

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

August 23, 2012

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 Wrenn Johnson called the meeting to order at 1:30 p.m. Those in attendance were:

- *Chief Wrenn Johnson, NC Police Executives Association
- *Chief Bill Hollingsed, NC Police Executives Association
- *Steve Johnson, Appointment by the General Assembly – Speaker of the House
- *Captain Terry Jones, North State Law Enforcement Officers’ Association
- *Tracy McPherson, Dept. of Community Colleges
- *Gwen Norville, Appointment by the Governor - Correctional Officer – OSDT
- *Robin Pendergraft, Attorney General of the State of North Carolina – Ex-Officio Member
- *Dr. Bob Ruth, NC Criminal Justice Association

Visitors

Joyce Ruth

Staff

Wayne Ayers, NC Justice Academy
Bill DuBois, NC Justice Academy
Gary Dudley, NC Justice Academy
Malia Hollingsworth, NC Justice Academy
Bob Yow, Interim Director, Criminal Justice Standards Division
Tim Pressley, Criminal Justice Standards Division
Mark Strickland, NC Justice Academy
Dan Worley, NC Justice Academy

*Committee Members

WELCOME/ROLL CALL

Chair Wrenn Johnson 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 May 24, 2012, minutes, Commissioner Robin Pendergraft suggested the following modifications to a comment she had made: page 3, fourth paragraph, third line – **delete** the words “are losing” and **add** “often lose”; **delete** on a **regular basis** and **add** **due to lack of driving experience or skills**. Commissioner Pendergraft proposed a **motion** to accept the minutes with the recommended modifications with a **second** from Commissioner Johnson. **Motion carried.**

ADMINISTRATIVE CODE – PROPOSED RULE REVISIONS

Bob Yow, Interim Director, Criminal Justice Standards Division, appeared before the committee to propose rule revisions to: 1) remove the administration and review of Commission testing from certain Commission courses and 2) require that certain Commission courses be completed in their entirety before graduates can be administered the Commission examination. He continued to state that the revisions to the rules on Commission testing had not yet gone to rule-making hearing. Those rules will also be revised and modified to reflect the above recommendations. Lastly he stated that rather than having testing required in the rules for the SMI Courses, they were included in the course notebooks. Therefore, at some point in time those rules would be changed and the NC Justice Academy would be responsible for making those changes within the Commission course notebooks. The request for this rule change was made by Commissioner Steve Johnson.

Commissioner Pendergraft asked for an explanation on how the regional testing will take place. Mr. Yow explained that testing (approximately three per week) will take place one day per week at various geographical locations. School Directors across the state have been notified of the testing dates and have been asked to try and complete their courses close to a testing date. Most testing days will be scheduled on Fridays.

Commissioner Pendergraft inquired as to how long of a period of time did a student have before they could take the test. An example was if a student finishes BLET and they have a conflict on the day of the test, when could that student take the test? Mr. Yow stated that he did not have an answer. Commissioner Pendergraft stated that she was thinking ahead, so that a student did not get “lost” in the testing schedule. Mr. Yow stated that while there was not a “specific time” for completing the test, the committee might wish to have that at this time.

Commissioner Steve Johnson stated that the immediate intent of the proposed rule changes were to deal with the current testing situation and lack of staff. The long-term approach will place the burden on the student. Once the rules are changed, the student will have to have a certificate of completion before they can take the test. In order to receive their certificate of certification, the student will need to have a certificate of course completion and will have to have completed the course test.

Commissioner Pendergraft agreed that it should be the student’s responsibility but her concern was how long they will be allowed to wait. Mr. Yow stated that if it was the desire of the Committee to place a time limit within the rules, then it could be added before they went to the rule-making hearing. After additional discussion, members requested that the rules be drafted to state that the commission exam must be taken within 60 days of the course completion.

Committee members further discussed the issue of having a third-party contractor to administer testing. The student would be responsible for paying the costs. While third-party testing was not being recommended, Commissioner Steve Johnson felt it did open the door if the Commission ever decided it wanted to charge for a certification. The Commission already charges individuals \$50 per year to become Concealed Carry Instructors. Commissioner Jones stated that he felt the difference was the CCH instructors are not police officers and the burden would be upon the agency which would

create an additional expense and would not be well-received. Commissioner Norville also stated that she would not be in favor of charging individuals to have a certification.

After considerable discussion, Commissioner Pendergraft proposed a **motion** that the Commission authorize the Planning and Standards Committee to conduct a rule-making hearing to amend the following rules as written and presented with the addition that staff include language that testing must occur within 60 days of the course completion with a **second** from Commissioner Steve Johnson. **Motion carried.**

I MOVE that the Commission hereby authorize the Planning and Standards Committee to conduct a rule making hearing to amend the following rules:

12 NCAC 09B.0202 – Responsibilities of the School Director - Remove the responsibility of the School Director to provide facilities and time for the Commission Examination.

12 NCAC 09B.0205 – Basic Law Enforcement Training - Remove the four (4) hours of the Commission examination and reduces the BLET hours from 620 to 616 hours.

12 NCAC 09B.0226 – Specialized Firearms Instructor Training - Remove the two (2) hours of the Commission examination and reduces the hours from 83 to 81 hours.

12 NCAC 09B.0227 – Specialized Driver Instructor Training - Remove the three (3) hours of the course review and Commission examination and reduce the hours from 35 to 32 hours.

12 NCAC 09B.0232 – Specialized Subject Control Arrest Techniques Instructor Training - Remove the two (2) hours of the Commission examination and reduce the hours from 80 to 78 hours.

12 NCAC 09B.0233 – Specialized Physical Fitness Instructor Training - Remove the two (2) hours of the Commission examination and reduce the hours from 60 to 58 hours.

12 NCAC 09B.0302 – General Instructor Certification - Allows for the application of instructor certification after the applicant has completed the General Instructor course.

12 NCAC 09B.0304 – Specialized Instructor Certification - Includes language that an applicant for specialized instructor certifications shall achieve a minimum score of 75% on the Commission's written examination.

12 NCAC 09B.0405 – Completion of Basic Law Enforcement Training Course - Allows trainees to attend a subsequent course delivery within 120 calendar days of the trainee's prior course completion.

12 NCAC 09B.0406 – Comprehensive Written Examination – Basic Law Enforcement Training - Allows for the administration of the Commission written examination after the completion of the course offering.

12 NCAC 09B.0408 – Comprehensive Written Examination – Basic SMI Certification - Allows for the administration of the Commission written examination after the completion of the course offering.

12 NCAC 09B.0413 – Comprehensive Written Exam – Instructor Training - Allows a trainee who fails to score at least 65% on the Commission examination to enroll and complete a subsequent offering of the course in its entirety.

12 NCAC 09B.0414 – Comprehensive Written Exam: Specialized Instructor Training - Allows a trainee who fails to score at least 75% on the Commission examination to enroll and complete a subsequent offering of the course in its entirety before further examination is permitted.

12 NCAC 09B.0415 – Satisfaction of Minimum Training – Specialized Instructor - Removes successfully passing the Commission’s examination as criteria for course completion.

12 NCAC 09B.0416 – Satisfaction of Minimum Training – SMI Instructor - Removes successfully passing the Commission’s examination as criteria for course completion and allows the School Director the authority to require additional motor-skills testing.

12 NCAC 09C.0403 – Reports of Training Course Presentation and Completion - Requires School Directors to submit the Post-delivery Report of Training not more than ten (10) days after completion of a course.

Mr. Yow further stated that the consolidated testing was to begin on January 13, 2013, and that he hopes the rules will be in place by that time as well.

SCHOOL ACCREDITATION COMMITTEE

On behalf of the School Accreditation Subcommittee, Commissioner Terry Jones reported Cape Fear Community College, Castle Hayne, NC, Pitt Community College, Greenville, NC, Martin Community College, Williamston, NC, Gaston College, Dallas, NC, and Southwestern Community College, Sylva, NC, had met the standards for school reaccreditation. Commissioner Tracy McPherson proposed a **motion** that pursuant to 12 NCAC 09B.0200 and 12 NCAC 09C.0401, that Cape Fear Community College, Castle Hayne, NC, Pitt Community College, Greenville, NC, Martin Community College, Williamston, NC, Gaston College, Dallas, NC, and Southwestern Community College, Sylva, NC, be accredited for a period of 5 years for the delivery of Commission accredited courses with a **second** from Commissioner Hollingsed. **Motion carried.**

Additionally, Commissioner Tracy McPherson proposed a **motion** that pursuant to 12 NCAC 09C.0401/.0402 and 12 NCAC 09B.0200, that McDowell Technical Community College, Marion, NC, be accredited for the delivery of the Commission’s Criminal Justice General Instructor Training Course and that Iredell County Sheriff’s Office, Statesville, NC, be accredited for the delivery of the Commission’s Radar Course with a **second** from Commissioner Hollingsed. **Motion carried.**

7TH EDITION SYSTEM PLAN

Commissioner Wrenn Johnson reviewed the current responsibilities of the Education and Training Committee as outlined in the current system plan.

Goal 2 – Continue examination of professional development, retention and recruitment of criminal justice officers, with the goal of improving the profession.

Objective E – Continue to assess the newly implemented reading comprehension level standard for BLET students.

Committee members discussed whether or not this is being monitored and if so, how. Commissioner Wrenn Johnson inquired as to whether or not the reading standard was keeping individuals from applying to BLET? Commissioner Pendergraft suggested that a letter be sent to all entities conducting the reading test prior to BLET requesting that data (# taking the test, # pass/fail, reading levels achieved) which has been collected, since implementation, be sent for an assessment to be conducted. If the data is not being collected, then a request should be made that it be maintained. This would be a way of understanding how students are doing on the test.

Commissioner Wrenn Johnson stated that Teresa Marrella would be contacted regarding this.

Goal 3 – Continue to develop a program of activities designed to assist all criminal justice officers in addressing the ever-changing societal issues within the state.

Mark Strickland, NC Justice Academy, stated that the Academy distributes surveys throughout the year, i.e., in-service topics, and works very hard to maximize the results. Commissioner Pendergraft asked for a report on the results of the surveys.

Committee members further discussed that school directors have the capability of downloading and printing lesson plans on-line at no charge.

Commissioner Gwen Norville stated that the Department of Public Safety had purchased I-Pads, through a Governor's Crime Commission grant, for all probation officers and that lesson plans are being uploaded to the I-Pads. This is a huge savings on printing manuals. Correctional officers have access to laptops with the lesson plans. They are given a disc to upload the lesson plans and then they are taken home. It is up to the student to access the lesson plans.

Goal 4 – Review and evaluate the Specialized Instructor Training program to determine its effectiveness in meeting the needs of the criminal justice profession.

Objective A - Study the feasibility of requiring periodic recertification in specific skills for specialized instructors.

Commissioner Pendergraft suggested that, if possible, the NC Justice Academy and the Criminal Justice Standards Division consider the additional manpower hours that would be needed to accomplish this objective.

Commissioner Steve Johnson stated that there were approximately 15-1600 Specialized Firearms Instructors. He felt that it would be easy to require recertification of instructors. Currently recertification is required of the DCI Operator, Breathalyzer Operator and Radar Operator; however a Specialized Firearms Instructor is not required to be recertified to show that they still have the same skill level as when they took the course. He did not believe that recertification had to be through the NC Justice Academy. While the Academy is responsible for certification, the individual is responsible for their recertification. He did not believe that it would add work to the staff because he felt it would reduce the number of instructors.

Commissioner Johnson then discussed the issue with instructors struggling to teach enough hours to maintain their certification. Officers are currently required to have 24 hours of in-service training but instructors are only required to teach 12 hours in 3 years. Officers are required to have 4 hours of in-service firearms training every year but a Specialized Firearms Instructor is only required to teach 12 hours in 3 years; he felt this needs to be doubled/tripled for General Instructor and Firearms; don't keep things at a minimum.

Commissioner Pendergraft felt that this merited a lot of discussion, but she believes that others (legislators) would expect/want a legitimate reason for requiring the recertification and that the questions would need to be answered such as:

Do instructors need to be recertified?

Why?

What is the basis?

What is the cost?

Could instructors from another agency qualify agency instructors?

What about the role of community college instructors/school directors?

Commissioner Hollingsed stated that when his officers are qualified, someone from another agency does the qualification.

Commissioner Wrenn Johnson asked for those who would like to serve on a committee to look at this goal. Those serving on the committee are: Robin Pendergraft, Steve Johnson, Chief Bill Hollingsed, and Tracy McPherson.

Goal 5 – Evaluate the need for standards in particular areas of criminal justice specialization, including crime scene investigation, Spanish interpretation, K-9 handlers, field training, TASER, OC Spray, PR-24 Baton and ASP.

Committee members discussed that this is an issue that may have been previously discussed. Some suggested that this might be handled through surveys. Commissioner Wrenn Johnson recommended that this issue be addressed at the in-service level versus the certification level.

BLET REVISION COMMITTEE UPDATE

Gary Dudley, NC Justice Academy, reported that the following items had been corrected within BLET and disseminated to all BLET School Directors:

- Anti-Terrorism (BLET: 34G) –Corrected power point presentation for this block was disseminated to all BLET School Directors on June 27, 2012. No other instructional materials were affected.
- Explosive and Hazardous Materials Emergencies (BLET: 26N) – Corrected instructor lesson plan was disseminated to all BLET School Directors on June 20, 2012. The correction specified that a North Carolina Criminal Justice Education and Training Standards Commission certified Specialized Hazardous Materials Instructor is required to teach this block.

ON-LINE TRAINING CLARIFICATION

Bob Yow, Interim Director, Criminal Justice Education Training and Standards Division, appeared before the Committee to request clarification for the 2013 In-Service FAQs. The request for clarification was as follows:

“7. If a lesson plan is developed for a specific number of hours, what happens if a person completes the training in less than or more than the hourly increment?”

Answer: “Traditional classroom lesson plans are designed to be delivered in the full hourly increments. Therefore, a credit is only given when the course is completed in the appropriate time frame as designed in the lesson plan.

If on-line training is utilized, the time required to complete the lesson plan may vary based on the student’s reading and comprehension level.”

The Committee clarified that the answer to this question was accurate.

OLD BUSINESS

Commissioner Wrenn Johnson stated that there were concerns out in the field over departments using radars that have been taken off the approved instrument list (Appendix A). Some have asked if departments may continue to use radar units as long as they continue to work.

Tim Pressley stated that if a unit expires and a department is allowed to keep that unit, there would be problems with the database.

Commissioner Pendergraft stated that she saw the potential problems with presenting a “certified” unit into court. It either has to be on the list or off the list. There is no in-between. She is also concerned that a department would want to have a piece of equipment that is out-of-date.

After additional discussion, the committee agreed to let the decision stand as was decided at the May 24, 2012, meeting, “The SMI Committee requested that the removal of these instruments be staggered to allow agencies time to financially plan ahead on how to replace their current inventory. Agencies will have no less than 2 years but no more than 7 years to remove/replace the instruments. The list in Appendix A would include the date of removal.”

NEW BUSINESS

Commissioner Steve Johnson requested that the committee consider increasing the required number of recertification hours for General Instructor Certification and Specialized Firearms Instructor Certification above the current 12 hours every 3 years. Firearms are mandated 4 hours every year and in-service is mandated 24 hours every year. There is no firearms instructor who only does 4 hours per year. He recommended that it be raised from 12 hours every 3 years to a minimum of 24 hours every 3 years.

Commissioner Pendergraft stated that she felt the issue needed to be studied. She felt it would be helpful to have information on the number of different instructors there were, how many hours they were required to teach and in what time period. Although she was not ready to make a decision on this matter, she did feel it had merit and that the pros/cons of this needed to be considered.

Commissioner Wrenn Johnson inquired as to where the 12 hours of recertification originated. She directed staff to research the historical background of how the instructor recertification hours were initially determined and to report back at the November meeting.

Commissioner Steve Johnson clarified that he was only referring to the law enforcement specialized instructors who teach in-service and BLET; not DOC instructors. This would apply to all the Specialized Firearms Instructors in North Carolina and all the General Instructors. He is not suggesting any change other than hours.