

**MINUTES
NORTH CAROLINA CRIMINAL JUSTICE EDUCATION AND TRAINING STANDARDS
COMMISSION**

EDUCATION AND TRAINING COMMITTEE

August 21, 2014

The Education and Training Committee of the North Carolina Criminal Justice Education and Training Standards Commission met in Room 1427 of the Public Safety Training Center, Wake Technical Community College, Raleigh, NC. Chairperson Wrenn Johnson called the meeting to order at 1:30 p.m. Those in attendance were:

- *Chief Wrenn Johnson, NC Police Executives Association
- *Lee Farnsworth, NC Law Enforcement Officers' Association
- *Chief Bill Hollingsed, NC Police Executives Association
- *Steve Johnson, Appointment by the General Assembly – Speaker of the House
- *Tracy McPherson, Dept. of Community Colleges
- *Robin Pendergraft, Attorney General of the State of North Carolina – Ex-Officio Member
- *Dr. Bob Ruth, NC Criminal Justice Association
- *Lt. Yolanda Sparrow, North State Law Enforcement Officers' Association

Visitors

Elvin Fields, EF East Coast Defense
Jon Gregory, Wake Technical Community College- BLET Academy
Larry Kepley, Davidson County Community College
Mark Loudon, NC National Guard
Joyce Ruth, Wife of Commissioner Dr. Bob Ruth

Staff

Trevor Allen, Deputy Director, NC Criminal Justice Standards Division
Wayne Ayers, NC Justice Academy
John Combs, NC Justice Academy
Steven Combs, Director, NC Criminal Justice Standards Division
Gary Dudley, NC Justice Academy
Jennifer Fisher, NC Justice Academy
Stacy Holloman, NC Justice Academy
Darlene Jackson, NC Justice Academy
Tim Pressley, NC Criminal Justice Standards Division
Mark Strickland, NC Justice Academy

*Committee Members

WELCOME/ROLL CALL

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

MINUTES

Commissioner Lee Farnsworth proposed a **motion** to accept the minutes of the May 21, 2014, meeting with a **second** from Commissioner Tracy McPherson. **Motion carried.**

ADMINISTRATIVE CODE: PROPOSED RULE REVISION – 12 NCAC 09B.0227 – SPECIALIZED DRIVER INSTRUCTOR TRAINING

On behalf of the Specialized Driver Instructor Advisory Committee, Stacy Holloman, North Carolina Justice Academy, proposed a rule change for **12 NCAC 09B.0227** (Specialized Driver Instructor Training). After completing the pilot testing of the course, the Committee requested that the course hours be changed from 35 hours to 48 hours.

Commissioner Steve Johnson proposed a **motion** that the Commission authorize the Planning and Standards Committee to conduct a rule-making hearing to amend the rule 12 NCAC 09B.0227 – Specialized Driver Instructor Training to change the course hours from 35 hours to 48 hours as follows:

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|---|-----------------|
| • Orientation | 1 hour |
| • BLET Lesson Plan Review | 4 hours |
| • General Mechanical Knowledge | 2 hours |
| • Before Operation Inspection | 1 hours |
| • Laws of Natural Force & Operating Characteristics | 2 hours |
| • Driver Practicum/Pre-Qualification | 32 hours |
| • Legal & Operational Considerations for the Driver Instructor | 4 hours |
| • Course Description Packet & Administrative Code Review | 1 hour |
| • Course Review | 1 hour |

with a **second** from Commissioner Robin Pendergraft. **Motion carried.**

SPECIALIZED DRIVER TRAINING ADVISORY COMMITTEE – Specialized Driver Training Course

On behalf of the Specialized Driver Instructor Advisory Committee, Stacy Holloman, North Carolina Justice Academy, requested an extension of the previously granted pilot authority for the N.C. Justice Academy and the N.C. State Highway Patrol to deliver the Specialized Driver Instructor Training Course at the 48 hours minimum until a rule change of 12 NCAC 09B.0227 (Specialized Driver Instructor Training) is modified and implemented. Commissioner Robin Pendergraft proposed a **motion** to accept the request as presented, with a **second** from Commissioner Lee Farnsworth. **Motion carried.**

BLET REVISION COMMITTEE – Physical Fitness Training (BLET: 02Q) – Lesson Plan Revisions

On behalf of the BLET Revision Committee, Jennifer Fisher, N.C. Justice Academy, proposed a major revision to the Physical Fitness Training (BLET: 02Q) lesson plan. After extensive development, testing, and evaluation, the Physical Fitness Training Curriculum Committee has recommended a revision of the Police Officer's Physical Abilities Test (POPAT) in order to align the test with the most current job task analysis. The BLET Revision Committee met on July 11, 2014, and has agreed with this recommendation. Additionally, a project and legal review was completed by a Joint Steering Committee and that committee has agreed with the recommendation. The revised POPAT will go into effect for BLET programs starting on or after July 1, 2015.

John Combs, North Carolina Justice Academy, provide a detailed explanation of the revised test and showed the Committee a video of the new testing procedures and requirements. Ms. Fisher explained the major revisions to the lesson plan, which include all written and audiovisual materials to support the revised POPAT. In addition, the revision includes the adoption of the

2013 Norms as outlined by The Cooper Institute which relates to the current Physical Fitness Assessment within the lesson plan as part of January 2015 revision package. Commissioner Steve Johnson inquired as to the cost of the equipment for the POPAT. John Combs stated that the cost would be a little over \$2000.00, which would include the fence setup for the low crawl, the dummy, and the roll back. Mr. Combs noted that some money could be saved if someone could build the fence for the low crawl. Commissioner Tracy McPherson stated she thinks the timeline and type of equipment should be outlined as specific as possible so School Directors can have time to prepare.

Commissioner Steve Johnson proposed a **motion** that the adoption of the revised POPAT be accepted as presented, effective July 1, 2015, with a **second** from Commissioner Robin Pendergraft. **Motion carried.**

Specialized Physical Fitness Instructor Training and Specialized Subject Control/Arrest Techniques Instructor (SCAT) Training Courses – Physical Fitness and SCAT Training Committees

John Combs, North Carolina Justice Academy, appeared before the Committee on behalf of the Physical Fitness and SCAT Committees to make the following request based upon the recommendations previously discussed in regards to the revised POPAT in BLET:

- The revised POPAT, which includes all written and audiovisual materials, and the updated fitness norms published by The Cooper Institute in regards to the Physical Fitness Assessments be adopted for the current curricula and pre-qualification testing procedures in the Specialized Physical Fitness Instructor Training course, effective January 1, 2015.
- The updated fitness norms published by The Cooper Institute in regards to the Physical Fitness Assessments be adopted for the current pre-qualification testing procedures in the Specialized Subject Control/Arrest Techniques Instructor course, effective January 1, 2015.

Mr. Combs also informed the Committee that the N.C. Justice Academy is making plans to deliver a series of Specialized Physical Fitness Instructor Updates in the near future, He asked the Committee to provide any guidance on the delivery requirement for the updates. The Committee agreed to allow the Academy to deliver the instructor updates as an informational program for current Physical Fitness Instructors and School Directors. Attendance will not be mandatory.

Commissioner Steve Johnson proposed a **motion** to approve the adoption of the Cooper Institute updated fitness norms and delivery of physical fitness instructor updates as presented, effective January 1, 2015, with a **second** from Commissioner Lee Farnsworth. **Motion carried.**

SCHOOL ACCREDITATION COMMITTEE

On behalf of the School Accreditation Subcommittee, Commissioner Tracy McPherson proposed a **motion** that the following institutions be reaccredited for a period of five (5) years in accordance with **12 NCAC 09B.0200** and **12 NCAC 09C.0401** for the delivery of the Commission regulated training:

- Renewal – College of the Albemarle – BLET, Speed Measuring Instruments, General Instructor Training
- Renewal – Asheville-Buncombe Community College - BLET and Speed Measuring Instruments
- Renewal – Cleveland Community College – BLET and General Instructor Training

- Renewal – High Point Police Department – Speed Measuring Instruments
- Renewal – McDowell Technical College - BLET and General Instructor Training
- Renewal – North Carolina Justice Academy – Specialized Driver Instructor Training, Specialized Firearms Instructor Training, Specialized Physical Fitness Instructor Training, Specialized Subject Control/Arrest Techniques Instructor Training, Speed Measuring Instructor Training, and General Instructor Training

Commissioner McPherson further proposed a **motion** that pursuant to **12 NCAC 09B. 0200 and 12 NCAC.0401 and .0402**, the North Carolina Justice Academy be accredited for five (5) years for the delivery of the Commission accredited course (Specialized Explosives and Hazardous Materials Instructor Training), with a **second** from Commissioner Steve Johnson. **Motion carried.**

INFORMATIONAL ITEMS

School Directors' Advisory Committee – Division Staff

On behalf of the Criminal Justice Education and Training Standards Division Staff, Mr. Trevor Allen appeared before the Committee to provide information on the School Directors' Advisory Committee and its role to the Commission overall. Over the past several years, this committee has met only for the purpose of planning the annual School Directors' Conference. The Criminal Justice Standards Division would like to utilize this group more frequently and for more purposes. The following information was provided:

- The School Directors Advisory Committee is currently comprised mainly of certified School Directors that was formed by staff to discuss issues affecting the planning and delivery of Commission regulated training and the School Directors' Conference.
- The Committee would act in an advisory role to School Directors with respect to the revisions of the Administrative Code that affect Commission training.
- The Committee can assist the Education & Training Committee by providing the input from the field that could help with the overall improvement of Commission courses
- The Committee would continue to help the staff plan and execute the delivery of the annual School Directors' Conference

Mr. Allen asked for the Education and Training Standards Committee's guidance for the role of the School Directors' Advisory Committee, and whether it should be a formal subcommittee of the Education & Training Committee, or kept as an informal group. Commissioner Steve Johnson felt it should be a subcommittee and be staffed by someone on the Commission. There was discussion that if some of the School Directors feel that communication is not getting to them, something needs to be done to help the information process. Commissioner Robin Pendergraft stated that the School Directors should be encouraged to choose who they want to serve on the subcommittee. Commissioner Steve Johnson proposed a **motion** to appoint a subcommittee of the E&T Committee in order to allow School Directors a voice and a conduit for informational flow on Commission training programs, with a **second** from Commissioner Bill Hollingsed. **Motion carried.**

Commissioner Steve Johnson will serve as Chairperson for the School Directors' Advisory Committee, and staff was asked to have an implementation plan for the E & T Committee at the November 2014 meeting.

North Carolina Diagnostic Assessment and Placement (NC DAP) Follow-up – Division Staff

As a follow-up from the May 21, 2014 meeting, Mr. Trevor Allen, Deputy Director, Criminal Justice Standards Division, appeared before the Committee to provide an update on the NC DAP as it relates to the BLET requirement for the student to demonstrate a 10th grade reading level before enrolling in the program. Mr. Allen also shared the following proposed rule change language with the Committee for review:

- **12 NCAC 09B. 0209 Admission of Trainees (e)** The school shall not admit an individual, including partial or limited enrollees, as a trainee in a presentation of the Basic Law Enforcement Training Course unless the ~~individual~~ individual, within one year prior to admission to Basic Law Enforcement Training, places into course DRE 098 at a North Carolina Community College as a result of taking the Reading and English component of the North Carolina Diagnostic Assessment and Placement test as approved by the State Board of Community Colleges. ~~on July 18, 2014~~ (http://www.nccommunitycolleges.edu/sites/default/files/state-board/minutes/approved_minutes_-_16may2014_-_bwj_edits_-_7.8.14.pdf), or has taken the reading component of a nationally standardized test within one year prior to admission to Basic Law Enforcement Training and has scored at or above the tenth grade level or the equivalent.

For the purposes of this rule:

- 1) Partial or limited enrollee does not include enrollees who ~~currently~~ hold general certification or who have held general certification within 12 months prior to the date of enrollment.
- 2) A nationally standardized test is a test that:
 - A. Reports scores as national percentiles, stanines, or grade equivalents; and
 - B. Compares student test results to a national norm.

Law Enforcement Professional Certificate Program Follow-up (Request to Allow Private Vendors as Described in 12 NCAC 09D.0101(b)(2) – Division Staff

On behalf of the Criminal Justice Education and Training Standards Division Staff, Mr. Trevor Allen appeared before the Committee to provide an update on the process for reviewing training programs as they relate to credit awarded towards professional certificates. This was a follow-up from the May 21, 2014 meeting when Elvin Fields of EF East Coast Defense in Wilson, NC made the request to the Committee to allow his instruction to be considered approved and endorsed by the Commission for two (2) purposes:

1. Provide credit toward the mandated in-service requirement (MIST) for officers completing his course(s); and
2. Make his training more marketable to prospective students.

The Committee asked the staff at the May 2014 Education and Training Standards meeting to discuss this issue and report back with both the pros and cons for the Commission in endorsing this training, as well as options for the Commission in terms of policy and rulemaking. Mr. Allen conducted some research on this topic and provided a handout/memorandum with information that needs to be considered when implementing the process of approving a third party vendor for training. Mr. Allen included four (4) possible options for consideration by the Committee.

Those options are as follows:

- 1) Implement a policy for the approval of 3rd party training vendors which would include specific steps in the review of lesson plans, objectives, instructors, certificate requirements, etc. The Commission, ideally via the Education and Training Committee, would need to establish the specific standards required for “Commission Approved” training courses and/or vendors.
- 2) Do not implement a policy for review/approval of 3rd party training. Allow the training to satisfy the ‘Department Topic of Choice’ (MIST), provided that the conditions specified in 12 NCAC 09E. 0105 (a)(5) are met.
- 3) Develop a policy for the review of training credits for the Professional Certificate Program. The Standards Division would consult with the Education and Training Committee in formulating requirements for the training credited toward the Intermediate and Advanced Law Enforcement and Criminal Justice Certificates. Similar to the method used by the Sheriffs’ Standards Division, the purpose of this would be to establish an objective process for the review of lesson plan objectives, instructor credentials, departmental endorsement, and/or training certifications. The Commission, ideally via the Education and Training Committee, would need to establish the specific standards required for “Commission Approved” training courses and/or vendors.
- 4) Establish a process for the objective review of prospective officers (both out-of-state transferees and former military police officers). Although the number of former military police officers seeking certification through our Commission is unknown, the training evaluation is already mandated in code and by law. Significant time has already been devoted by staff to obtaining military training curricula in order to make the comparison mandated by G.S. 93B-15.1 (Senate Bill 761). Further, an objective evaluation of out-of-state officers’ training would also be a time-consuming process. The Commission, ideally via the Education and Training Committee, would need to establish the specific standards required for “Substantially Equivalent” training received from the military and/or other states.

At current staffing levels, the Division is unable to implement a process for approving 3rd party vendor training. Options 1, 3 and 4 would be contingent on the approval and funding of at least one (1) additional employee for the Division, and would require the amendment of existing rules in order to govern the review process.

Considering all of the issues, Mr. Allen’s recommendation is to seek to add one (1) additional employee for the Standards Division. If granted, the position would be assigned as a “Training Evaluator”, responsible for the review of training records of former military police personnel and out-of-state law enforcement officers seeking certification through the Commission; and the evaluation of training for the Professional Certification program. Mr. Allen does not recommend the adoption of an approval process for 3rd party training vendors/courses for the purposes of satisfying MIST requirements. The challenges of ensuring vendors and courses are kept up to date, as well as the potential liability of placing a “seal of approval” on training not developed by the NC Justice Academy seem to outweigh any potential benefits.

This matter was tabled until the November 2014 meeting in order for the Committee to review the options and recommendations provided in the handout.

BLET School Survey Results: Controlled Marijuana Burn (Controlled Substances Block of BLET) – Division Staff

On behalf of the Criminal Justice Education and Training Standards Division Staff, Mr. Trevor Allen appeared before the Committee to discuss the issue of BLET delivery sites using controlled burns of marijuana as a method of familiarizing the students with the odor in order for them to be able to detect it. Currently, this is not a standard or requirement for the delivery of BLET. Committee members shared concerns, such as what legal steps and/or other procedures need to be taken to conduct these types of controlled burns. The Committee asked the staff to meet with the legal staff to draft a document that outlines what the ramifications could be if a school is not doing this in accordance with law.

The Committee took a ten-minute break at 3:25 pm, and the meeting re-convened at 3:35pm.

Military to BLET Update – North Carolina National Guard

Command Chief Warrant Officer Richard Comer, representing the N.C. National Guard, provided an update of the National Guard's analysis of current and recent legislation as it relates to awarding credit for military service and experience towards a law enforcement officer certification, CCWO Comer showed a power point presentation, provided a handout and reviewed the timeline for the Military to BLET process. Commissioner Steve Johnson and other committee members asked for more time to review and consider all of the information and to allow the staff to review current military training programs as they relate to BLET since other branches of service may have different guidelines. Commissioner Lee Farnsworth noted the importance of making sure the evaluation is accurate. CCWO Comer will provide a disc to the Commission that includes the entire seven (7) weeks of training. The Committee decided to re-visit this issue at the November 2014 meeting.

NEW BUSINESS

Commissioner Steve Johnson referenced a survey that Commissioner Pendergraft had sent out in reference to Instructor Recertification in Specialized Areas. Mr. Johnson would like to move forward with recertifying instructors in firearms and physical fitness in order to maintain a level of proficiency. The Committee will discuss this issue at the November 2014 meeting.

ADJOURNMENT

With no further business, Commissioner Robin Pendergraft proposed a **motion** to adjourn, with a **second** from Commissioner Steve Johnson. The meeting adjourned at 4:40 pm.