

## MINUTES

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

#### EDUCATION AND TRAINING COMMITTEE

February 13, 2019

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 1:05 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
- \*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
- \*Jeff McCracken, NC Police Executives Association
- \*Major Shane Manuel, NC Department of Public Safety, NC State Highway Patrol
- \*Jane Gilchrist, General Counsel, NC Department of Public Safety
- \*Glenn McNeill Jr., NC Department of Public Safety; Colonel, NC State Highway Patrol

#### Visitors

Eddie Caldwell, NC Law Enforcement Officers Association  
Thomas Forrest, Pitt Community College, BLET School Director  
Monica Shabo, NC Department of Public Safety, Division of Juvenile Justice  
Felicia Banks, NC Department of Public Safety, Office of Staff Development and Training  
Diane Konopka, Director, Sheriff's Training and Standards Division  
Chris Nesbitt, School Director, Rowan Cabarrus Community College  
Steve Belk, Qualified Assistant, Rowan Cabarrus Community College  
Doug Doughtie, Sheriff, Dare County Sheriff's Office  
Todd Carver, Major, Iredell County Sheriff's Office  
Rodney Robles, Guilford Technical Community College  
Alan Cranford, Captain, Iredell County Sheriff's Office  
Shelby White, Sheriff, Perquimans Sheriff's Office  
Dwayne Goodwin, Sheriff, Chowan County Sheriff's Office  
Scott Hudson, Captain, Surry County Sheriff's Office  
Michael Murphy, Surry County Sheriff's Office  
J. Kevin Jones, Sheriff, Camden County Sheriff's Office  
Brandon Blount, Camden County Sheriff's Office  
Ronnie Ingram, Sheriff, Lenoir County Sheriff's Office  
David Hess, Chief, NC Association of Chiefs of Police  
John Letteney, Chief, Apex Police Department  
Rick Oliver, Sheriff, Yadkin County Sheriff's Office

Alan Jones, Sheriff, Caldwell County Sheriff's Office  
Shelly Katkonski, Burlington Police Department  
Curtis Brame, Sheriff, Vance County Sheriff's Office  
Andrea Hyson, NC Community College System  
C.J. Davis, Chief, Durham Police Department  
Robert Hassell, Chief, Reidsville Police Department

### **Staff**

Steven Combs, Director, NC Criminal Justice Standards Division  
Michelle Schilling, Deputy Director, NC Criminal Justice Standards Division  
Jason McIntyre, NC Criminal Justice Standards Division  
Derek Smith, NC Criminal Justice Standards Division  
Charminique Brunson, NC Criminal Justice Standards Division  
Marie Evitt, Law Enforcement Liaison, NC Dept. of Justice  
Trevor Allen, Director, NC Justice Academy  
Stacy Holloman, Deputy Director, NC Justice Academy  
Tony Losada, NC Justice Academy  
Laurie Austen, NC Justice Academy  
Dan Worley, NC Justice Academy  
Bill DuBois, NC Justice Academy  
Terry Miller, 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.

*The Swearing-In of Major Shane Manuel was moved after the discussion on the Committee Action item, the Proposal for the Removal of BLET Unit 6 – Sheriff's Specific.*

### **MINUTES**

Committee members reviewed the minutes, and with no changes, Commissioner Kenneth Mullen **motioned** to approve the meeting minutes; Commissioner Nathan Mizell **seconded** the motion, the **motion carried**.

*Order of Business was Changed*

Chairperson Stephanie Freeman requested the first agenda item addressed would be under the Committee Action, the Proposal for the Removal of Unit 6 – Sheriff's Specific.

### **COMMITTEE ACTION**

#### **PROPOSAL FOR THE REMOVAL OF BLET UNIT 6- SHERIFF'S SPECIFIC**

On behalf of the Criminal Justice Standards Division, Director Steven Combs presented a request his division received to allow any accredited delivery agency (community college, municipal agency, and state agency) the decision to voluntarily remove the Sheriff-Specific Unit, Unit 6 from the Basic Law Enforcement Training course. The Sheriff Specific Unit consists of the following topics:

- (A) Civil Process (24 Hours)
- (B) Sheriffs' Responsibilities – Detention Duties (4 Hours)
- (C) Sheriffs' Responsibilities – Court Duties (6 Hours)

Unit Total: 34 Hours

This issue was discussed by the Education and Training Committee in the past, and the Standards Division heard from individuals in the field that municipal and state agencies are not responsible for duties that fall under the Sheriffs' Specific Unit. The affected rule that would be revised is **12 NCAC 09B .0205 – Basic Law Enforcement Training**.

Commissioner Stephanie Freeman shared the proposed rule revision came before the Education and Training Committee two meetings ago, and Director Combs was asked to return with the new request.

Commissioner Steve Johnson shared the initial proposal and motion that he made over a year ago was to remove the unit only from the municipal and state agencies who conducted BLEET for their personnel. After several discussions, the complex issue resulted in an agency who conducted their agency academy via a partnership with a community college, and wanted to also exclude the training. The E&T Committee presented and approved the motion, which was approved for rulemaking by the Full Commission. The issue was then brought before the Planning and Standards Committee for discussion, and several additional issues were addressed. The Planning and Standards Committee chose not to change the rule. Today the issue is being readdressed, and he would like to hear the responses from the visitors that are present. He requested the proposal to allow only for agencies who conduct training for their personnel; these would include the State Highway Patrol, the SBI and some municipal agencies who do not utilize the community colleges.

Commissioner David Rose shared the modification to the original request came from Winston Salem Police Department who delivers a hybrid program at their facility and provides for their own instructors. The program there is administered through Forsyth Technical Community College. Commissioner McPherson assisted with developing the language from the previous meeting, which was changed to include agencies that deliver their own training. The language change allowed latitude for each school to decide and for the majority of community colleges to continue to offer the Sheriff's portion. Commissioner Rose further shared that colleges have individuals that are not yet employed by an agency, and the schools want to attract students for agencies to choose from. He said municipal agencies that instruct their own schools would never use or require Unit 6 for employment. The original request was approved by the Education and Training Committee unanimously and went before the Full Commission, who voted unanimously to send through the rulemaking process. At that time, no one had realized there was opposition to the original request. Several Sheriff's appeared before Planning and Standards and shared their concerns. The following points that were shared by Commissioner Rose:

- Thirty-six (36) hours are spent teaching the Sheriff's portion in BLEET, and they are only scheduled for twenty-eight (28) hours for the teaching on Arrest Search and Seizure.

- About twenty (20%) of the people that receive BLET go on to serve civil papers.
- For efficiency and cost savings, they would like the opportunity to replace those thirty-six (36) hours with needed agency-specific topics. Ex: De-Escalation which is not agency specific.
- Cadets who continue employment with Winston-Salem will not have jurisdiction to use what they are taught in the thirty-six (36) hours Sheriff Specific block.
- Twenty (20%) of officers in N.C. are deputies and 80% are traditional sworn municipal agencies who don't have civil jurisdiction.

Commissioner Tracy McPherson stated she is a representative of the community college system on the Criminal Justice Commission, and the Sheriff's Commission. She advised that community colleges are set up by the legislature to meet the local needs of the people. The proposed request did not include the community colleges when it was first introduced to the E&T Committee. There were questions over whether the rule would even pass, and if Forsyth Community College would still be able to provide the training to specific agencies. The answer was no, based upon the original proposed language that was written. Commissioner McPherson voted for the proposal based on the people's needs that were expressed, but she understood the rule process would allow further discussion from stakeholders. A public hearing was held, and a statement was shared by her at the Planning and Standards Committee Meeting that addressed a few points in addition to the requests made from the Senior Management at the community college.

- It is believed, a move by the Commission to allow any agency to omit the Sheriff's Unit will negatively impact the state's Criminal Justice workforce section from a workforce development and employee pipeline perspective.
- If people want BLET credit towards a Criminal Justice Degree. It's evaluated based on what you bring to the table and could impact several credit hours a person receives.
- If colleges are allowed the flexibility to meet the need; and if they are allowed to decide, who do they listen to locally on how to run their academy when a Chief or Sheriff disagrees? School Directors need clear direction, so they are not placed in an awkward position.

Commissioner Nathan Mizell suggested in addition to Commissioner Rose's comment, where to place the unit academically in the program, when it is reviewed, and the job task analysis is completed. Consideration should be made on what the analysis reveals is needed in the entire BLET curriculum. As an example, where officers need training, at what basic level and if it's in line with that need?

Director Steven Combs shared that additional issues were addressed concerning the BLET curriculum, exam, and tests. He suggested to the Committee to wait until the Job Task Analysis is completed before requesting additional changes. The Job Task Analysis will take eighteen to twenty-four (18-24) months to complete and will possibly result in several changes to come, and at this time it is uncertain what the program will be like in the future.

Commissioner David Rose shared if the rule was implemented, that Forsyth Technical Community College would not be prevented from doing the Sheriff's portion. There would be one class with it and one without it, and there is nothing to prevent them from doing both. The way the language was proposed, they would make a decision based on their class, whether it was needed or not. He doesn't think something should be implemented that will cost more money and that will make it less efficient for the 80% of municipal officers.

Commissioner Tracy McPherson shared that the community college system is the education arm, and not the employer arm or policy arm. The colleges will accommodate what the Commission finally decides, and the efficiency of the request will depend upon each agency and their perspective from where they stand. Colleges do not directly decide, since they meet the needs of the people in the community. The industry decides what it will need. If the request is implemented, the colleges will try to meet the local need, and it will become awkward when an agreement on the local need can't be made. There will be programs that will make some people happy and others that will not, which places the colleges in an awkward position.

Commissioner Tracy McPherson suggested if an opportunity was allowed to discuss wording, possible language could be established. She further shared that the community college will allow anyone to attend because it has an open door policy towards the community. Colleges will have to determine a way to meet everyone's need, and it is hoped that an agreement can be made. In some communities, the agencies are large enough to send individuals to fill a class, where everyone could be from the same agency. There are also classes with students from different agencies, and the majority of agencies within the state are not large enough to send every student at the same time. Also, she questioned, who will decide which version to use, what the school can do if each agency desires their students to complete a particular version? Colleges usually only run one (1) to two (2) BLET programs a year, therefore there are not enough classes and people to run the program. If the rule allowed a School Director to decide, they will be placed in an awkward position if a chief would suggest a decision to change because the law allowed them the decision to make.

Commissioner Jane Gilchrist suggested the rule to say that if an individual was sponsored by a Law Enforcement Agency, they would not be required to attend that portion.

Commissioner Tracy McPherson shared that sponsorship doesn't necessarily mean hiring.

Commissioner Jane Gilchrist shared it will then be a student's decision. If an individual wanted to be marketable to the Sheriff's and in law enforcement, the entire course would need to be completed. If an agency sponsors an individual with a job when the course is completed, she agreed that the thirty-four (34) hours of training is a lot of time for a topic that may never be used.

Commissioner Tracy McPherson shared that if a decision is made to allow the School Directors to decide, they may be placed in an awkward position due to unintended consequences for them to please every agency when the entire course is run. The Chiefs and the Sheriff's Association will need to have the School Directors' position explained to them. If the entire BLET course was run and students had the option to omit Unit 6 and still take the state exam, the only issue colleges would have is how to determine the student-funded hours. The unit could be placed at the end of the class for students to choose.

Commissioner Steve Johnson stated the State Highway Patrol and the State Bureau of Investigation run their own programs, but if it went the other way, could Winston Salem run their own program?

Commissioner David Rose shared he is certain they could, which is what the other four municipal agencies do and there are possible considerations for a local partnership. Efforts are being made to maintain a partnership with the community college. The original proposed request was for everyone that would be affected by it, who would already be hired by a municipality. The scenario would not include a hybrid class to potentially have unemployed

individuals. The agencies that have been referred to, would already have individuals hired and who were receiving benefits. The objective is to include those agencies who are doing their own training to help them become more efficient.

Commissioner Tracy McPherson suggested wording can be added for that.

Commissioner Steve Johnson stated if students were allowed to choose, what kind of logical nightmare will it be for staff and testing? There would be two different tests to administer, one that would exclude Unit 6, and one to include it.

Commissioner David Rose shared this was done in the pre-BLET 2000. At that time, students who entered BLET, if they were hired by an agency or municipality, they did not have to complete the Sheriff's Specific block. If an individual wasn't hired by an agency or was hired by a Sheriff's Office, the entire course had to be taken. He shared, that this is the same concept, and language would need to be established to prevent any potential problems.

Commissioner Stephanie Freeman asked who would have the responsibility if students were allowed to decide. She shared the experience she had when she worked with the Sheriff's Commission and recalled reviewing the employment packets and student records to ensure an individual took the BLET curriculum and Unit 6 for employment at a Sheriff's Office. It was suggested that, this issue would be similar and considerations need to be made regarding the logistics and the results of the Job Task Analysis that is to come. She stated the analysis would probably change the face of training across the state regardless of the agency.

*Visitors were invited to share their responses to the effect on them, their personnel, the agency and hiring of officers.*

#### Police Chief Cerelyn J. Davis – Durham Police Department

Chief Davis shared the thorough discussions were well intended for everyone that may be affected by the change, whether they are from the Sheriff's Offices or municipalities in the state. This issue was addressed when a discussion began about other municipal agencies who do not hold stock on academies. The Durham Police Department has a great relationship with Durham Technical Community College, but the classes are full of Durham prospective police officers. A class was started last week with thirty-eight (38) students who were applicants for the Durham Police Department. In agreement with Commissioner Rose's statement, if students were sent through the thirty-six to thirty-eight (36-38) hours of training in their career as a police officer, they would receive training that will potentially not be necessary. The training and curriculum for law enforcement should be meaningful to agencies in regards to the work they do daily. The hours could be used for training in De-Escalation, Crisis Intervention and other types of situations which police officers encounter regularly. A great relationship has been established with Durham Technical Community College which should be maintained because of the responsibility to the community. She requested consideration be made to implement a hybrid model or provide some language change to fit the needs for the sheriffs and police agencies that train students without spending large amounts of money for four days of training that will not be needed. An additional request was made to continue the open conversation to determine a resolution that will work for all agencies involved.

#### Police Chief Davis Hess – Roxboro Police Department, Representative of NC Chiefs of Police Association, 1<sup>st</sup> Vice President

Chief Hess shared the present situation before us is very complex, both with the Sheriff's Association, Chiefs Association and the respected entities who all have a desired outcome in the process, but as the Commission included, time is really on our side. For nineteen (19) years things have operated the way as they have, and currently, a Job Task Analysis is underway. As indicated by Commissioner Stephanie Freeman, the analysis could impact both the police and sheriff's side of law enforcement. The original proposal was limited in scope. In his opinion and on behalf of the Chief's Association, it would be pertinent for all law enforcement agencies across the state to continue to discuss the process, to work with the Sheriff's Association, the Highway Patrol, the Commission and the Chief's Association and determine language that's suitable and beneficial for all entities. He requests everyone to avoid making a decision that could potentially impact how we're currently operating, and consider how the current Job Task Analysis may help and reveal what changes are needed to training.

#### Sheriff Dwayne Goodwin – Chowan County Sheriff's Office

Sheriff Goodwin shared from a larger perspective the analogy of education for a doctor and lawyer in regards to law enforcement officers. A doctor who becomes a brain surgeon must complete a basic education in medical school to further operate in a specialized field as a brain surgeon. This same requirement would be for a lawyer who becomes counsel on vehicle accidents; he must complete a basic education in law before a specialized field of study can be pursued on vehicle accidents. Everyone can agree the BLET program needs to be revised and currently, the committee is working on this. It would be an injustice to officers to remove Unit 6 from the BLET curriculum because the thirty-four (34) hours gives a basic understanding of what occurs during a daily operation. Some officers may never serve a civil paper, work in detention or a courtroom, but at least, they will have been taught a basic understanding of these operations. Currently, the BLET program includes twenty-four (24) hours on traffic accidents and citations, and most sheriff's offices in the state do not work accidents or write citations. This training is still important for officers to know the process. He requested time allowed for the process to work itself out and not to tie the community colleges' hands. Several agencies are from small communities across the state and need the community colleges to help to teach the BLET program. It is understood that half of the class would probably pursue becoming a deputy sheriff and the other half pursue as police officers.

#### Sheriff's Alan Jones – Caldwell County Sheriff's Office, Member of Training and Standards

Sheriff Jones understands all the positions and noticed there are larger agencies represented at the meeting. He asked to keep in mind the smaller agencies like his, where the BLET program is very small. The community college in his area, if the unit was removed, it would be over for them, and the other colleges will do the same. His agency could not function without the BLET program that his community college teaches. He shared, if students were given a choice to choose whether they wanted to be a police officer or a deputy, their choice would be for police. Sheriff Jones expressed the concern for his son who will have to decide after graduating from college and taking the BLET course which agency to choose. He would like his son to freely decide without being forced in a particular direction. If the unit was removed, what is the use for his son to complete the course, when it's required to obtain a degree? He would like to request consideration made for the smaller agencies and how the removal of the unit will affect them even though larger agencies would benefit more from the change. It would be devastating for the smaller counties.

#### Sheriff Rick Oliver – Yadkin County Sheriff's Office, Sheriffs Training and Standards Division

Sheriff Oliver shared in addition to what was said, as a smaller agency he has noticed that in today's environment things have changed. The potential for an individual in a police academy to stay in a career as a police officer and remain in a career for thirty (30) years may be unlikely. Last week a candidate that finished BLET was hired by the police department, who later changed his mind because it wasn't what he wanted to do, was then hired by his agency. The last graduating class in one of his community colleges had at least 60% of the students uncommitted to an agency. They had considered both the police and sheriff's departments for potential places for employment. There are some things taught that some of us do not like, but you can never get enough education and training. We are all law enforcement, and it's good that everyone knows the same things without divisions between the sheriff's, police and other agencies.

#### Major Todd Carver on behalf of Sheriff Darren Campbell - Iredell County Sheriff's Office

Major Carver shared the unintended consequences to what the commissioner stated earlier. Mitchell Community College taught a BLET class last week and had ten (10) students that will be working for his agency and will require the thirty-four (34) hours of instruction. If the unit is removed and the community colleges chose not to offer it, how is his agency going to find and deliver the required training to these students before they are employed by his office? Applicants become less employable to his agency than an applicant who has already had the training. There are other agencies across the state who don't run a thirty (30) to forty (40) person BLET program, and this will place a burden on his agency for the employability of the graduates who complete their BLET program.

#### School Director Thomas Forrest, Director of Law Enforcement Training – Pitt Community College

School Director Thomas Forrest understands the perspectives shared by both police chiefs and sheriffs since he is a retired law enforcement officer. With no offense to any Chief, he questioned, what would happen if an individual was no longer an applicant for their department and decided to change agencies while in BLET? The applicant chooses not to take the training in the civil process which may restrict where he can be hired, but will still need a job in law enforcement. That individual has limited their choice. As a community college representative, a lot of pressure is received from their chiefs of what the community colleges should do. Codes are placed upon colleges that dictate how the program is to operate, and the School Directors experience pressure to meet the requests and needs of the outside agencies. Mr. Forrest meets with every student who shares their decision to become police officers. Currently, there are two (2) students in his class that originally decided to become a police officer, but have since changed their perspective and have been recruited by the Sheriff's Office. The students he meets with, don't know where they will end up. The BLET 2000 is another issue to consider as well as a lot of retirements from law enforcement. The majority of retirees remain at their agency on reserve if a program is available and a lot will later work as bailiff's at the Sheriff's Office and will be required to complete the civil training at a community college. The community college receives partial enrollees to complete the required training for employment. Under perfect circumstances, this can be a great option, but as a partner, in both of those communities, it can be very problematic.

#### School Director Chris Nesbitt, Director of Law Enforcement Training – Rowan Cabarrus County Community College

School Director Chris Nesbitt spent nineteen (19) years in law enforcement with local municipalities and brought another perspective regarding efficiency and how to make it more



efficient to larger agencies. He asked, what would happen to the community college's mission if individuals decide to leave a municipality and work for a sheriff's department. Individuals would need to be retrained at the expense of their own or the hiring agency, which is not an efficient use of resources. The minimum thirty-six (36) hours of basic training compared to the six hundred forty (640) hours, is only five (5%) of the hours, this is a minute percentage of the basic course needed to train prospective law enforcement officers. The basic training in Unit 6, Civil Process teaches officers about an Ex-Parte Order, how long it is validated, as well as the difference between a 50B and 50C Order. Even though some officers may not serve a civil process, they need to know the difference between a civil matter and criminal matter which is a part of the overall operations and aspects of law enforcement.

#### Chief Police Robert Hassell - Reidsville Police Department

Chief Hassell understands how this affects both large and small agencies and can agree with the Chief's Association, that there is time. Individuals could work with the Chiefs and Sheriffs Association to produce language that would benefit large agencies and for a possible way to exclude them from making a decision. Large agencies like Durham, Winston Salem, and the State Highway Patrol who send dozen of officers through the BLET program have a budget that pays for the thirty-six (36) hours in which they would like removed. In 1995 when he went through the training program, some officers chose to take Unit 6 and some chose not to, and there were those who didn't know. Time should be given for the Association to collaborate and assist the Standards Division with language to benefit both sides, and to consider the results of the Job Task Analysis, so a neutral decision can be made to benefit the police, sheriff's and community colleges as they move forward. In law enforcement, our officers who engage in different scenarios always have time to make a decision; time is on our side. Time is available for the Commission and Committee to allow individuals to think, speak and share their suggestions.

#### Captain Scott Hudson on behalf of Sheriff Steve Hiatt - Surry County Sheriff's Office

Captain Hudson is currently with the Sheriff's Office, but started at a police department for several years. He learned the civil process, which helped him to later transfer to the Sheriff's Office where he completes backgrounds for hiring new employees to include retired highway patrolmen. At his agency, there were two deputies hired last week who will need to complete the civil process training because their position will be placed to work in the courtroom, which was their request. The civil process training is well needed and required, plus the educational training will help them. This is known from his experience working with both the local police department and sheriff's office.

#### *Committee Members shared additional responses.*

Commissioner Tracy McPherson suggested a working group, subcommittee, study committee, or a joint committee be established to further discuss proposed wording.

Director Steven Combs shared the Job Task Analysis already has a committee formulated with members who can provide in great detail what the BLET program will be like moving forward, if a committee is needed. He said the Standards Division could select a new advisory board if a separate committee is necessary.

Commissioner Tracy McPherson asked if a committee or joint committee of Sheriff's and Criminal Justice staff was already established.

Director Steven Combs shared the Job Tasks Analysis has been a slow process. The Department of Administration returned the paperwork with issues about the bid. The paperwork has been finalized, and it is hoped to be at the Governor's Office this week. The forms should be returned within a week for approval or with a vendor. After that, the contracted schedule will last eighteen (18) months, but can last as long as twenty-four (24) months if a one-time extension of six (6) months is requested and granted.

Deputy Director Michele Schilling clarified the entire Job Task Analysis is contracted for eighteen (18) months. The Director can grant a waiver for an additional six (6) months if more time is needed. She shared that the first part of the task analysis is the shortest, which will identify the essential job tasks and the largest part will be towards the end, which will determine the development of new lesson plans and curriculum. The analysis itself will only take six (6) to eight (8) months at the most, where in this time frame the majority of the issues will be addressed and identified before any new curriculum can be developed. Within the eighteen (18) to twenty-four (24) months, the direction of the task analysis will be revealed, and recommendations will be suggested. It was suggested for all changes to be delayed until the analysis was completed and a committee of both sheriffs and police chiefs can work with the vendor to remove any issues found during the eighteen (18) months of review.

Commissioner Tracy McPherson shared a separate group is not necessary since a committee of Sheriff's and Criminal Justice staff has already looked at the BLET curriculum and the delivery.

Commissioner Stephanie Freeman stated the Job Tasks Analysis is currently in place, a joint committee has already been assigned, and the key issues that need to be discussed would be the two different tracks to administer the training. Additional consideration will need to be made to who will define and make the selection; will the student, school, or agency decide? She shared there were several issues that will need to be considered: the logistical responsibilities placed on the Criminal Justice staff and the School Directors, the availability for an individual to be employed, and who will administer the two (2) track training portion, as well as the limited portion of the thirty-four (34) hours for new and retired employees. Commissioner Freeman further stated, these are key issues to consider, but unfortunately cannot be answered today. She requested the Committee to provide guidance and direction on this matter.

Commissioner David Rose shared he spoke with Director Combs and hesitated to wait twenty-four (24) months for a decision to be made. His concerns are that additional issues may arise and further prevent a final decision. He suggested since both sides have been heard, the committee should direct staff to develop language to be provided at the next committee meeting in May that will accomplish the goal that parallels with the results from the Job Task Analysis. Commissioner Rose is unsure of the incentive the task analysis has to handle the issue since it has been a repeated conversation. He further stated, it is a legitimate conversation on an issue that the people we serve have raised. If it's not addressed directly today and sent to the Commission Friday; he motioned for it to be returned at the next meeting with suggested language for a rule change.

Commissioner Kenneth Mullen shared he understood that specific academies are stand-alone and who deliver their own BLET curriculum (the State Bureau of Investigation, the State Highway Patrol, Winston Salem, Charlotte-Mecklenburg, and Greensboro Police Departments) have the choice to opt out of the Sheriff's Block. Any other academy with open enrollment and with a mixed class of students must offer the course and the student complete the entire program.

Commissioner Tracy McPherson suggested that language could be developed that will facilitate the hybrid relationship, clarify the School Director's responsibilities and determine who will run the program. She shared the colleges will always implement what the Commission determines and requests. The new language can be established and sorted out at the agency level, with a few people's assistance to determine the correct wording.

Commissioner Steve Johnson reminded everyone that the original motion was problematic because it excluded the community college system.

Commissioner Kenneth Mullen shared that the Winston Salem Police Department and Durham Police Department were not included in the original motion because they were managed by the community college at that time. These agencies should be included now, if its agency only and there are open enrollments.

Commissioner Steve Johnson asked if colleges can make the request for agency-specific or allow open enrollment.

Commissioner Tracy McPherson emphasized the need in selecting the right individuals to discuss the issue which should be from the Sheriffs, Chiefs and community colleges to assist with the language. The language can be developed to accomplish the task, but a different group may need to be selected.

Commissioner David Rose suggested wording designed to accomplish and address all the issues discussed today. If needed, a couple of Criminal Justice Standards and Sheriff's Standards members may be included to ensure the language is prepared for discussion at the Full Commissioner at the May meeting.

Director Steven Combs requested direction regarding the provided suggestions that were made. The options were: there would be no change made, the School Director or school would decide, the student would choose the option, and the choice for only those agencies that run their own BLET academies.

Commissioner Kenneth Mullen suggested to include agencies that run their own academies, that have open enrollment and with unemployed individuals after the completion of the course.

Commissioner Tracy McPherson requested wording established to include language on the people and an agency's academy if a partnership is with a community college. She suggested additional people above her to be involved in the development of the wording.

Director Steven Combs shared his concern about having enough time to gather individuals together to provide language for a rule before the next meeting in May. With his experience in putting together advisory groups, it will take this group longer than May to assemble and return with language.

Commissioner Tracy McPherson shared that Commissioners have been in charge of advisory groups with a subcommittee of commissioners who have addressed similar issues from the past. She has volunteered to provide her assistance to help staff move the request forward, but at this time felt it was inappropriate for her to manage the group.

Director Steven Combs stated staff will still have to gather an advisory group and provide the support.

Commissioner Stephanie Freeman questioned if a community college restrict enrollment to just having an agency academy and can they restrict that enrollment to Winston Salem or Durham to accomplish what has been said by the Committee?

Commissioner Tracy McPherson suggested she would involve her Chief of Staff to discuss and develop a suitable language since she was a Finance Officer and a Legislature Fiscal Analyst who will understand the various aspects that need to be considered for the language.

Commissioner David Rose proposed a **motion** that the Committee request staff to return to the May meeting with language developed to address today's issues, return to the basic language that was originally used, and adopt new language that would allow the hybrid Winston Salem and Durham agencies the choice to opt out Unit 6. Commissioner Kenneth Mullen **seconded the motion, motion carried.**

Director Steven Combs stated the motion did not mention to create a committee, so he assumed staff would have the responsibility.

Commissioner Stephanie Freeman shared that input from all sides will be needed whether or not a committee is created.

Commissioner Tracy McPherson stated procedurally once the issue goes before rulemaking, individuals will have another opportunity to further share and discuss the proposed request. The language established will need to help resolve the issue and be efficient for an agency.

Commissioner Stephanie Freeman shared that once we return in May, a proposal may be made that could affect the administrative code, which will then be brought before the Planning and Standards Committee with the same process that occurred before.

Director Steven Combs shared his staff will develop the proposed language, and an announcement will be made within a time period where individuals can respond to the proposed rule during the rulemaking process. He will contact Director Diane Konopka who will notify the Sheriff's, and Commissioner McPherson who will notify the School Directors for their input. All commissioners will be notified as well, and a scheduled meeting will be held at the Wake Technical Community College. All individuals can attend a rulemaking hearing and share their thoughts.

The Committee decided to table the request to approve the proposal for removing Unit 6, and the Criminal Justice Standards Division staff was directed to return to the May meeting with language to address the expressed needs, to include input from the Criminal Justice Standards Division, the Sheriffs Association, Chiefs Association, and the Community College members.

*A 10 Minute Recess Break was taken at 1:18 pm and the meeting convened at 1:28 pm.*

## **SWEARING-IN**

The meeting returned for the swearing in of Major Shane Manual with the North Carolina State Highway Patrol as a new Commissioner on the Education and Training Committee. Commissioner Stephanie Freeman welcomed Commissioner Shane Manuel.

## **COMMISSION ACTION**

### **ADMINISTRATIVE CODE: PROPOSED RULE REVISION - IN-SERVICE TRAINING TOPICS**

On behalf of the Commission Legal Staff, DOJ Attorney Marie Evitt proposed the development of an In-Service Manual. The manual would be incorporated by reference to administrative code *12 NCAC 09E .0105* and include the Annual In-Service Training Topics that are approved each year. This will eliminate the yearly rulemaking and revision process that is currently required and will provide more flexibility and increase the speed of the annual approval process. The language included in the proposal is to reference the manual where the yearly topics are identified (a) and also clearly indicate how agencies may go about using other clearly, non-NCJA developed courses to obtain Annual In-Service credit (b).

The Administrative Code *12 NCAC 09E .0105* currently changes every year, and the 2020 rule is in the current process once again to be changed. The proposed rule request will begin in 2024 once the 2023 changes have been completed.

The topics for In-Service Training changes yearly and requires the Criminal Justice Standards Division Staff to seek the rule-making process to implement the approved proposed changes. The North Carolina Justice Academy develops the requested training material and cannot make any necessary curriculum changes until the next rule-making process occurs. Academy staff would like the ability to respond to changes in law enforcement and the community to meet the training needs. An In-Service Manual would incorporate the In-Service rule to allow this flexibility to change topics and hours.

The request would require a rule change for the following rule:

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

The Committee approved the recommendation as presented; Commissioner Kenneth Mullen proposed a **motion** that the Commission authorize the Planning and Standards Committee to conduct a rule-making hearing to amend the rule ***12 NCAC 09E .0105 - Minimum Training Specifications: Annual In-Service Training*** as follows:

- Language in paragraph “a” shall be modified to read as follows:

“All sworn law enforcement officers shall complete a minimum of 24 in-service training credits. Specific topics are identified in the Annual In-Service Training Manual, as published by the North Carolina Department of Justice, incorporated herein by reference, and shall include any later amendments and editions of the incorporated material as provided by G.S. 150B-21.6. The publication is available from the Commission's website: <http://www.ncdoj.gov/getdoc/>.”

- Language in paragraph “b” shall be modified to read as follows:

“It is possible for a training topic other than the specific topics identified in the Annual In-Service Training Manual to qualify for credit towards officers’ Annual In-Service Training

requirement. A Department Head may choose any topic, provided the lesson plan is written in Instructional Systems Design format and is taught by an instructor who is certified by the Commission. Topics delivered pursuant to Rule .0104(1) of this Section to satisfy this requirement shall not be required to be written in Instructional Systems Design format or delivered by an instructor certified by the Commission.”

Commissioner Chris Blue **seconded** the motion, **motion carried**.

### **ADMINISTRATIVE CODE: PROPOSED RULE REVISION – SPECIALIZED INSTRUCTOR CERTIFICATION**

On behalf of the Criminal Justice Standards Division, Deputy Director Michelle Schilling requested rule changes to the Terms and Conditions of Specialized Instructor Certification, to incorporate language regarding the function of the position of Qualified Assistant.

The request would require a rule change for the following rules:

- 12 NCAC 09B .0305 – Terms and Conditions of Specialized Instructor Certification
- 12 NCAC 09G .0311 – Terms and Conditions of Specialized Instructor Certification

Deputy Director Michelle Schilling shared that the Standards Division recognized the role of the Qualified Assistants in training students which are the extension of the School Director. The School Director’s rule, 12 NCAC 09B .0201 and 12 NCAC 09G .0401 state that School Directors who manage other duties will have designated a Qualified Assistant to help with the course administration. No other language identifies the requirements in the selection, duties, conduct or accountability for the Qualified Assistant. Currently, the School Director selects a Qualified Assistant and will notify the Standard’s Division who will provide the individual with the required orientation for the position. The first request made was to add the language “Qualified Assistant” to the rules.

The Committee approved the recommendation as presented. Commissioner Chris Blue proposed a **motion** that the Commission authorize the Planning and Standards Committee to conduct a rule-making hearing to amend rules ***12 NCAC 09B .0305 – Terms and Conditions of Specialized Instructor Certification*** and ***12 NCAC 09G .0311 – Terms and Conditions of Specialized Instructor Certification*** to read as follows:

- Remove the extra “C” in the spelling of Certification in the title of rule 12 NCAC 09B .0305.
- Modify the language in paragraph (d)(2)(B) of each rule to include “Qualified Assistant.”

Commissioner David Rose **seconded** the motion, **motion carried**.

The Standards Division has certifications on School Directors, In-Service Training Coordinators, Instructors, and Specialized Instructors but not for Qualified Assistants. The newly adopted rules will establish basic certification requirements and allow Qualified Assistants the ability to evaluate, along with the School Directors and In-Service Training Coordinators. This rule will ensure they can act on behalf of the School Director as directed and will be held to a level equivalent to the School Director. The School Director’s Advisory Committee supports the rule requests and understands the impact Qualified Assistants have with their students.

Ms. Schilling shared there are currently between 80-90 Qualified Assistants assigned to School Directors and who are required to attend the School Director's Conference. Most Qualified Assistants are General Instructors.

The requested adoption of rules to govern the certification of the position of Qualified Assistant would require the adoption of the following rules:

- 12 NCAC 09B .0504 - Certification of Qualified Assistant
- 12 NCAC 09B .0505 - Terms and Conditions of Qualified Assistant Certification
- 12 NCAC 09G .0417 - Certification of Qualified Assistant
- 12 NCAC 09G .0418 - Terms and Conditions of Qualified Assistant Certification

In addition, it was requested that the Qualified Assistant Application, Form F-10(QA) be adopted for use.

Commissioner Tracy McPherson shared the concern for School Directors to have time to prepare when their Qualified Assists must meet the new requirements once the rule is effective.

Commissioner Nathan Mizell emphasized that School Directors and Qualified Assistants should be held to an equal and higher standard with the rules reflecting the necessary changes. He requested clarification for the request on the SMI certification and shared in discussion regarding the need for General Instructor certification.

Ms. Schilling shared that School Directors agreed that Qualified Assistants need to be General Instructors and have a current General Instructor certification regardless of the course discipline.

All general instructors must complete an instructor orientation course through the NCJ and be able to teach in the general instructor program.

Laurie Austen clarified the Instructor Training program is also known as General Instructor Training, but the appropriate title is called Instructor Training. Its certification is called General Instructor Certification.

After lengthy discussions, suggestions were made to the proposed language to remove the request for the SMI certification and adjust the language on General Instructor certification.

### ***12 NCAC 09B .0504 – Certification of Qualified Assistant***

The Committee approved the recommendation as presented; Commissioner Nathan Mizell proposed a **motion** that the Commission authorize the Planning and Standards Committee to conduct a rule-making hearing to amend rule ***12 NCAC 09B .0504 – Certification of Qualified Assistant*** shall be adopted to read as follows:

“(a) If the accredited institution or agency assigns additional responsibilities to the certified School Director during the planning, development, and implementation of an accredited basic recruit training course, a qualified assistant shall be designated to assist the School Director in the administration of the course. To be eligible to serve as a Qualified Assistant, an applicant shall:

- (1) be selected by the School Director;
- (2) have four years of practical experience as a criminal justice officer or as an administrator or specialist in a field directly related to the criminal justice

- system;
- (3) be certified as a General Instructor, pursuant to rule 12 NCAC 09B .0302, if certified as a Qualified Assistant for a Criminal Justice Instructor Training Course;
  - (4) if serving as a Qualified Assistant for an Instructor Training Course, must complete an Instructor Training Orientation Course as offered by the North Carolina Justice Academy;
  - (5) have completed an orientation course conducted by Standards Division staff; and
  - (6) participate in the annual training conducted by Commission staff.

(b) Any person(s) designated by a School Director to act as, or who performs the duties of, a Qualified Assistant in the delivery or presentation of a Commission-mandated training course shall have on file confirmation from the Commission acknowledging designation as Qualified Assistant prior acting in an official capacity as a Qualified Assistant.

(c) The School Director shall submit to the Criminal Justice Standards Division the Qualified Assistant Application Form F-10(QA). The Qualified Assistant Application Form is located on the agency's website at no cost <http://ncdoj.gov/About-DOJ/Law-Enforcement-Training-and-Standards/Criminal-Justice-Education-and-Training-Standards/Forms-and-Publications.aspx> The Qualified Assistant Application Form includes the following information:

- (A) accredited school name and contact information;
- (B) applicants name and contact information;
- (C) applicants instructor certification number; and
- (D) school director name and signature.

(d) The School Director shall ensure that the person(s) selected meet(s) the requirement set forth in Paragraphs (a) and (b) of this Rule.

(e) When directed by the School Director, the Qualified Assistant will assist in the planning, developing, coordinating, and delivering of Commission-mandated training courses as outlined in 12 NCAC 09B .0202.

History Note: Authority G.S. 17C-6; Eff. August 1, 2019;"

Commissioner David Rose **seconded** the motion, **motion carried.**

### ***12 NCAC 09B .0505 – Terms and Conditions of Qualified Assistant Certification***

The Committee approved the recommendation as presented; Commissioner Steve Johnson proposed a **motion** that the Commission authorize the Planning and Standards Committee to conduct a rule-making hearing to amend rule ***12 NCAC 09B .0505 – Terms and Conditions of Qualified Assistant Certification*** shall be adopted to read as follows:

“(a) The term of certification as a Qualified Assistant is three years from the date the Commission issues the certification, unless earlier terminated by action of the Commission. The application for renewal shall include documentation meeting the requirements of Rule 12 NCAC 09B .0504 (a) and (b) of this Section.



(b) The Commission may deny, suspend, or revoke certification as a Qualified Assistant when the Commission finds that the person has failed to meet or continually maintain any of the requirements for qualification or through performance fails to comply with program rules and procedures of the Commission or otherwise demonstrates incompetence.

(c) Prior to the Commission's action denying, suspending, or revoking a Qualified Assistant's certification, the Standards Division may notify the person that a deficiency appears to exist and may attempt, in an advisory capacity, to assist the person in correcting the deficiency.

(d) The Commission shall deny, suspend or revoke the certification of a Qualified Assistant when they have found the person has engaged in any conduct outlined in 12 NCAC 09B .0301(e) and (f).

History Note: Authority G.S. 17C-6; Eff. August 1, 2019.”

Commissioner Chris Blue **seconded** the motion, **motion carried**.

### ***12 NCAC 09G .0417 - Certification of Qualified Assistant***

The Committee approved the recommendation as presented; Commissioner Nathan Mizell proposed a **motion** that the Commission authorize the Planning and Standards Committee to conduct a rule-making hearing to amend rule ***12 NCAC 09G .0417 – Certification of Qualified Assistant*** to be consistent with 12 NCAC 09B .0504 – Certification of Qualified Assistant shall be adopted to read as follows:

“(a) If the accredited institution or agency assigns additional responsibilities to the certified School Director during the planning, development, and implementation of an accredited basic recruit training course, a qualified assistant shall be designated to assist the School Director in the administration of the course. To be eligible to serve as a Qualified Assistant, an applicant shall:

- (1) be selected by the School Director;
- (2) have four years of practical experience as a criminal justice officer or as an administrator or specialist in a field directly related to the criminal justice system;
- (3) be certified as a General Instructor, pursuant to 12 NCAC 09G .0308, if certified as a Qualified Assistant for an Instructor Training Course;
- (4) if serving as a Qualified Assistant for an Instructor Training Course, must complete an Instructor Training Orientation Course as offered by the North Carolina Justice Academy;
- (5) have completed an orientation course conducted by Standards Division staff;  
and
- (6) participate in the annual training conducted by Commission staff.

(b) Any person(s) designated by a School Director to act as, or who performs the duties of, a Qualified Assistant in the delivery or presentation of a Commission-mandated training course shall have on file confirmation from the Commission acknowledging designation as Qualified Assistant prior to acting in an official capacity as a Qualified Assistant.

(c) The School Director shall submit to the Criminal Justice Standards Division the Qualified Assistant Application Form F-10(QA). The Qualified Assistant Application Form is located on the agency's website at no cost <http://ncdoj.gov/About-DOJ/Law-Enforcement-Training-and-Standards/Criminal-Justice-Education-and-Training-Standards/Forms-and-Publications.aspx> The Qualified Assistant Application Form includes the following information:

- (A) accredited school name and contact information;
- (B) applicants name and contact information;
- (C) applicants instructor certification number; and
- (D) school director name and signature.

(d) The School Director shall ensure that the person(s) selected meet(s) the requirement set forth in Paragraphs (a) and (b) of this Rule.

(e) When directed by the School Director, the Qualified Assistant will assist in the planning, developing, coordinating, and delivering of Commission-mandated training courses as outlined in 12 NCAC 09G .0408.

History Note: Authority G.S. 17C-6; Eff. August 1, 2019;"

Commissioner Chris Blue **seconded** the motion, **motion carried**.

#### ***12 NCAC 09G .0418 – Terms and Conditions of Qualified Assistant Certification***

The Committee approved the recommendation as presented; Commissioner Steve Johnson proposed a **motion** that the Commission authorize the Planning and Standards Committee to conduct a rule-making hearing to amend rule ***12 NCAC 09G .0418 – Terms and Conditions of Qualified Assistant Certification*** shall be adopted to read as follows:

“(a) The term of certification as a Qualified Assistant is three years from the date the Commission issues the certification, unless earlier terminated by action of the Commission. The application for renewal shall include documentation meeting the requirements of Rule 12 NCAC 09G .0417 (a) and (b) of this Section.

(b) The Commission may deny, suspend, or revoke certification as a Qualified Assistant when the Commission finds that the person has failed to meet or continually maintain any of the requirements for qualification or through performance fails to comply with program rules and procedures of the Commission or otherwise demonstrates incompetence.

(c) Prior to the Commission's action denying, suspending, or revoking a Qualified Assistant's certification, the Standards Division may notify the person that a deficiency appears to exist and may attempt, in an advisory capacity, to assist the person in correcting the deficiency.

(d) The Commission shall deny, suspend or revoke the certification of a Qualified Assistant when they have found the person has engaged in any conduct outlined in 12 NCAC 09G .0307.

History Note: Authority G.S. 17C-6; Eff. August 1, 2019.”

Commissioner David Rose **seconded** the motion, **motion carried**.

### **ADMINISTRATIVE CODE: PROPOSED RULE REVISION – SPECIALIZED FIREARMS INSTRUCTOR CREDIT**

Commissioner Steve Johnson presented a proposal to change the language in *12 NCAC 09B .0305 (d)(2)(A) – Terms and Conditions of Specialized Instructor Certification* to allow Specialized Firearms Instructors to receive teaching credit for having taught Concealed Carry Handgun Training or the Retired Officer Firearms Training program, both administered by the Commission.

Currently, the Specialized Firearms Instructors are required to teach In-Service Training BLET for their renewal certification. He requested they be allowed to teach retired officers as they do active officers to mirror the In-Service program and to receive credit for teaching the same lesson plan since it's a Commission program. His second request is to allow credit for instructional hours for teaching the Concealed Carry Handgun Program since its program has standards and the requirements have been established by the Commission. These courses are both Commissioned-accredited and part of the Firearms program which allows additional avenues for renewals for training hours. A School Director will still be required to evaluate the course and forms as an instructor teaching BLET, Firearms or an In-Service block.

The request would require a rule change for the following rule:

- 12 NCAC 09B .0305 – Terms and Conditions of Specialized Instructor Certification

The Committee approved the recommendation as presented; Commissioner Steve Johnson proposed a **motion** that the Commission authorize the Planning and Standards Committee to conduct a rule-making hearing to amend rule ***12 NCAC 09B .0305 – Terms and Conditions of Specialized Instructor Certification***.

- Language in paragraph “(d)(2)(A)” shall be modified to read as follows:

“a favorable written recommendation from a School Director or In-Service Training Coordinator completed on a Commission Renewal of Instructor and Professional Lecturer Certification Form (Form F-12A) that the instructor taught at least 12 hours in each of the topics for which Specialized Instructor Certification was granted. The teaching shall have been provided in a Commission-accredited basic training, Specialized Instructor Training course, pursuant to 12 NCAC 09C .0401, Commission-recognized in-service training course, or training course delivered pursuant to 12 NCAC 09F .0101, 12 NCAC 09H .0101, 12 NCAC 10B .0601, .1302, or .2005;”

Commissioner Kenneth Mullen **seconded** the motion, **motion carried**.

### **COMMITTEE ACTION**

#### **PROPOSED 2020 IN-SERVICE TRAINING OBJECTIVES**

On behalf of the Joint In-Service Training Committee, Mr. Bill DuBois, In-Service Training Coordinator for the NC Justice Academy presented the recommended training objectives for the 2020 In-Service Law Enforcement Training Topics. The Joint In-Service Training Committee

met on January 30, 2019, and finalized and propose the following training objectives for approval. Mr. DuBois presented the following training objectives that were requested.

The 2020 objectives presented today were approved by the members of the Joint In-Service Training Committee, with the help of the NC Justice Academy staff in the development of the objectives. (Chad Thompson, Merrily Cheek, Jessica Bullock, Commissioner Steve Johnson, Tony Losada, Floyd Yoder, Kristie Jernigan, Richard White, Kevin Tingen, Dan Worley, Amanda Stephenson, Susan Gillis, and Laurie Austen) The draft materials were presented to the Joint In-Service Committee and Sheriff's Commission Training Committee. Both committees provided their recommended changes that were incorporated, which have been submitted for approval.

## **PROPOSED LAW ENFORCEMENT 2020 IN-SERVICE TRAINING OBJECTIVES**

### **Required Topics**

#### 2020 Firearms Training and Qualification (4 hours/credits)

1. *Discuss and use the provisions of N.C. General Statute §15A-401(d)(2) – Use of Deadly Force, as well as any departmental policy relating to the use of force.*
2. *Identify and practice the provisions of N.C. General Statute §14-269 and of Article 54 as it applies to concealed carry by sworn law enforcement personnel.*
3. *Describe and apply firearms safety on and off duty, on the range, and in the home.*
4. *Describe and demonstrate basic marksmanship fundamentals to include grip, stance, sight alignment, sight picture, and the draw.*
5. *Demonstrate the ability to attain a minimum qualification score of 70 percent or higher if the agency standards exceed state minimums on an approved course of fire for both day and night and also demonstrate the ability to pass a day and night decision-making course of fire. The officer will have three (3) attempts within a given day per course of fire.*

#### 2020 Legal Update (4 hours/credits)

1. *Distinguish relevant federal and state case law as it applies to North Carolina law enforcement officers.*
2. *Review relevant North Carolina statutory changes and the practical implications for law enforcement officers.*

#### 2020 Long-Term Effects of Childhood Adversity (2 hours/credits)

1. *Define toxic stress.*
2. *Describe how toxic stress impacts the development of minority youth.*
3. *Describe how trauma-informed officers might interact effectively with minority youth.*

#### 2020 The Signs Within: Suicide Prevention Education and Awareness (2 hours/credits)

1. *Discuss why suicide is a public health problem.*
2. *Identify risk and protective factors and related interventions for suicidal individuals, particularly criminal justice professionals who are suicidal.*
3. *Discuss resources available to help cope with stress and mental disorders relevant to stress.*

#### 2020 Career Survival: Training and Standards Issues (2 hours/credits)

1. *Explain the purpose of both the Criminal Justice and Sheriffs' Education and Training Standards Commissions and discuss the roles of both their Standards Divisions.*
2. *List and describe how issues regarding "moral character" manifest during employment, the consequences of those actions, and discuss the Commissions' roles in resolving those matters.*
3. *Describe the various instructor certifications, the process for obtaining and maintaining them, and their relevance to career planning.*
4. *Accurately locate sections of the North Carolina Administrative Code as well as other professional resources, for the purpose of finding answers to common criminal justice concerns.*

*2020 Communication Strategies When Encountering Persons Who are Deaf or Hard of Hearing (2 hours/credits)*

1. *List and describe the four (4) categories of deaf individuals.*
2. *Name the most common behaviors deaf or hard of hearing individuals display when trying to communicate during a stressful situation.*
3. *Explain and identify legislation enacted to improve communication between the deaf or hard of hearing and the law enforcement community.*
4. *Define auxiliary aids and how these aids can be used to effectively communicate with individuals who are deaf or hard of hearing.*
5. *Provide a minimum of two (2) approaches law enforcement agencies can adopt to more effectively communicate with the deaf or hard of hearing.*

*2020 Armed/Unarmed Security/Company Police: Understanding Their Roles and Authority (2 hours/credits)*

1. *Discuss the authority of an armed and unarmed security guard and their documentation and uniform requirements.*
2. *Discuss the authority of a "Private Investigator" in the performance of their duties and the provisions under which they may carry a firearm.*
3. *Discuss the jurisdictional authority of a "company police officer."*
4. *List the charges a law enforcement officer can levy for violations of N.C. General Statute § 74C and/or any unlicensed security or private investigative activity.*
5. *Define "proprietary" security versus "contract" security.*
6. *Discuss the carrying of a firearm on educational property (public school or private school) by a security guard or private investigator.*
7. *Identify the only authorized North Carolina Private Investigator badge and how it is to be carried and/or displayed.*

**Topics of Choice**

*Hazardous Materials (2 hours/credits)*

1. *Define "hazardous materials" and the risks associated with them during a hazardous materials incident.*
2. *Describe the duties of an awareness-level first responder at the scene of a hazardous materials incident.*
3. *List methods used to recognize the presence of a hazardous material, to include the identification of the possible material or substance based on readily available clues.*
4. *Demonstrate the ability to use the DOT Emergency Response Guidebook in*

- identifying a hazardous material and appropriate first responder actions, to include notifying additional resources.
5. Recognize hazards when responding to potential incidents involving illicit drug laboratories and chemical suicides and how to implement appropriate protective measures.

#### Bloodborne Pathogens (2 hours/credits)

1. Review the purpose of the Bloodborne Pathogen Standard in OSHA 29 CFR 1910.1030.
2. Characterize the general symptoms and epidemiology of bloodborne diseases.
3. Distinguish the modes of transmission for bloodborne pathogens.
4. Identify tasks and other activities which may involve exposure to blood or other potentially infectious materials.
5. Demonstrate methods which prevent or reduce exposure to blood or other potentially infectious materials.
6. Illustrate the appropriate selection, storage, use, and disposal of personal protective equipment.
7. Outline the components of their employer's Bloodborne Exposure Control Plan to include:
  - a. Appropriate actions and persons to contact in an emergency involving blood or other potentially infectious materials;
  - b. Procedure to follow if an exposure incident occurs; and
  - c. Information on post-exposure evaluation and follow-up.

#### Situational Awareness/Subject Control (4 hours/credits)

1. Describe in writing ten (10) desirable attributes of a survival-oriented law enforcement officer.
2. List components of mental and physical preparation.
3. List and explain the level of force used, if any.
4. Demonstrate the use of pressure points to control certain levels of resistant behavior.
5. Demonstrate techniques of control for various levels of assaultive and resistive behavior.
6. Demonstrate weapon retention and weapon disarming techniques.

#### Law Enforcement Threat Assessment (4 hours/credits)

1. Identify the steps needed in conducting an effective threat assessment for both known and unknown risks.
2. Discuss the importance of conducting threat assessments and operations while ensuring the constitutional protection of those involved.
3. Identify resources available to assist in conducting an effective threat assessment and response plan.

Commissioner Nathan Mizell proposed a **motion** to accept the 2020 In-Service Training Objectives; Commissioner Steve Johnson **seconded** the motion, **motion carried.**

### **SPEED MEASURING INSTRUMENT (SMI) ADVISORY COMMITTEE**

On behalf of the SMI Advisory Committee, Terry Miller, North Carolina Justice Academy, requested approval of the revisions to the SMI Instructor Manuals. Language was added in the “orientation” block to the “successful course completion requirements” section of RADAR, Time-Distance, and LIDAR Instructor Training Course manuals. The added language clearly identifies that a candidate student attending a basic SMI Instructor Training course, which fails to successfully complete the course, shall not have their existing operator certification terminated as a result of the failure.

➤ **Revisions to the SMI Training Curriculum**

- \* RADAR Instructor and Operator Manual
- \* LIDAR Instructor and Operator Manual
- \* Time-Distance Instructor and Operator Manual

Terry Miller, Chairman of the Speed Measurement Instrument Advisory Group, presented a proposed language change to the RADAR Instructor, Time-Distance Instructor, and LIDAR Instructor Manuals. The proposal was the result of concerns expressed by School Directors and patrons in the field. Several years ago, the former SMI Program Administrator with Training and Standards interpreted a rule to say that, if a person who attended a basic SMI Instructor level course failed any motor-skills portion of the class, they should not be allowed to continue utilizing SMI in that discipline as an operator. The previous Justice Academy SMI Instructor School Director, and subsequent Program Administrators since then, have followed that precedent as well. School Directors in the field expressed concern that this interpretation was potentially deterring students from attending SMI instructor courses for fear of losing their operator certification.

The proposed language would be implemented effective June 1<sup>st</sup> and it establishes, by procedure, that Instructors will not lose their operator certification should a failure occur on a motor-skills test while attending the initial basic SMI Instructor training course. The language also establishes that should a failure occur; it will result in the dismissal of the student from the instructor class and the student will not receive certification as an instructor, although their existing operator certification would not be affected. This recommendation does not include any revision to the language about the SMI Instructor recertification courses, where a motor-skills failure will still result in the immediate revocation of both Instructor and Operator privileges for that discipline, or as already specified within the manuals. This recommendation received unanimous support from SMI Advisory Group, CJ Standards, and Commission Legal Staff as the most effective way to address the concern.

There are additional concerns that have been expressed by the field related to the SMI program, and that the SMI Advisory Group will investigate to further ensure the integrity of the program will remain as the primary objective. Many of the concerns and ideas will take additional time to work through, with an objective to avoid rash and quick decision making. Chairman Miller stated that there were some good ideas provided thus far, and may prove beneficial for the SMI program, but the SMI Advisory Group simply request patience from the E&T Committee as they worked through the laborious process.

Commissioner Steve Johnson asked to clarify if the concerns have been that an individual attends the course and fails on a device other than a device he uses at his agency and that has caused the operator certification to be suspended in the past.

Mr. Miller confirmed that Commissioner Johnson was correct.

Commissioner Johnson stated that he agreed with that change, but asked why a suspension to the operator certification did not occur if an instructor attended the course and failed on the device he normally operates every day while trying to get into the instructor program?

Mr. Miller shared that under the proposed language the pre-entrance examination does not affect an officers existing certification if a failure occurred. He continued that it is normally the instrument the officer would have to sign off on when doing the pre-entrance testing, but at that time, an officer is not technically in the class until the pre-entrance written examination is taken and a score of at least 90% is correct on the exam. The officer will then move onto the motor skills testing where the sign-offs and the road test would be on the instrument that an officer brings. Mr. Miller continued that if an officer were to fail that pre-entrance, in the language, it does not affect their operator, and has never affected it because the officer was not considered in the course at the time, but only trying to get into the course. He continued to state, that the language revision submitted today states that a suspension of an operator certification would not occur after one passed the pre-entrance and gotten into the instructor class if there were a failure.

Commissioner Steve Johnson questioned the change in the recertification course, and why would a student lose his operator certification if he failed to recertify.

Mr. Miller shared that no revision is recommended to the language for instructor recertification courses, mainly because by that point, the student would have been a combined certified instructor and operator for three years and any failure during the recertification would have been on something they were already certified on previously.

Commissioner Steve Johnson questioned the logic that no effect occurs at the instructor level, but it does at the recertification level. He suggested that if it made sense to take the certification during recertification testing because the student had been certified on the instrument as an operator already, it made sense that if a basic instructor-student failed pre-entrance testing on a device they normally use every day a suspension should occur then as well.

Mr. Miller stated his opinion was that at the pre-entrance testing, or during the actual delivery of the course, students in SMI Instructor level training are held to a slightly higher standard than when they are in operator training/testing. He also stated that although the pre-entrance written exam is basic operator level knowledge, there are some aspects of the pre-entrance motor-skills testing that are at a slightly higher standard than operator training. For example, he continued, the motor-skills time limit for pre-entrance instructor testing is slightly quicker than that of operator testing. Terry stated that he could see both sides of the argument, including how some may view it as unnecessary punishment when a student lost his operator certification.

Commissioner Johnson stated he understood, but still questioned the logic.

Commissioner Stephanie Freeman opened the floor to allow members in the audience to speak. She recognized Mr. Rodney Robles who requested to speak.

Mr. Rodney Robles stated, he is an SMI Qualified Assistant, but not an instructor any longer at Guilford Tech Community College and is also sworn in at Stokes County Sheriff's Office. He was a Radar Instructor for about twenty-seven (27) years.

He further shared, this issue was brought forward because of some suggestions that were made about not being able to get qualified people from the field to go to Radar Instructor School



because of fear of failure. He said, the pre-entrance exam has an 88% failure rate. He has twenty (20) instructors, and about nine hundred (900) SMI students a year at Guilford Tech, which is the largest. He believes the pre-entrance exam needs to be revisited or monitored by standards to see how they are testing to see why they have such a high failure rate. He stated that, in the field, there is a one (1%) failure rate.

He has previously submitted a fifteen (15) page agenda to the Commission five (5) and a half ( $\frac{1}{2}$ ) months ago.

Mr. Miller shared that he has been with the Radar Instructor Program for eight (8) to nine (9) years. He was a former police officer, and a radar operator. His time with the Radar Instructor Program and knowledge that when the pre-entrance exam began, the SMI Committee recommended a lower passing score for the pre-entrance exam, and the Commission set the higher standard for the passing score at ninety (90%). He further stated, that the pre-entrance testing is exactly that: it is testing to separate the highest quality students before they start the instructor training course itself, and the Commission has always regarded this process as necessary. Mr. Miller stated that the students are notified of the pre-entrance testing requirements in preparations for attending pre-entrance testing and that the pre-entrance written exam is questions derived from the basic operator manual which is administered only by the School Director on the first day. He clarified to the Commissioners that the Justice Academy staff does not provide any instruction to the students until they are formally in the course, which occurs after the successful completion of the pre-entrance testing as approved by the Commission. Therefore, Mr. Miller continued, those attending the pre-entrance testing, whether they pass or fail, receive training not by Academy staff members, but by that provided from instructors in the field, like Mr. Robles and his instructors.

Mr. Miller also stated that patience from the field has been asked for and that the SMI Advisory Group is currently discussing many concerns. He reported to the Commissioners that at this time, he could not provide anything to Mr. Robles until the meeting minutes are approved, which are done at the following group meeting just like the process followed by E&T. However, Mr. Miller assured Mr. Robles and the Commissioners that once the SMI Advisory Group approves the minutes, they will become public record and accessible by Mr. Robles or anyone else in the field on the homepage. He also assured the Commissioners that the SMI Advisory Group is effectively working through a lot of information and recommendations, including those provided by Mr. Robles, but would not present ill-advised recommendations without proper deliberation to ensure the integrity of the program.

Commissioner Stephanie Freeman recognized Mr. Thomas Forrest in the audience who requested to speak.

Mr. Thomas Forrest shared that he attended the last School Director's Conference and the only clarification or question he had about the current conversation was if the eighty-eight (88%) fail rate was based off the sign-offs for the instruments or is it just the pre-entrance written test? Mr. Forrest had no further questions.

Mr. Terry Miller confirmed that the discussion earlier on the failure rate reported by Mr. Robles was only applicable to the pre-entrance written examination.

Mr. Rodney Robles also confirmed to Mr. Forrest that it was just the pre-entrance exam he was referring to, and went on to state that it was his understanding that all of the remaining students in the RADAR Instructor school passed the state written exam and the course instruction.

Commissioner Stephanie Freeman shared two separate issues that were addressed. Officially presented to the committee are the proposed revisions to the SMI Instructor Manuals, and a separate issue pertaining to the pre-entrance exam. The committee may want to provide staff with direction on the course of action to take for the pre-entrance exam, but at this time, if there are no further questions, a motion can be made to approve the proposed language change presented that would revise the SMI Instructor Manuals.

Commissioner Kenneth Mullen made a **motion** to approve the recommended changes, and Commissioner Chris Blue **seconded** the motion. **The motion carried.**

Commissioner Kenneth Mullen questioned that if passing on the pre-entrance exam is at ninety (90%), then ninety (90%) is an A and we are only accepting those students that would get an A at ninety (90%) or more into Instructor School?

Mr. Miller confirmed Commissioner Mullen's viewpoint was correct, and shared the most recent class was completed last week which had twenty-two (22) students that started on Monday morning. Twelve (12) students failed the written pre-entrance exam and were dismissed at that time [or fifty-four percent (54%) fail rate]. Mr. Miller continued that the motor skills pre-entrance exam was administered next, and three (3) of the remaining ten (10) students failed and were dismissed at that time [overall failure rate of 68%]. He reiterated that these statistics were without any instruction from any of the Academy staff. Of the remaining seven (7) students who successfully passed pre-entrance testing, all of them completed the two-week training course which included the instrument sign-offs of all the instruments on the approved list and all course requirements. Mr. Miller reported that all seven (7) of those students passed the state written exam with a score of ninety-four (94) or higher, and all seven (7) scored one-hundred (100%) on instrument competency.

Commissioner Kenneth Mullen shared that he only wished he had twelve (12%) of his class getting A's and that having that many high-quality students was good. Commissioner Mullen asked if that was the issue at hand; should the Committee drop the score to eighty (80%) as passing going forward or do we want it to remain at ninety (90%)?

Mr. Miller shared with Commissioner Mullen that the SMI Advisory Group is currently working through the pre-entrance testing concerns extensively, and their intent was to avoid making knee-jerk reactions to change everything without considering the long term affects any changes would have on the administrative rules or the integrity of the program. We, the advisory committee want to improve the program, but avoid making decisions that would be detrimental to the program. Some of the ideas presented are very valuable, but we would like the opportunity to be thorough and determine everything before making a decision to recommend that the Commission change something.

Mr. Robles shared that he provided the SMI Advisory Group at their September meeting a fifteen (15) page document containing his suggestions, and that he has not had any replies back from the Academy on his requests from that meeting.

Mr. Miller shared with the Commissioners that Mr. Robles's concerns are a part of the discussions.

Commissioner Chris Blue appreciated the staff's attention and thoughtfulness in response to the suggested feedback, and asked if an update could be given at the next Commission meeting to list the staff's responses thus far to those concerns.

Mr. Miller agreed and stated he could certainly provide the Commissioners with that information.

Commissioner Stephanie Freeman agreed with the suggestion, and also stressed balancing the needs that exist in the field with the integrity of the program. She stated that running these devices is a liability concern for law enforcement, and consideration needs to be made on that issue as well.

Mr. Miller stated the next SMI Committee meeting would be on March 7<sup>th</sup> in Salemburg at 9:00 am. Anyone interested in attending is invited to attend and be a part of the discussions with the SMI Advisory Group.

Commissioner Stephanie Freeman encouraged individuals interested in the meeting to attend.

### **SCHOOL ACCREDITATION SUBCOMMITTEE**

On behalf of the School Accreditation Subcommittee, Deputy Director Michelle Schilling, Criminal Justice Standards Division, recommended the reaccreditation of the following institutions 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-accredited courses.

#### ***Re-Accreditations for five (5) years:***

- Caldwell Community College – BLET & SMI
- Lenoir Community College – BLET
- Wayne Community College – BLET, GI & SMI
- Western Piedmont Community College – BLET, GI & SMI
- Wilkes Community College – BLET, GI, SMI
- Carteret Community College – BLET & SMI
- Central Piedmont Community College – BLET, GI, & SMI
- Charlotte-Mecklenburg Police Department – BLET
- Durham County Sheriff's Office – BLET
- Halifax Community College – BLET, GI, & SMI

Ms. Schilling presented more than the usual recommendations for school re-accreditation due to a change in process. She will present accreditations to the Commission three (3) months in advance before their expiration dates. The time will now allow schools enough time for approvals and to receive notification to continue their courses. The schools presented today were audited and have met the requirements for reaccreditation.

Commissioner Nathan Mizell **motioned** to approve the reaccreditation for the schools that were mentioned; Commissioner Chris Blue **seconded** the motion. The **motion carried**.

### **NC DEPARTMENT OF PUBLIC SAFETY – OSDT**

On behalf of the North Carolina Department of Public Safety - Office of Staff Development and Training, Felicia Banks requested approval for pilot authority for the following programs:

- 12 NCAC 09B .0235 - Juvenile Court Counselors and Chief Court Counselors Basic Training Curriculum
- 12 NCAC 09B .0236 - Juvenile Justice Officers Basic Training Curriculum
- 12 NCAC 09G .0415 - Corrections Specialized Instructor Training Curriculum – Firearms Training Curriculum

Ms. Banks shared on behalf of Adult Corrections and Juvenile Justice she has requested Pilot Authority for one (1) year beginning March 1<sup>st</sup> for the Juvenile Court Counselors and Chief Court Counselors Basic Training Curriculum as well as the Juvenile Justice Officer's Basic Training Curriculum. Time was requested to allow significant changes made to both curriculums as a result of the Juvenile Justice Reinvestment Act, which is also commonly known as Raise the Age Bill. The Juvenile Justice has already revised several of their policies and practices; therefore this will allow flexibility to keep training consistent.

Pilot Authority was also requested to the Corrections Specialized Instruction Training Firearms Curriculum. Permission was granted at the November E&T Meeting for major changes made to the Firearms lesson plans in the Basic Correctional Officers training as well as the Basic Probation and Parole Officer's curriculum. The goal is to ensure lesson plans are not instructor level programs and adequate time is given to the development of new lesson plans. New robotic target equipment has been issued, and instructors need time to familiarize themselves with the new equipment and develop lesson plans related to its use. The Department of Community Corrections will possibly transition to using a nine (9) mm handgun which will significantly change the lesson plans and time will be needed to incorporate the changes.

Major changes were also requested at the November meeting to the Correctional Officer Basic Training Curriculum lesson plans for Basic Life Support CPR and Basic Life Support First Aid. The switch was made from the American Heart Association to the American Health and Safety Institute Training, but since the implementation, the original lesson plans do not fit the objectives and hours, so the request is to remove the separate CPR and First Aid lesson plans and combine both into a single new lesson plan, the Basic Life Support lesson plan. The lesson would be implemented in the Basic Correctional Officer Training and the Basic Probation and Parole Officer Training Curriculum.

This would result in major revisions to the following programs and lesson plans:

- 12 NCAC 09G .0411 - Correctional Officer Basic Training Curriculum
  - \* Basic Life Support (BCO 135) - (New Lesson Plan - 8 hours)
  - \* Basic Life Support: CPR (BCO 135-1) - (Deleted Lesson Plan)
  - \* Basic Life Support: First Aid (BCO 135-2) - (Deleted Lesson Plan)
- 12 NCAC 09G .0412 – Probation and Parole Officers Basic Training Curriculum
  - \* Basic Life Support (PPO 135) - (New Lesson Plan – 8 hours)
  - \* Basic Life Support: CPR (PPO 135-1) - (Deleted Lesson Plan)
  - \* Basic Life Support: First Aid (PPO 135-II) - (Deleted Lesson Plan)

Commissioner David Rose **motioned** to approve the recommended changes; Commissioner Glen McNeil Jr. **seconded** the motion. The **motion carried**.

## **INFORMATIONAL ITEMS**

### **BLET Exam Update**

On behalf of the Criminal Justice Standards Division, Director Steven Combs provided an update on the current BLET Exam completion rates. There were a few issues resolved concerning the BLET exam and at this time the current passing rate is at ninety-one (91%) for those that passed the first time and those who re-tested and passed. A week ago the passing rate was at ninety-three (93) to ninety-four (94%), but the past Friday, a few large schools took the test and didn't score well therefore that has reduced the passing rate to ninety-one (91%).

Additional concerns were raised about the state exam, and Director Combs shared his opinion to wait for the results once the Job Task Analysis revealed its findings on their recommended changes to the exam.

Commissioner Tracy McPherson shared community colleges consider a different measure for student success than what the perspective is in law enforcement. The legislature requires community colleges to conduct performance measures that are data-driven on how many students complete and pass their first attempt on all state certification exams. College's performance measures do not share the same standards in law enforcement. The law enforcement community considers an individual who retests, completes and passes, a success, in addition to obtaining employment in law enforcement. School Directors were questioned by their administration as to why students had a low passing rate, which the rate did not include the students who eventually passed.

Director Combs shared he will provide Chris Nesbit with the exact passing rate for the first time taker by Friday.

Michelle Schilling shared the passing rate is about seventy point nine (70.9%).

Commissioner Tracy McPherson shared that Director Combs agreed to help provide the data for students who passed the ninety (90%), which will provide colleges with more accurate data on student success.

### **2018 General Instructor Certification Update**

On behalf of the Criminal Justice Standards Division, Deputy Director Michelle Schilling provided an update on the number of instructor certification completions required for the one-hour online renewal training for 2018. Currently, there are four hundred and twenty-six (426) instructors who have failed to meet the requirements to renew their certifications for 2018 and half of them are specialized instructors. Between January 1<sup>st</sup> and February 11<sup>th</sup>, there were sixty (61) instructors who took the 2018 course, eleven (11) have completed the eight (8) required hours, and fifty (50) instructors who have taken the course, but have not submitted the required hours.

## **OTHER BUSINESS**

Director Trevor Allen shared the Justice Academy seeks to become more efficient with the paper mail-outs for the E&T Committee meetings. Any committee member can request their

preference of how they would like to receive their material packets whether a hard copy in the mail or an electronic copy sent through email. Individuals will need to please notify Vicki, Stacy or Trevor of their requests. To alleviate a large amount of paper used for curriculum revisions, the academy will zip file the material packets and email them instead of printing a copy. The packets are sent 2-3 weeks in advance of the meetings and the request for patience if delays prevent the packet from being received in a timing manner.

Commissioner Tracy McPherson shared having the electronic copy has been beneficial when there is a delay with the mail.

Commissioner David Rose shared an electronic copy would suffice, and can print a hard copy. He requests the packet in advance, preferably more than three (3) days before the meeting.

Commissioner Stephanie Freeman supports the academy in being efficient and resourceful. She encourages the use of phones, laptops, or tablets to access the information and to save a few trees.

With no further business, Commissioner Chris Blue **motioned** to adjourn the meeting, with a **second** from Commissioner Nathan Mizell.

The meeting was adjourned at 3:50 pm.