

## MINUTES

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

#### EDUCATION AND TRAINING COMMITTEE

February 10, 2016

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. Chairperson Robin Pendergraft called the meeting to order at 1:00 p.m.

Those in attendance were:

- \*Robin Pendergraft, Attorney General of the State of North Carolina – Ex-Officio Member
- \*Greg Baker, Secretary, Dept. of Public Safety – Ex-Officio Member
- \*Lee Farnsworth, NC Law Enforcement Officers' Association
- \*Steve Johnson, Appointment by the General Assembly – Speaker of the House
- \*Tracy McPherson, Dept. of Community Colleges - Ex-Officio Member
- \*Nathan Mizell, Jr., NC Law Enforcement Training Officers' Association
- \*Ricky Parks, Appointment by the General Assembly – Speaker of the House
- \*Charles Walston, Appointment by the Governor

#### **Visitors**

Felicia Banks, NC Dept. of Public Safety  
Doug Bennett, Pitt Community College  
Charminique Branson, NC Criminal Justice Standards Division  
Stephanie Freeman, NC Administrative Office of the Courts, NCLETOA  
Mickey Little, NC Wildlife Resources Commission  
Tony Losada, NC Justice Academy  
Marty McNeely, NC Dept. of Public Safety-OSDT  
Glenn McNeill, NC State Highway Patrol  
Shane Manuel, NC State Highway Patrol  
Robby Millard, NC State Highway Patrol  
Kellie Mazingo, Pitt Community College  
Kim Quintus, NCDPS-Juvenile Justice  
Mike Smith, NCDMV- License and Theft Bureau  
Diane Smock, Greenville Police Dept.  
Jesse Swartz, NC Dept. of Public Safety

#### **Staff**

Trevor Allen, NC Criminal Justice Standards Division  
Bill DuBois, NC Justice Academy  
Gary Dudley, NC Justice Academy  
Stacy Holloman, NC Justice Academy  
Leila Humphries, NC Justice Academy  
Darlene Jackson, NC Justice Academy  
Mark Strickland, Director, NC Justice Academy

\*Committee Members

## WELCOME/ROLL CALL

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

## MINUTES

Prior to the approval of the November 2015 minutes, Commissioner Charles Walston proposed a **motion** to amend the minutes on Page 5 (mid page): strike the first sentence in the paragraph, *“Commissioner Walston stated that the new concealed carry law changes are effective January 1, 2016, and any content changes in the objectives and lesson plan need to be expedited”*, and replace with **“Commissioner Walston stated that the January 1, 2016 curriculum revision needs to be expedited, since it is based on the December 1, 2015 concealed carry authority for certified correctional officers.”** The motion to amend the minutes was **seconded** by Commissioner Steve Johnson, **motion carried**.

Commissioner Lee Farnsworth proposed a **motion** to accept the minutes of the November 2015 meeting with the recommended change, with a **second** from Commissioner Nathan Mizell, **motion carried**.

Commissioner Robin Pendergraft asked if any of the Committee members would be opposed to changing the order of the agenda by moving the Commission Action items to the end. This would allow full discussion from anyone who wanted to address the subject of General Instructor Certification. No one on the Committee objected to changing the order of the agenda.

## COMMITTEE ACTION

### JOINT IN-SERVICE TRAINING COMMITTEE – 2016 IN-SERVICE TRAINING OBJECTIVES

On behalf of the Joint In-Service Training Committee, Bill DuBois, North Carolina Justice Academy, presented the approved recommended training objectives for the 2017 In-Service Training Topics. The Joint In-Service Training Committee met on January 28, 2016 and finalized the training objectives. Mr. DuBois requested that the Education and Training Committee approve the training objectives as presented.

Commissioner Steve Johnson proposed a **motion** that the 2017 in-service training objectives be approved as presented with a **second** from Commissioner Lee Farnsworth, **motion carried**.

### SCHOOL ACCREDITATION SUBCOMMITTEE

On behalf of the School Accreditation Subcommittee, Deputy Director Trevor Allen, Criminal Justice Standards Division staff, presented a recommendation 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 – Isothermal Community College – BLET
- Renewal – Sanford Police Department – Speed Measuring Instruments
- Renewal – South Piedmont Community College – BLET  
\*SMI Accreditation Voluntarily Withdrawn\*
- Accreditation – Isothermal Community College – General Instructor
- Accreditation – Caldwell Community College – Speed Measuring Instruments
- Accreditation – Samarcand Training Academy – Basic Correctional Officer, Probation/Parole Officer, Juvenile Justice Officer, Juvenile Court Counselor, and Specialized Instructor (DOC)

Commissioner Nathan Mizell proposed a **motion** to accept the recommendation as presented, with a **second** from Commissioner Greg Baker, **motion carried**.

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

On behalf of the Office of Staff Development and Training, Commissioner Charles Walston, North Carolina Department of Public Safety, requested pilot authority for one (1) year to discontinue the use of the “inverted finger technique” from the Restraints, Controls and Defensive Techniques (RCDT) block of instruction within the Juvenile Justice Common Core curriculum for Juvenile Justice Officers and Juvenile Court Counselors and Chief Court Counselors, as well as the Juvenile Justice Specialized Instructor Training – Restraints, Controls and Defensive Techniques (RCDT) curriculum. The “inverted finger technique” is an escort technique, wherein a juvenile’s hands may be restrained with mechanical restraints, and if the juvenile is unruly and noncompliant, the inverted finger is used to persuade compliance. Since juveniles are still going through adolescent development, there have been some concerns raised, along with consultation with a pediatrician as to the potential effects on the juvenile’s development when using the technique. Therefore, effective immediately, the “inverted finger technique” has been discontinued. OSDT’s request for pilot authority would allow time for recommendations of revisions to the RCDT block of instruction, and OSDT would report the status of the changes made to the Committee at the next scheduled meeting.

Commissioner Charles Walston proposed a **motion** to approve the request for pilot authority as presented, with a **second** from Commissioner Steve Johnson, **motion carried**.

### **INFORMATIONAL ITEMS**

#### **NC Department of Public Safety – OSDT**

On behalf of the Office of Staff Development and Training, Marty McNeely, North Carolina Department of Public Safety, advised the Committee on a minor revision made to the Basic Correctional Officer, Basic Probation/Parole Officer, and Basic Juvenile Justice training curriculum. The change will mirror a change in Adult/Infant CPR training. Effective February 2016, the American Heart Association curriculum will change the compression rate to “100-120/minute.” This rate formerly read “100/minute.” This minor change has no other impact on content or delivery hours, nor does it change any wording of any objectives.

Additionally, Mr. McNeely briefed the Committee on the decision by OSDT staff to withdraw a previously submitted two (2) hour lesson plan “Concealed Carry Handgun Legal Considerations for Certified Correctional Staff.” The proposed lesson plan was tabled at the November 2015 Education and Training Committee Meeting. Mr. McNeely stated that this training, if offered, will be delivered as in-service training, not as part of any basic training curriculum, in order to avoid any confusion.

### **General Instructor Training Revision Committee Update**

On behalf of the General Instructor Training Revision Committee, Leila Humphries, North Carolina Justice Academy, briefed the Committee on the current status of the ongoing General Instructor Training course revision process. A “draft” overview of the proposed blocks of instruction was provided to Committee members. Ms. Humphries said she is proud of the General Instructor Program in North Carolina and the high standards the program has maintained. The proposed revisions include developing lesson plans, and also focus on platform and presentation skills. The goal is to develop curriculum and a learning environment that generates long-term retention of the knowledge and skills taught in the General Instructor Training Program.

Mark Strickland announced Leila Humphries’ upcoming retirement, with her last day with the Justice Academy being April 1, 2016, and a retirement date effective May 1, 2016. Mr. Strickland also recognized Ms. Humphries as a former Commission member from 1993 until 2001, and expressed appreciation for her contribution and service through the years.

### **COMMISSION ACTION**

#### **ADMINISTRATIVE CODE – PROPOSED RULE REVISIONS**

On behalf of the Education and Training Committee, Commissioner Robin Pendergraft proposed both statutory and regulatory modifications to rules and statute:

- 12 NCAC 09B .0302 – General Instructor Certification (a) (1) (B)
- 12 NCAC 09G .0308 – General Instructor Certification (a) (1) (B)
- 12 NCAC 09B .0303 – Terms and Conditions of General Instructor Certification
- 12 NCAC 09G .0309 – Terms and Conditions of General Instructor Certification
- G.S. 17C-6 – Powers of Commission

Commissioner Robin Pendergraft stated that the Rules Review Commission required the Commission to define the term “Commission mandated and Commission recognized in-service training” for Rule 9B .0305 in order for it to be approved. Therefore, this training was defined as only those which the Commission mandates to include: BLET, SMI

Courses, General and Specialized Instructor Course, Mandatory In-Service to include Sheriffs' Commission's Mandatory In-Service, DAC Basic and Instructor Courses. At the August 2015 Education and Training Committee meeting, the Committee approved modifications to Rules 09B .0303 to be consistent with 09B .0305. Since that time, through meetings with Division staff, and others in the criminal justice community, the Committee has learned more about the manner in which many agencies and community colleges utilize general instructors. This matter affects general instructor certification only, not specialized instructors.

Commissioner Pendergraft said while working through the process, they were reviewing every single Rule, and more importantly, reviewing statutory authority. The Commission is governed by General Statute 17-C (Powers of Commission), which was enacted in 1971. It delineates how the Commission is formed, it delineates expressly what the Commission has the authority to do, and also what the Commission may recommend, but has no authority to enforce. During the fall, Commissioner Steve Johnson, Commissioner Pendergraft and Division Staff met with Division of Adult Correction and Juvenile Justice managers to discuss possible solutions for their particular instructors. During this process, they consulted with Commission Legal Counsel regarding the authority of the Commission. Based upon a reading of the statutory provisions, the Commission cannot certify "non-criminal justice" instructors nor allow instructors who do not "participate in programs or courses of instruction that are required by this Chapter" to become certified or remain certified. After seeking the advice of Division Staff, the Executive Committee and legal counsel, and after careful consideration, the following proposals were recommended for consideration by the Education and Training Committee. The recommended changes to the General Instructor program will require both statutory and regulatory modifications, but will accomplish many needed goals for the criminal justice system, as well as the instructors. The proposals for discussion were as follows:

**General Instructor Certification Eligibility** – In order to be eligible for GI certification, the language in Rules 09B .0302(a)(1)(B) and 09G .0308(a)(1)(B) will be modified to read "has acquired 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 or as an employee of a criminal justice agency." This approach will also require modification to G.S. 17C-6(a)(7) to allow criminal justice agencies to request that the Commission issue certification to an employee for purposes of agency in-house instruction.

Terms and Conditions of GI Certification – Modify 09B .0303 such that the certification process will consist of:

1. Successfully completing the GI school;
2. Teaching 8 hours of any type of instruction consistent with the specifications established in rules 09E .0105 and .0106 within a 12-month probationary period.
3. Receiving a favorable recommendation from a school director or in-service training coordinator; and
4. Applying to the Commission for General Certification.

Upon obtaining GI certification, the instructor will no longer be required to complete a minimum number of hours of instruction to retain certification, but must complete a minimum of hours of online training updates every year or "x" years. This training would

be online through the NC Justice Academy. Eventually, the goal is for the computer systems at the Justice Academy and at Criminal Justice Training and Standards to be linked together so that once the instructor completes the online training, the updated training information is automatically sent to a database at CJ Standards and can be accessed by Division staff.

Commissioner Robin Pendergraft noted that the presented proposals are not written in stone. With over 7,000 current general instructors in the State, these proposals are being presented as ways of trying to come up with solutions to streamline the process, accommodate the criminal justice system and ensure that instructors are qualified. If the criminal justice system wants to continue to include non-criminal justice officers, modifications will need to be made to G.S. 17C, and it will require legislative change. If the legislature allows modifications to the statute, the Committee can then consider making some rule changes as referenced above in the proposals for discussion.

Commissioner Pendergraft then asked Committee members and Division Staff for their input for discussion and/or suggestions regarding the presented proposals.

Commissioner Steve Johnson stated that they had a meeting with the Department of Adult Corrections and Juvenile Justice, who is concerned because so much of their training is not in the realm of Commission courses. Community colleges have similar problems in that a lot of criminal justice courses are being taught by the community colleges, yet under the Rules Review guidelines, basically, credit can be given only if teaching instructor training, BLET, or in-service topics. Commissioner Johnson felt that the online instructor training updates could solve a lot of the problems for the community colleges instructors who are not teaching in-service, BLET, SMI or instructor training, and also for instructors at the Department of Adult Corrections and Juvenile Justice who are teaching non-Commission courses. Commissioner Johnson welcomed input and suggestions in order to reach a solution that will help everyone.

Mark Strickland stated that he felt the current evaluation system does not work well. Criminal Justice Standards has said that they never receive an instructor evaluation that says "do not certify". Everyone passes, even though there are those who are not effective instructors. This would be a way to take some of the pressure off of using marginal instructors in classes.

Director Steven Combs noted that there are many different issues to address, and they will need to compromise on some of the issues in order to come to an agreement on the best way to move forward.

Commissioner Charles Walston said this topic was discussed extensively in August 2015. Following the November 2015 E&T Committee meeting, Commissioner Walston, along with George Solomon, Director of Prisons; Anne Precythe, Director of Community Corrections; Tim Moose, Deputy Commissioner; and Gwen Norville, Deputy Director of Prisons, met with Commission staff. At that meeting, they discussed the problem and identified some potential solutions, including the language in G.S. 17C-6. Commissioner Walston stated he understood this is something that requires legislative action, but he knew that there has been some discussion between the Department of Public Safety, Executive Leadership and members of the General Assembly as to the acceptability of the language. Commissioner Walston presented a proposed modification to the language in G.S. 17C-6(a)(7), which reads "certify and re-certify, suspend, revoke or

deny pursuant to the standards that it has established for the purpose of criminal justice instructors and school directors who participate in programs or courses of instruction that are required by this Chapter.” The suggested modification would add after the word “Chapter, *or who participate in courses of instruction required or approved by the Secretary of Public Safety.*”

Commissioner Robin Pendergraft noted that although she liked the approach, that language would not be a solution for everyone, and there needed to be a solution that would benefit everybody. Commissioner Walston indicated that a follow-up meeting was scheduled, but Director Combs called him and advised that the meeting had been canceled, so there has been no follow-up since their meeting with Commission staff. However, Commissioner Walston said they have reached out not only to the Department of Public Safety, but also the community college partners and other agencies. Subsequently, he had some additional solutions to the Administrative Code requirements that would address the current issue without making drastic changes and would like to be heard on that.

Commissioner Robin Pendergraft posed the question that if Corrections staff had reached out to other agencies, what other language would they add to G.S. 17C-6(a)(7), because just having Public Safety courses will not address the Highway Patrol, SBI, Wildlife, or any of the other local agencies. Commissioner Walston responded that by adding the language “*or who participate in courses of instruction required or approved by the Secretary of Public Safety*” allows any course that the Secretary of Public Safety authorizes or requires to be used to renew an instructor’s certification. Commissioner Pendergraft suggested the wording “*criminal justice agency*” instead of “*Secretary of Public Safety*”, in order to include all criminal justice agencies.

Commissioner Lee Farnsworth said he spoke with a couple of school directors recently, and their first concern was the quality of instructors. He felt that the first issue is how to control and evaluate the instructor. The second issue is that if there are deficient instructors, how do we fix it? Commissioner Farnsworth stated he did not know if these issues could be fixed at the same time because he felt that they are two entirely different issues.

*The Committee took a ten-minute break at 2:45 p.m., and the meeting re-convened at 2:55 p.m.*

In continuing the discussion of general instructors, Commissioner Robin Pendergraft extended the opportunity to those individuals in attendance to express their concerns, thoughts and suggestions.

Kimberly Quintus, Juvenile Justice, expressed concerns that some of the names they submit for general instructor certification do not have four years of experience from what would be considered a criminal justice agency, but they come from a strong juvenile justice background, such as group homes and wilderness camps. She said they would like to consider those people to be general instructors without going through special exceptions. Commissioner Robin Pendergraft stated that she thinks the reason for having four years of experience is so the agency can get to know the employee, since they are still on probationary status for a while after being hired. Kimberly Quintus said that was a valid point.

Glenn McNeill, NC State Highway Patrol, thanked the Committee for the opportunity to review and provide feedback about how the issue would impact the Highway Patrol. With the Highway Patrol being statewide, training is not centralized. It is done across the state. He felt that the online renewal process would benefit the Highway Patrol since they are spread throughout the state.

Billy Hill, Greenville Police Department, stated he has been a general instructor since 1998 and a specialized firearms instructor since 1999. He understands the Committee wanting to move away from the general instructor teaching in the classroom and completing training online. However, the specialized instructors must still complete classroom instruction. He felt that the live teaching should not be taken out of the curriculum because there is a benefit to teaching in a classroom setting. One suggestion he posed is not allow someone from someone's own agency sign off on the evaluation for re-certification so the process could be more impartial.

Doug Bennett, Pitt Community College, agreed with Billy Hill that there is a way to keep the process of re-certification and evaluated by someone unknown to the instructor.

Mike Smith, DMV License and Theft, stated that his agency has some of the same issues as others. He understands that some of the ideas discussed could be beneficial. A policy was written for DMV License and Theft which was recently approved by the Director, Steve Watkins, which states one must have five years of experience with their agency before applying as a general instructor.

Commissioner Robin Pendergraft felt that it was a good point having to be with an agency for five years before applying as a general instructor. This would allow the employee time to build credibility with the agency.

Mickey Little, NC Wildlife, stated that their agency reviews every F-16. Their Wildlife training school is 32 weeks, and the concern was that credit was received for all of the training.

Stephanie Freeman, AOC, representing the Training Officer's Association, said she understood the situation with which the Committee is dealing, but wanted to clarify what the probationary instructor would be able to teach. In her experience, new instructors did not normally teach within Basic Training.

Commissioner Robin Pendergraft explained that the whole purpose of general instructor course and certification is because in the 1970's, there was no standard to teach law enforcement and criminal justice officers, so it was developed for that purpose.

Stephanie Freeman liked the idea of online instructor development, but was a little concerned about it being offered only online.

Mark Strickland, NC Justice Academy said the instructor training orientation is very helpful in teaching the evaluation process, and it has to be taken in order to be able to teach in the instructor training program.

Leila Humphries, NC Justice Academy, said there is a great deal of responsibility being placed on the school director, and you have to think about what kind of guidance can be provided to them.

Mark Strickland introduced Tony Losada as the new Training Manager for the Tactical and Traffic Center at the NC Justice Academy. This position was previously held by Stacy Holloman. Tony will be involved in SMI, driving, firearms, SCAT, PT, as well as general instructor.

Jon Gregory, Wake Technical Community College, felt that the Committee is moving in the right direction and in accordance with other states.

Betty Reynolds, Wake Technical Community College, agreed with the idea of online training. She also expressed that instructor evaluations need to be honest.

After extensive discussion, Commissioner Robin Pendergraft said that if the change to G.S. 17C is approved, language will need to be added to Rules 09B .0302 and 09G .0308 that allows an employee of a criminal justice agency to become a certified general instructor. In Rules 09B .0303 and 09G .0309, the language will need to address probationary hours and the term in which to complete the hours. Commissioner Pendergraft stated that she appreciated everyone's comments and helpful suggestions during the discussion. She also said that at this point in time, she felt that this process will have to be done through the NC Justice Academy and linked through the system to Criminal Justice Standards. The Committee was not in a position to take a vote on the matter, but will take into consideration all of the concerns and suggestions provided in the discussion.

With no further business, Commissioner Lee Farnsworth proposed a **motion** to adjourn, with a **second** from Commissioner Ricky Parks, **motion carried**. The meeting adjourned at 4:00 p.m.