

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

**EDUCATION AND TRAINING COMMITTEE**

**May 22, 2013**

The Education and Training Committee of the North Carolina Criminal Justice Education and Training Standards Commission met in Room 1425 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
- \*Johnny Hawkins, Appointment by the General Assembly – Correctional Officer – Senate Pro Tem
- \*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**

Kevin Brackett, Intern, Attorney General's Office  
Allison Cotter, Intern, NC Justice Academy  
Jesse Swartz, NC Dept. of Public Safety, OSDT

**Staff**

Wayne Ayers, NC Justice Academy  
Bill Dubois, NC Justice Academy  
Gary Dudley, NC Justice Academy  
Janet Dunn, NC Justice Academy  
Jennifer Fisher, NC Justice Academy  
Julia Lohman, NC Sheriffs' Standards Division  
Pam Pope, Criminal Justice Standards Division  
Tim Pressley, NC Criminal Justice Standards Division  
Dan Worley, 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. Commissioner Robin Pendergraft introduced Kevin Brackett, student from NC State, who was interning with the Attorney General's Office.

**MINUTES**

Commissioner Hollingsed proposed a **motion** to accept the minutes of the February 21, 2013, meeting with a **second** from Commissioner Robin Pendergraft. **Motion carried.**

**ADMINISTRATIVE CODE – PROPOSED RULE REVISION – UPDATE – 12 NCAC 09E.0104 (1)  
INSTRUCTORS: ANNUAL IN-SERVICE TRAINING**

At the February meeting, Commissioner Steve Johnson, proposed a rule revision to amend 12 NCAC .09E.0104 (1) to allow certain courses to count towards annual in-service training; chiefs

choice. After considerable discussion, Committee members felt that other rules within the Administrative Code should be reviewed to ensure that the proposed revision did not affect them. Pam Pope reported that the Criminal Justice Standards staff had reviewed the rules and did not find any other rules that would be affected by this proposed revision. Commissioner Steve Johnson proposed a **motion** that the Commission authorize the Planning and Standards Committee to conduct a rule-making hearing to amend 12 NCAC 09E.0104 (1) "Instructors: Annual In-Service Training" to read "The instructor shall hold Instructor Certification issued by the Commission as outlined by 12 NCAC 09B.032, 09B.0304, and 09B.0306, except for instructors delivering CPR certifications that includes cognitive and skills testing, use of equipment training conducted by a manufacturer, manufacturer's representative or a service provider and documented through a certificate of completion or include Incident Command System training for NIMS (National Incident Management System) compliance who are certified through FEMA (Federal Emergency Management Agency) as Incident Command Instructors" with a **second** from Commissioner Hollingsed. **Motion carried.**

Commissioner McPherson inquired as to what would be provided to document the completion of this training. Commissioner Steve Johnson stated that a certificate of completion would need to be in the individual's file.

#### **ADMINISTRATIVE CODE: PROPOSED RULE REVISION – CCH FILING AND FEES**

Deputy Director Pam Pope, Criminal Justice Education and Training Standards Division, reported that the proposed rule revision to 12 NCAC 09F.107(b) would increase the cost of the Concealed Carry Handgun Certificate from \$1.00 to \$2.00. This amount has been discussed with Legal Counsel which advised the Division that they could not charge more than what they spend. Based upon the new security seal that will be used on the certificates and the increase in price, \$2.00 is what the Division can legally request.

Commissioner Robin Pendergraft proposed a **motion** that the Commission authorize the Planning and Standards Committee to conduct a rule-making hearing to amend 12 NCAC 09F.107(b) "Filing and Fees" to increase the cost of the certificate from \$1.00 each to \$2.00 each with a **second** from Commissioner Steve Johnson. **Motion carried.**

At the February meeting, Criminal Justice Standards Division staff recommended that the "raised seal" be removed from the Concealed Carry Handgun certificate. After considerable discussion, the Committee members felt that other options should be explored before a decision was made. Deputy Director Pope reported that the raised seal will remain on the certificate. The Division is currently using a secure certificate, with shading, to deter others from making their own copies. They are also working with the Division of Corrections to research on ways to include the embossed seal on the certificates as they are printed.

Wayne Ayers, NC Justice Academy, reported that the demand for Concealed Carry Instructor Training has tripled at the Academy. Two additional courses of 100 students each have been scheduled and are already filled.

Commissioner Robin Pendergraft stated that she felt monitoring of the number of certificates issued on an annual basis was needed. She asked for an annual report on how many had been done since the beginning of the program. This would allow the Committee to see what the trend might be and whether there could also be a budget issue to consider. Deputy Director Pope stated that this information could be retrieved from their database. Members recommended that this type of report be presented at the February 2014 meeting.

## **ADMINISTRATIVE CODE: PROPOSED RULE REVISION FOR DJJP SPECIALIZED INSTRUCTOR TRAINING**

Jesse Swartz, Office of Staff Development and Training (North Carolina Department of Public Safety), appeared before the Committee to propose rule revisions which affect all three of their Commission-certified instructor training programs.

### **Corrections Specialized Instructor Training - Firearms**

Mr. Swartz presented a request to amend 12 NCAC 09G.0415 to accept revisions of topical areas as presented for the Corrections Specialized Instructor Training – Firearms. The purpose of the revisions is to accurately reflect the division’s name change and to revise the following topical areas:

- Remove “Standard Handgun Courses of Fire”
- Change “Introduction to Low/Limited Light Fire” to “Introduction to Handgun Low/Limited Fire”
- Change “Handgun Training - Classroom” to “Handgun Training – Classroom and Range”
- Change “Advanced Handgun Training – Classroom” to “Advanced Handgun Training – Classroom and Range”
- Remove “Advanced Handgun Courses of Fire – Range”
- Remove “Handgun Night Firing: Handgun Low/Limited Light Fire Familiarization Course – Range”
- Remove “Rifle Training and Qualification” and subheadings
- Change “Shotgun Training and Qualification” to “Shotgun – Operation, Use, and Maintenance”
- Change “Shotgun Training – Classroom” to “Shotgun Training – Classroom and Range”
- Remove “Maintenance and Repair of Rifles and Shotguns” and add “Shotgun Care and Maintenance”
- Remove “Special Techniques for the Reluctant/Frightened Shooter”
- Remove “Chemical Weapons: Chemical Agents, Equipment, Tactics, and Storage”

Having approved the recommendations 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 12 NCAC 09G.0415 Corrections Specialized Instructor Training - Firearms for the purpose of revising the Division name and the revision of topical areas as presented with a **second** from Commissioner Pendergraft. **Motion carried.**

### **Corrections Specialized Instructor Training – Controls, Restraints, and Defensive Techniques**

Mr. Swartz presented a request to amend 12 NCAC 09G.0416 to accept the revisions of the topical areas for the Corrections Specialized Instructor Training – Controls, Restraints, and Defensive Techniques. The purpose of the revisions is to accurately reflect the division’s name change and to revise the following topical areas:

- Add “Physical Fitness/Warm-up and Stretching Exercises”
- Remove “Patterns of Movement”
- Remove “Program Evaluation”
- Change “Advanced Instructional Techniques” to “CRDT Program Student Evaluations and Testing”

Having approved the recommendations as presented, Commissioner Hollingsed proposed a **motion** that the Commission authorize the Planning and Standards Committee to conduct a rule making hearing to amend 12 NCAC 09G.0416 “Corrections Specialized Instructor Training –

Controls, Restraints, and Defensive Techniques” for the purpose of revising the Division name and the revision of topical areas as presented with a **second** from Commissioner Hawkins.  
**Motion carried.**

### **DJJDP Specialized Instructor Training – Restraint, Control and Defense Techniques**

Mr. Swartz presented a request to amend 12 NCAC 09B.0241 to change the name of the course from the “DJJP Specialized Instructor Training – Restraint, Control and Defensive Techniques Training” to “Juvenile Justice Specialized Instructor Training - Restraints, Controls and Defensive Techniques Training.” The revisions are necessary to accurately reflect the current division’s name change within the Department of Public Safety and to revise topical areas as presented.

Having approved the recommendations as presented, Commissioner Hollingsed proposed a **motion** that the Commission authorize the Planning and Standards Committee to conduct a rule making hearing to amend 12 NCAC 09B.0241 “DJJDP Specialized Instructor Training – Restraint, Control and Defensive Techniques Training” to reflect “Juvenile Justice Specialized Instructor Training - Restraint, Control and Defensive Techniques Training” with a **second** from Commissioner Steve Johnson. **Motion carried.**

### **BLET REVISION COMMITTEE**

Jennifer Fisher, (North Carolina Justice Academy), Chairperson of the BLET Revision Committee, appeared before the Committee to propose rule revisions to 12 NCAC 09B.0205 – Basic Law Enforcement Training in the following topic areas:

#### **Dealing with Victims and the Public**

Ms. Fisher appeared before the Committee to request that the current topic, Dealing with Victims and the Public be revised to read “Responding to Victims and the Public.” She stated that this revision would more accurately reflect the dynamics between the responding officer and the victim and/or public.

Commissioner Steve Johnson proposed a **motion** that the Commission authorize the Planning and Standards Committee to conduct a rule making hearing to revise 12 NCAC 09B.0205 (b) (3) (a) Dealing with Victims and the Public to read “Responding to Victims and the Public” with a **second** from Commissioner Pendergraft. **Motion carried.**

#### **Juvenile Law and Procedures**

Ms. Fisher further proposed that the current hours for Juvenile Law and Procedures be reduced from 10 to 8 hours. This request is being made to coincide with the content revisions that would be presented. Ms Fisher reported that the lesson plan had been reviewed and revised by Jim Deloatch. Revisions to the content were made for it to be more officer-friendly and easier to present. Language has been revised to be less technical.

Commissioner Steve Johnson stated that having reviewed the information that was added, he had a concern with the reduction of time. Ms. Fisher stated that the Revision Committee supported the recommendation of Mr. Deloatch to shorten the hours of the lesson plan. Commissioner Pendergraft agreed with Commissioner Johnson’s observation and asked for additional information. Ms. Fisher stated that the instructor spent more time teaching the block due to having to explain the technical terms used. With the revision of the language, the Revision Committee felt it would take less time to present the material. Mr. Wayne Ayers, Deputy Director, NC Justice Academy, stated that the lesson plan had not yet been taught; therefore, it was yet to be determined whether it would take 8 or 10 hours to cover the material.

Ms. Fisher stated that if the Committee agreed, that she would survey School Directors after one year of delivery, to ensure that the time allotted was accurate. Both Commissioners Steve Johnson and Robin Pendergraft agreed that the feedback would be useful. Prior to making a motion, Commissioner Johnson requested that Ms. Fisher continue with the remainder of her presentation to cover the remaining revisions to the BLET material.

### **Patrol Techniques**

Ms. Fisher further proposed that the current hours for Patrol Techniques be increased from 26 hours to 28 hours. This is to ensure that there is adequate time to cover the content within the lesson plan as well as conduct the practical exercises. If the Committee agreed with the reduction in hours for Juvenile Law and Procedures, then this request would not require an overall increase in hours for BLET.

Commissioner Steve Johnson inquired as to whether or not the Patrol Techniques curriculum committee had made this recommendation. Ms. Fisher stated that they had not. Commissioner Johnson stated that he thought each lesson plan within BLET had a curriculum committee to review the lesson plan before it was brought before the BLET Revision Committee. His concern is that the Revision Committee was making the decision as to where the hours were or were not needed. Ms. Fisher stated that during the last revision cycle, a good bit of information was added to the Patrol Techniques block of instruction based upon instructor feedback. Commissioner Pendergraft inquired as to whether or not feedback had been received from more than one instructor that there was a need for the increase in hours? Ms. Fisher stated that several members on the BLET Revision Committee, who teach this block of instruction, stated that the additional hours would be appreciated. Wayne Ayers stated that he had also taught the block and the additional hours would be used.

Commissioner Steve Johnson stated that his concern was with the process. He stated that at one time there was a revision committee for each lesson plan that would review the material and take their recommendations to the BLET Revision Committee for action. If a process is being eliminated are other curriculum committees really needed. Ms. Fisher stated that at the time she became the BLET Revision Committee Chair, she was only aware of curriculum committees for the specialized courses. Julia Lohman, Director, Sheriffs' Standards Division, stated that she recalled curriculum committees were established as a result of the task analysis and once BLET had been totally revised, the committees were dissolved.

Prior to proposing rule-making hearing, members discussed the best way to get the new material out into the field. Deputy Director Pam Pope stated that if the Committee was concerned over the hours and testing, she recommended pilot authority for a short period of time. Commissioner Steve Johnson inquired as to whether pilot authority would affect the test. Ms. Pope stated that it would have to be addressed. Commissioner Pendergraft recommended that the Committee proceed as normal and obtain feedback from the School Directors to determine whether or not adjustments are needed.

Commissioner Robin Pendergraft proposed a **motion** that the Commission authorize the Planning and Standards Committee to conduct a rule-making hearing to revise 12 NCAC 09B.0205 (b) (1) (D) Juvenile Laws and Procedures from 10 hours to 8 hours with a **second** from Commissioner Ruth. **Motion carried.**

Commissioner Robin Pendergraft proposed a **motion** that the Commission authorize the Planning and Standards Committee to conduct a rule-making hearing to revise 12 NCAC 09B.0205 (b) (1) (F) Patrol Techniques from 26 hours to 28 hours with a **second** from Commissioner Hollingsed. **Motion carried.**

## **SCHOOL ACCREDITATION COMMITTEE**

On behalf of the School Accreditation Subcommittee, Commissioner Tracy McPherson, reported that the NC Wildlife Resources Commission (BLET) had met the standards for school reaccreditation. She also reported that Randolph Community College, Asheboro, NC (General Instructor Training) had met the standards for school accreditation.

Commissioner McPherson proposed a **motion** that pursuant to 12 NCAC 09B.0200 and 12 NCAC 09C.041, that the NC Wildlife Resources Commission be accredited for a period of 5 years for the delivery of the Commission accredited course (BLET) with a **second** from Commissioner Hollingsed. **Motion carried.**

Commissioner McPherson further proposed a **motion** that pursuant to 12 NCAC 09B.0200 and 12 NCAC 09C.041, that Randolph Community College, Asheboro, NC, be accredited for a period of 5 years for the delivery of the Commission accredited course (General Instructor Training) with a **second** from Commissioner Hollingsed. **Motion carried.**

## **DEPARTMENT OF PUBLIC SAFETY – Corrections Specialized Instructor Training - Firearms**

Mr. Jesse Swartz, Office of Staff Development and Training (North Carolina Department of Public Safety), appeared before the Committee to present and review the major revisions made to the firearms lesson plan. Objectives within each block have either been deleted or revised. Mr. Swartz also requested that until the Administrative Code is revised to coincide with these changes that they are allowed to remain in pilot status until the Code is amended. He further stated that the Department is satisfied with the curriculum that they have in place but due to the amount of revisions, they requested to continue to deliver the revised firearms instructor program until 12 NCAC 09G.0415 has been amended.

Commissioner Steve Johnson proposed a **motion** to accept the revised curriculum as presented and that pilot authority be granted for a period of one year with a **second** from Commissioner Pendergraft. **Motion carried.**

## **DEPARTMENT OF PUBLIC SAFETY – Corrections Specialized Instructor Training – Controls, Restraints, and Defensive Techniques**

Mr. Swartz also presented and reviewed the major revisions made to the Corrections Specialized Instructor Training – Controls, Restraints, and Defensive Techniques curricula. Having reviewed each lesson plan, Mr. Swartz requested pilot authority for a period of one year.

Commissioner Robin Pendergraft proposed a **motion** to accept the curricula as presented and that pilot authority be granted for a period of one year with a **second** from Commissioner Steve Johnson. **Motion carried.**

## **DEPARTMENT OF PUBLIC SAFETY – Juvenile Justice Specialized Instructor Training – Restraints, Controls, and Defensive Techniques**

Mr. Swartz concluded by presenting the revised Juvenile Justice Specialized Instructor Training – Restraints, Controls, and Defensive Techniques curricula and requesting that it be approved for pilot authority for a period of one year. This program was previously administered by the Department of Juvenile Justice and Delinquency Prevention. Since the consolidation of the Department of Public Safety, it was discovered that this curricula had been in pilot status for a period of 10 years.

Commissioner Hollingsed proposed a **motion** to accept the curricula as presented and to approve pilot authority for a period of one year with a **second** from Commissioner Pendergraft. **Motion carried.**

### **SMI ADVISORY COMMITTEE**

Dan Worley, (North Carolina Justice Academy), Chair of the Speed Measurement Instrument Advisory Committee, appeared before the Committee to present and review revisions to the SMI Instrument Operator and Instructor Manuals. The effective date for these revisions would be August 1, 2013. Mr. Worley stated that the revisions were to update technical information, add legal opinions and directions to recent court findings to and include a current handout of the RADAR Reliability Act. He also stated that the Time-Distance revisions would affect the state exam and that he has discussed these with the Criminal Justice Standards Division.

Commissioner Robin Pendergraft inquired as to whom wrote the new language within the Legal and Operational Considerations block of instruction. Mr. Worley stated that he had initially written the material which was reviewed and revised by Erica Garner, DOJ Associate Attorney General.

Commissioner Robin Pendergraft proposed a **motion** to accept the revisions as presented with a **second** from Commissioner Hollingsed. **Motion carried.**

### **SUPPLEMENT FOR SPEED MEASURING INSTRUMENT TRAINING**

On behalf of the SMI Advisory Committee, Tim Pressley, Criminal Justice Education Training and Standards Division, reported that five months of field and bench testing of new instruments seeking approval for use in North Carolina had been completed. The SMI Advisory Committee determined that four (4) of the new instruments met all of the performance and safety regulations; therefore, the SMI Advisory Committee requested that those four instruments be added for use in Appendix A (Approved for Use List) and Appendix C (Daily Tests for Accuracy). Those instruments were:

Stalker Dual E – Applied Concepts, Inc.  
Genesis Handheld Directions (GHD) – Decatur Electronics, Inc.  
Scout – Decatur Electronics, Inc.  
Ranger EZ – MPH Industries Inc.

Additionally, the SMI Advisory Committee requested the removal of Appendix D (SMI Forms) from the supplement for SMI Training. The need to print the forms and supply them with each supplement is no longer advantageous. All of these forms are currently listed on the Division's webpage.

Commissioner Hollingsed proposed a **motion** to accept the addition of the four instruments to Appendix A and Appendix C of the Supplement for Speed Measuring Instrument Courses **and** the removal of Appendix D from the Supplement with a **second** from Commissioner Sparrow. **Motion carried.**

### **BLET REVISION COMMITTEE**

On behalf of the BLET Revision Committee, Jennifer Fisher, reviewed the proposed revisions to the following BLET topical areas:

- ABC Law and Procedures (BLET: 16L): various revisions and content added on lottery laws
- Anti-Terrorism (BLET: 34H): content and video on sovereign citizens
- Civil Process (BLET: 33P): various revisions and content, updated handout
- Controlled Substances (BLET: 22O) – various content revisions

- Dealing with Victims and the Public (BLET: 13N): training objective change, autism video updated
- Juvenile Law and Procedures (BLET: 110): training objective changes and content updates
- Motor Vehicle Law (BLET: 17S): training objectives changes and content updates

In addition, the BLET Revision Committee requested that the current videos in the "Motor Vehicle Law" (BLET: 17S) be removed until such time they can be reproduced with the current lesson materials. This lesson plan was updated by Ike Avery.

The BLET Revision Committee also requested that one of the videos in the "Interviews: Field and In-Custody" (BLET: 09C) be removed until such time it can be reproduced. The current video is old and inaudible in many sections.

Each of these blocks of instruction will be included in the July 2013 revisions.

Commissioner Ruth suggested that additional information be added to the Anti-Terrorism block of instruction on page 20, relating to the presence of Hezbollah in North Carolina (Operation Smokescreen). This would be done during the next revision cycle.

Commissioner Hollingsed proposed a **motion** that the revisions be accepted as presented with a **second** from Commissioner Pendergraft. **Motion carried.**

Ms. Fisher concluded by reviewing minor revisions made to lesson plans throughout the BLET curricula.

Commissioner Wrenn Johnson reminded the Committee members that the revisions presented and approved for the BLET curricula will be released, effective July 1, 2013; although the change in hours will not yet be reflected in the Administrative Code. Ms. Fisher stated that the lesson plans would remain at their current hours, until the revision with the Code has taken place.

### **STUDENT'S NOTIFICATION OF TEST SCORES**

Pam Pope, Deputy Director, Criminal Justice Education Training and Standards Division, presented information to the Committee on the process that is currently being utilized by students to obtain their State Exam test scores. She stated that each test booklet would have an assigned number; the student would use that corresponding number to see what they had made on the exam. The student would need to visit the Division's website page to determine whether or not they have passed or failed the exam. If a student fails the test but is eligible to retest, then they will see Fail\*. She stated that they continue to work on this process but so far this option has worked.