas***. Commissioner Nathan Mizell **seconded** the motion. Further discussion was shared.

Commissioner Steve Johnson made several suggestions on the kind of demonstrations instructors could utilize in their training; how to draw a weapon from a fanny pack, ankle holster, belly band, cross, pocket and appendix holster. He also shared that most instructors refer to the red Concealed Carry handbooks produced by the Justice Academy for instructing their classes.

With no further discussion, **motion carried**.

The Committee decided to leave the current rule as is, with no change in hours versus credit.

### **New Staff Introduction:**

Director Trevor Allen with the North Carolina Justice Academy, introduced Ms. Laurie Austen who was promoted in May as Training Manager over the academy's Commission Courses.

Laurie Austen introduced the newest Justice Academy staff member, Ms. Jessica Bullock who will work directly with the General Instructor Training program. Ms. Bullock was a former Chief Probation and Parole Officer and has worked with Juvenile Justice, as well as with the Dept. of Health and Human Service.

### **Informational Items**

#### **General Instructor Training Update**

On behalf of the North Carolina Justice Academy, Training Manager Laurie Austen presented an update on minor revisions recently made to the Instructor Training curriculum. These changes included typographical errors, spelling, punctuation and grammatical issues corrected. PowerPoint slides, instructor lesson plan, student lesson plan and handouts were also updated throughout each block of instruction.

Commissioner Tracy McPherson shared the various concerns that several agencies had regarding the General Instructor curriculum revisions and delivery of materials. There were three (3) schools whose delivery dates were changed from January to February to accommodate receiving the revised materials. Commissioner McPherson stated, most often rule changes occur in November with an implementation date of January 1,<sup>st</sup> and the revisions are mailed during the first week in December. The delivery agencies and colleges are closed half of December and there were concerns for school directors to receive the updated materials prior to their 1<sup>st</sup> delivery. Commissioner McPherson asked if adequate time was allocated to implement the new changes to allow the delivery of materials.

Commissioner Steve Johnson shared during the revision process issues developed and the committee was made aware afterwards. An implementation date was given well in advance, the rule had changed, and in February revisions were not delivered which caused the delayed delivery of a few programs.

Commissioner Stephanie Freeman shared that the process for curriculum revisions usually occurred with a request for a pilot program implemented prior to a rule change. In this particular process, the rule was changed prior to any pilot program request.

Commissioner Stephanie Freeman encouraged and reminded everyone, we are responsible to serve and find ways to communicate state wide with individuals.

Commissioner Steve Johnson suggested community colleges can request a delayed implementation date to allow colleges time to receive the revised materials and for their first delivery.

### **Raleigh PD SMI Audit Update**

On behalf of the Criminal Justice Standards Division, Jason McIntyre, SMI Program Administrator provided a status report on the SMI Program Audit of the Raleigh Police Department. Mr. McIntyre shared there were fifteen (15) newly certified SMI operators added to their agency and certifications were pre-checked prior to the course delivery. Raleigh Police Department has worked hard to correct their issues and have submitted all documents correctly.

### **SMI Statewide Agency Audit Updates**

On behalf of the Criminal Justice Standards Division, Jason McIntyre, SMI Program Administrator provided an update on the ongoing Statewide SMI Agency Audit Process. State wide audits were conducted on several agencies to ensure their SMI lists are compliant with the Standards Division. Elizabethtown, Davidson, Clayton, Hillsborough and Appalachian State University Police Departments were previously audited and found compliant.

## **General Instructor Certification Update**

On behalf of the Criminal Justice Standards Division, Deputy Director Michelle Schilling provided an update on instructor completions for 2017 regarding the required one hour online renewal training. Several general instructors failed to comply with the 2017 online renewal course, therefore the Division sent several notifications and contacted individuals to remind them of the requirement. Jason McIntyre and two (2) interns audited over 8500 General Instructor files at the Division and as of May 31<sup>st</sup>, this process has been completed.

There are currently 7,681 active and certified instructors with the Division. Only 387 failed to participate in the renewal course and academy files were verified by Jeffrey Zimmerman for completion.

All expired instructor certifications from 2016 were removed and the review of the 2017 certifications have been completed. The Division began on the 2018 certifications and several individuals have completed the online course. Director Trevor Allen shared there are roughly 5,000 online course completions for 2018.

## **BLET Retest Update**

On behalf of the Criminal Justice Standards Division, Deputy Director Michelle Schilling presented an update regarding the BLET Exam questions, failures, retests, and the procedure put in place to address current and future concerns within the field.

There were twenty-one (21) students identified as fatal failures, in which two (2) students declined a retest and who indicated career choices in another area. Eleven (11) students had passed and there were four (4) who were not successful. Currently, the four (4) students will be rescheduled to retest even though some time has passed since they completed BLET. They are currently at a one (1) year mark and have several months to reschedule a test. School Directors are available and willing to assist them in preparation for their retest and a future report on their status will be given at the next meeting.

Commissioner Mizell asked about the nonfatal failures and the percentages that were affected by the questions in error, as well as the number of students who failed 1 or 2 blocks. He also asked if those students had to retest in those particular blocks.

Deputy Director Michelle Schilling shared there were 276 failure retests across the state and only 26 were affected. Their training records were corrected to reflect as a 1<sup>st</sup> time pass.

## **Additional Item**

### **Medical Waiver for Specialized Instructors**

Deputy Director Michelle Schilling informed the committee of a potential future request for a rule change related to an instructor waiver. She spoke with Director Steven Combs regarding the current Medical Waivers that are in code and on Specialized Instructor

certifications. It was also discussed if the Director had the authority up to a year, to waive a Specialized Instructor who is unable to teach due to medical reasons.

An individual was on a probationary term for his general instructor certification, at which time suffered a significant spinal issue and is under medical treatment. At present, he is unable to teach, but has completed eight (8) months of training and completed the four (4) hours of the required eight (8) hours needed. His probationary term has expired and his agency has requested a waiver until he is medically cleared and able to complete the remaining four (4) hours of training to obtain his general instructor certification. The current rule has no exception, but does state the general certifications automatically expires after twelve (12) months.

Commissioner Steve Johnson suggested the rule to be reinstated before a waiver is granted since the certification has expired.

Commissioner Stephanie Freeman suggested returning with legal counsel's review and opinion.

### **BLET Topic Update**

On behalf of the North Carolina Justice Academy, Director Trevor Allen presented information regarding recent minor revisions to the BLET curriculum. Topic titles within the curriculum were updated to model the current rule 12 NCAC 09B .0205 – Basic Law Enforcement Training. The following changes were made throughout specific blocks: PowerPoint slides, instructor lesson plans, student lesson plans, handouts, and videos. All updated materials were reprinted and distributed.

### **Additional Business**

#### **School Directors' Conference**

On behalf of the Criminal Justice Standards Division, Deputy Director Michelle Schilling provided a brief overview of the upcoming School Directors' Conference scheduled for August 20-22, 2018. The School Director's Conference will have over three hundred (300) attendees next week who will bring great discussions state wide. Deputy Director Michelle Schilling will report the details at the next committee meeting in November.

#### **Pitt Community College School Director**

Commissioner Tracey McPherson introduced Thomas Forrest, the School Director at Pitt Community College. He will represent Pitt Community College's School Directors and attend further committee meetings.

Commissioner Freeman welcomed Mr. Forrest and emphasized the importance to respond to individuals in which we serve. She shared in the past, time was informally allocated during committee meetings for public comments, but henceforth the agenda will now reflect individuals the opportunity to address their concerns to the committee. The floor was opened for comments from the audience.

With no further comments, Commissioner Chris Blue **motioned** to adjourn, Commissioner Nathan Mizell, **seconded** the motion.

Meeting was adjourned at 2:02 pm.