

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

EDUCATION AND TRAINING COMMITTEE

November 21, 2013

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
- *Lee Farnsworth, NC Law Enforcement Officers' Association
- *Johnny Hawkins, Appointment by the General Assembly – Correctional Officer – Senate Pro Tem
- *Corporal Melissa Hinnant, NC Law Enforcement Women's 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
- *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

Tyrone Brown, NC Department of Public Safety – OSDT
Chief Warrant Officer 5 Rick Comer, NC National Guard
Jon Hearn, NC National Guard
Susan Johnson, NC Department of Public Safety – OSDT
Major General Greg Lusk, NC National Guard
Chris Raynor, NC Community College System
Joyce Ruth, Wife of Commissioner Dr. Bob Ruth
Tamara Williams, Central Piedmont Community College

Staff

Wayne Ayers, NC Justice Academy
Steven G. Combs, SBI (Newly Appointed Criminal Justice Standards Division Director)
Bill DuBois, NC Justice Academy
Gary Dudley, NC Justice Academy
Jennifer Fisher, NC Justice Academy
Malia Hollingsworth, NC Justice Academy
Stacy Holloman, NC Justice Academy
Julia Lohman, NC Sheriffs' Standards Division
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 Steve Johnson proposed a **motion** to accept the minutes of the August 22, 2013, meeting with a **second** from Commissioner Robin Pendergraft. **Motion carried.**

ELECTION OF VICE- CHAIR

Chairperson Wrenn Johnson opened the floor for vice chair nominations. Commissioner Lee Farnsworth nominated Commissioner Robin Pendergraft with a second from Commissioner Steve Johnson. With no other nominations, Chairperson Johnson closed the nominations and called for a vote. Commissioner Pendergraft was elected as Vice-Chair of the Education and Training Standards Committee.

ADMINISTRATIVE CODE – PROPOSED RULE REVISION: 12 NCAC 09C.0308(D) SPEED MEASUREMENT INSTRUCTOR (SMI) OPERATORS CERTIFICATION PROGRAM

On behalf of the Criminal Justice Standards Division, Tim Pressley presented a request to either remove or amend the above mentioned rule concerning the notification of speed Measurement Operators. Mr. Pressley informed the committee that some issues had occurred with speed measurement instruments being used improperly. As a result, the rule was reviewed which currently states that “certified operators shall be notified by the Commission not less than 90 days prior to expiration of certification.” Mr. Pressley informed the committee that notifications had not been issued since 2008. Whether it was due to being short-staffed or issues with the database, Mr. Pressley was unable to confirm the reason for this oversight. He continued to state that two incidents had arisen. One officer was found to be operating a Radar unit without being certified to do and one officer was found to be operating an instrument even though his certification had expired over a year ago. Mr. Pressley presented two options for revising the rule: Option one would remove the Commission’s responsibility for notifying operators **or** Option two would make the individual responsible for being aware of when their certification expires **or** Option three would place the responsibility on the Agency Head.

Commissioner Pendergraft stated that she felt there were two issues: What is the Commission’s obligation since there is a state statute that ties into this administrative code, as well as the fact that the Commission has a rule in place that has not been repealed nor has been voted on by the Commission but has been ignored. If the Commission is holding officers and instructors accountable for following the rules, then the Commission also has to follow the rules. She expressed her concern for something that was stopped, whatever the reasons, and that the steps were not taken to change the rules.

Chairperson Wrenn Johnson inquired as to why something needed to be changed if there is nothing to show why it was stopped in the first place.

Commissioner Steve Johnson proposed that previous meeting minutes be reviewed for any previous action that might have taken place. It might be possible that action was taken but the rule was never revised. Mr. Pressley stated that the Commission staff had not had a chance to do this as the issue had recently been brought to their attention. Commissioner Steve Johnson believes this should be done before any rule is revised. He also stated that until the rule is revised, individuals need to be made aware of their expiration dates and it needs to be as soon as possible.

Commissioner Bob Ruth inquired as to the legal obligation to those who received tickets written by an uncertified officer. Commissioners felt that was the officer’s agency’s responsibility to notify those individuals as well as the District Attorney. Commissioner Pendergraft stated that years ago officers operating Radar without proper certification resulted in the Agency Head being called before Probable Cause. The Agency Head ultimately lost their law enforcement certification.

Commissioner Steve Johnson inquired as to whether or not the current database would allow the staff to retrieve valid certifications by agency name. Mr. Pressley stated that it would. He stated that officers certified through November 1, 2013, would have exactly one year to successfully complete a renewal course to maintain their certification. The officer would not be allowed to operate any Radar unit until the

renewal course had been successfully completed. Commissioner Steve Johnson stated that he felt this information should be sent to the agencies. Commissioner Bill Hollingsed stated that as an agency head he felt this information would be very helpful.

Commissioner Steve Johnson **proposed** a motion that Staff research the database for currently certified operators and that agency heads receive a list reflecting their department's certified operators for them to compare with their own records to ensure that there aren't any officers operating radar units unless they are currently certified and that instructors be notified of their certification's expiration date as outlined in the rule immediately with a **second** from Commissioner Ruth. **Motion carried.**

Commissioner Lee Farnsworth felt this issue needed to be forwarded to the Executive Committee as he believed that staff needs to address the reason as to why notifications were stopped, when they were stopped and why it has remained in place for six years. Chairperson Wrenn Johnson stated that she would bring it before the Executive Committee.

The request as initially presented by Mr. Pressley was tabled until further notice.

2015 LAW ENFORCEMENT IN-SERVICE TOPICS

On behalf of the Joint In-service Training Committee, Mr. Bill DuBois, NC Justice Academy, reported that the 2014 in-service materials were now available. He reported that instructor updates are filling up quickly with 35 – 44 students in each course offering. He further reported that the JMST Advisory Committee and the Joint In-service Training Committee had met, reviewed and approved the proposed 2015 Law Enforcement In-service Topics.

After reviewing the proposed topics and hours, Commissioner Robin Pendergraft **proposed** a motion to authorize the Planning and Standards Committee to conduct a rule-making hearing to amend 12 NCAC 09E.0102 and all other related rules to reflect the following required in-service training topics and hours for 2015 mandated in-service training with a **second** from Commissioner Lee Farnsworth. **Motion carried.**

2015 Firearms Training and Qualification	6 credits
2015 Legal Update.....	4 credits
2015 JMST: A Juvenile – What does it have to do with me?	2 credits
2015 Domestic Violence: Teen Date Violence`	2 credits
2015 Department Topics of Choice	10 credits

The NC Justice Academy will develop 26 hours of training with 14 credits of mandated training and 12 credits of agency topic of choice. The minimum number of law enforcement training credits required by the Commission will remain at 24 credits.

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 5 years in accordance with 12 NCAC 09B.0200 and 12 NCAC 09C.041 for the delivery of the Commission regulated training:

- Renewal – Catawba Valley Community College, Hickory, NC – BLET and SMI
- Renewal – Isothermal Community College, Spindale, NC – BLET
- Renewal – Mitchell Community College, Statesville, NC – BLET and SMI
- Renewal – Southeastern Community College, Whiteville, NC – BLET and SMI
- Renewal – Greensboro Police Department, Greensboro, NC – BLET
- Renewal – Kill Devil Hills Police Department, Kill Devil Hills, NC – SMI

with a **second** from Commissioner Ruth. **Motion carried.**

NC DEPARTMENT OF PUBLIC SAFETY, OFFICE OF STAFF DEVELOPMENT AND TRAINING: BASIC TRAINING FOR CORRECTIONAL OFFICERS

On behalf of the NC Department of Public Safety, Office of Staff Development and Training, Mr. Tyrone Brown appeared before the committee to present the 2014 revisions for the Basic Training for Correctional Officers lesson plans. Mr. Brown stated that a review of the 160-hour curriculum had been made to ensure that consistency existed throughout the lesson plans. Commissioner Lee Farnsworth **proposed** a motion to accept the revisions as presented with a **second** from Commissioner Gwen Norville. **Motion carried.**

BLET REVISION COMMITTEE

On behalf of the BLET Revision Committee, Jennifer Fisher, NC Justice Academy, appeared before the committee to request approval of BLET curriculum revisions to be implemented in January 2014. The revisions presented were as follows:

- **Dealing with Victims and the Public (BLET 130)** – After legal review, two objective revisions were made and two new videos were added to include Alzheimer’s disease and responding to sexual assault victims.
- **Interviews: Field and In-Custody (BLET 09D)** – This lesson plan included minor revisions with one objective revision.
- **Motor Vehicle Law (BLET 17T)** – This lesson plan included minor revisions, one handout was revised and seven new videos were added.
- **Techniques of Traffic Law Enforcement (BLET 230)** – This lesson plan included minor revisions, one new training objective (Identify and describe the four categories of visual cues from NHTSA D.W.I. detection guide for stopping a vehicle as well as at least two post stop cues.) as well as adding Horizontal Gaze Nystagmus (HGN) to an objective was added as well as a new handout. Ms. Fisher stated that these changes were the recommendations of Isaac T. Avery (Retired).

Commissioner Pendergraft inquired as to whether or not the horizontal gaze nystagmus (HGN) was not already taught in another course or was it being added here to ensure that the student received the information. Ms. Fisher stated that the information was partially covered in the Standardized Field Sobriety Training (24 hour block of instruction) typically taught by a certified SFST instructor. It is a recommendation in the Instructor Notes that a certified SFST instructor teaches that particular segment of that block of instruction. Commissioner Pendergraft inquired as to whether or not this would be a duplication of the material taught in the SFST course. Ms. Fisher stated that it could be a duplication of information if the student also took the Standardized Field Sobriety Training. Commissioner Steve Johnson stated that he had a concern with giving a little bit of information versus information taught over three days. Commissioners further expressed their concern with providing this information to officers who might not follow-up with additional training. Commissioner Pendergraft had no concern with providing “awareness” training and encouraging the student to take the three-day training but she was not in favor of providing all the detailed information being presented.

Ms. Fisher inquired as to whether or not the committee would accept including only the paragraph which covered a brief synopsis of horizontal gaze nystagmus and no other instructional information. Commissioner Robin Pendergraft **proposed** a motion that the revisions be accepted as presented with the exception that the instructional stage information relating to horizontal gaze nystagmus (HGN) within the Techniques of Traffic Law Enforcement be removed and that only the brief synopsis of horizontal gaze nystagmus remain as presented with a **second** from Commissioner Steve Johnson. **Motion carried.**

Ms. Fisher concluded her report by briefing the committee on the minor revisions made to lesson plans throughout the BLET curricula. These minor revisions will also be implemented in January 2014:

- Anti-Terrorism (BLET: 34J)
- Civil Process (BLET:33Q)
- Communication Skills for Law Enforcement Officer (BLET: 06G)
- Controlled Substances (BLET: 22P)
- Criminal Investigations (BLET: 150)
- Explosives and Hazardous Materials Emergencies (BLET: 26P)
- Fingerprinting and Photographing Arrestees (BLET: 12M)
- Human Trafficking (BLET: 36C)
- Sheriff's Responsibilities: Court Duties (BLET: 32G)
- Sheriff's Responsibilities: Detention Duties (BLET: 31F)
- Subject Control/Arrest Techniques (BLET 10R)

NORTH CAROLINA CHIEFS OF POLICE ASSOCIATION – 2014 IN-SERVICE TRAINING CREDIT AND PILOT AUTHORITY

On behalf of the NC Chiefs of Police Association, Commissioner Tim Ledford requested in-service pilot authority for the 2014 Winter Conference in Cherokee, NC. Two two-hour blocks of instruction will be presented. *"Spaceflight: Teamwork, Leadership, and Challenges to a Successful Mission,"* to be delivered by Dr. James Reilly and *"Leadership/Cyber-Crime"* to be delivered by Richard McFeely.

Commissioner Lee Farnsworth **proposed** a motion to grant pilot authority to the NC Association of Chiefs of Police Winter Conference for two (2) two-hour blocks of instruction, *Spaceflight: Teamwork, Leadership, and Challenges to a Successful Mission* to be conducted by Dr. James Reilly and *Leadership/Cyber-Crime* to be conducted by Richard McFeely, that will count as department topics of choice for the 2014 in-service training requirement with a **second** from Commissioner Pendergraft.

Motion carried.

2013 CONCEALED CARRY HANDGUN INSTRUCTOR UPDATES

Deputy Director Wayne Ayers, NC Justice Academy, reported that four (4) Concealed Carry Handgun Instructor Updates had been delivered. A total of 509 instructors have received this training as of this date. He further stated that the final update would be offered on December 11, 2013, in Manteo, NC. Although the course was not mandated by the Commission, the responses received from these course offerings have been positive.

He also recognized the work that Bill DuBois and Jennifer Fisher, along with others, had done with BLET and In-service Training.

NORTH CAROLINA DEPARTMENT OF PUBLIC SAFETY & NC NATIONAL GUARD – CERTIFICATION FOR MILITARY POLICE

Major General Gregory Lusk, Adjutant General, NC National Guard, appeared before the committee to present a comparison of the BLET curriculum to the Basic Military Police Course and to discuss a viable way where a military officer might move forward into a law enforcement career. Mr. Stan Moore, BLET School Director – Central Piedmont Community College, provided background information as to how personnel from the National Guard and Central Piedmont Community College began gathering the information presented to the Committee. He reported that meetings were conducted with soldiers, law enforcement agencies and agency heads to discuss the feasibility and need of an accelerated BLET program to assist Military Police in becoming certified NC law enforcement officers. Members of the committee reviewed an assessment of comparability between the current BLET Program (620 hours) and the Military Police Training Program (633 hours). An "accelerated pathway" would include: all BLET entrance/admissions requirements; a pre-BLET bridge course offered to MS's currently serving in a unit within the NC National Guard or Army Reserves; a 317 hour equivalency of training component; a 303 hour credit by exam component; and successful completion of the BLET final exam and successful demonstration of fitness in the POPAT. It is anticipated that this Military Police-BLET pathway could be completed in eight weeks vs. the current 16 weeks of training.

After considerable discussion, committee members felt this proposal needs to be moved forward and that an advisory committee be formed, staff review and evaluation continue and that legal counsel be included to provide feedback as to what the committee can and can't do. There's a lot of work to be done and a lot to consider. Commissioner Robin Pendergraft **proposed** a motion that this matter is discussed with the Executive Committee and that individuals be designated to serve on an Advisory Committee to include legal counsel, Criminal Justice Standards staff and the Community College staff with a **second** from Commissioner Steve Johnson. **Motion carried.**

IN-SERVICE DEPARTMENT TOPICS OF CHOICE

Tim Pressley asked for clarification on allowing agencies to utilize excess required in-service credits toward department topics of choice. The committee agreed that if an officer received training in excess of the required credits, then those credits would count towards the department topics of choice. A different lesson plan, test and roster would not be required.

NC CRIMINAL JUSTICE STANDARDS DIVISION DIRECTOR

Mr. Steve Combs was recognized and introduced as the new Director of the Criminal Justice Standards Division. Mr. Combs currently works with the State Bureau of Investigation. He will begin his new duties effective December 1, 2013.

RETIREMENT

In honor of her faithful years of service, Malia Hollingsworth was recognized for her support to the Education and Training Committee. She will retire from state service December 1, 2013.