

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

February 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
- *Lee Farnsworth, NC Law Enforcement Officers' Association
- *Johnny Hawkins, Appointment by the General Assembly – Correctional Officer – Senate Pro Tem.
- *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

Julia Lohman, Sheriffs' Standards Division
Chief Chris Blue, Chapel Hill Police Department
Joyce Ruth
Alex Thompson, Fayetteville Police Department

Staff

Wayne Ayers, NC Justice Academy
John Combs, NC Justice Academy
Bill DuBois, NC Justice Academy
Jennifer Fisher, NC Justice Academy
Malia Hollingsworth, NC Justice Academy
Stacy Holloman, NC Justice Academy
Kristi Jernigan, NC Justice Academy
Tim Pressley, Criminal Justice Standards Division
Mark Strickland, 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

The November 17, 2011, meeting minutes were approved on the **motion** of Commissioner Farnsworth with a **second** from Commissioner 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 Bob

Ruth. 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.

SCHOOL ACCREDITATION COMMITTEE

On behalf of the School Accreditation Subcommittee, Commissioner Jones reported that Rowan-Cabarrus Community College, Salisbury, NC, and Surry Community College, Dobson, NC, had met the standards for school reaccreditation. Commissioner Jones proposed a **motion** that pursuant to 12 NCAC 09B.0200 and 12 NCAC 09C.0401, that Rowan-Cabarrus Community College, Salisbury, NC, and Surry Community College, Dobson, NC, be reaccredited for a period of 5 years for the delivery of Commission accredited courses with a **second** from Commissioner Pendergraft. **Motion carried.**

NC POLICE EXECUTIVES ASSOCIATION

On behalf of the NC Police Executives Association, Chief Chris Blue, Chapel Hill Police Department, appeared before the Committee to request pilot authority for four hours of agency choice in-service credit. The NC Police Executives Association will sponsor "Leading for a Change: Five Enemies of an Effective Leader and the Fatal Errors made by Managers" taught by Dr. James T. Reese on March 15 during their spring training in Statesville, NC. The class is being offered without a commission-certified instructor and without an ISD format lesson plan. Commissioner Lee Farnsworth proposed a **motion** that pilot authority be granted to the NC Police Executives Association for the purpose of awarding four hours of mandatory in-service training towards their departmental topic of choice with a **second** from Commissioner Bob Ruth. **Motion carried.**

Commissioner Terry Jones commented that the instructional materials provided were good and that the training appeared to be worthwhile. He also stated that the Police Executives Association seems to provide the same level of training each time they come before the Education and Training Committee.

JOINT IN-SERVICE TRAINING SUBCOMMITTEE

On behalf of the Joint In-service Training Subcommittee, Jennifer Fisher, NC Justice Academy, presented the proposed 2013 in-service training objectives.

Commissioner Robin Pendergraft proposed a **motion** that the 2013 in-service training objectives be approved as presented with a **second** from Commissioner Terry Jones. **Motion carried.**

SPECIALIZED PHYSICAL FITNESS INSTRUCTOR COURSE

On behalf of the Specialized Physical Fitness Instructor Training Revision Committee, John Combs, NC Justice Academy, requested that the Age and Gender Adjusted Norms 60th percentile prequalification standard that is currently used in the Specialized Subject Control & Arrest Techniques Instructor Course, for instructor candidates, be applied to the Specialized Physical Fitness Instructor Course. Currently a PT Assessment is conducted on the physical fitness instructors; however they are only required to pass the POPAT in 7:20 or less, 1.5 mile run in 13:53 or less and 35 sit-ups in one minute. The revision committee would like to apply the more comprehensive subject control standard as related to the age/gender norms to the Specialized Physical Fitness Instructor qualification as well.

In addition, Mr. Combs stated that a new Food Guide, entitled "My Plate" had been approved by the U.S. Department of Agriculture in June 2011. This information is consistent with the 2010 Dietary Guidelines for Americans and therefore, necessitates the revision of the Nutrition Awareness lesson plan within the Specialized Physical Fitness Instructor Training Course. Mr.

Combs requested that the committee approve the recommended changes to the lesson plan as presented. This revision will support the training objectives and is relevant to the current industry standards in this topical area.

Commissioner Steve Johnson inquired as to what was involved during the physical assessment. Mr. Combs stated that in addition to a physical activity questionnaire, students need to complete six testing phases recommended by Cooper's Institute for Law Enforcement Physical Fitness Testing: vertical jump, 1 repetition maximum bench press, 1 minute sit-up test, 300 meter run, 1 minute push-up test and 1.5 mile run. Scores are based on their age/gender and they have to be at the 60th percentile overall of the six phases to remain in class. An average of all six phases is taken to determine where the student scores. Sixtieth percentile is basically the bottom of the good category. It's possible that a student might be weak in one area but strong in another and still pass the assessment.

Commissioner Steve Johnson proposed a **motion** that the 60th percentile average based on the Age and Gender Adjusted Norms as applied in the Subject Control and Arrest Techniques Instructor Course be applied in the Specialized Physical Fitness Instructor Training Course and that the revisions proposed for the Nutrition Awareness lesson plan to include the new food guide material, "My Plate", be accepted with a **second** from Commissioner Pendergraft. **Motion carried.**

NC ASSOCIATION OF CHIEFS OF POLICE – 2012 WINTER CONFERENCE UPDATE

Mark Strickland, Director, NC Justice Academy, reported that the winter conference of the NC Association of Chiefs of Police was held January 22-25, 2012, in Cherokee, NC. He reported that 73 conference attendees completed the four-hour pilot block of instruction on "Resiliency" which was approved by the Education and Training Committee as a 2012 in-service topic at the request of the Association in November 2011.

BLET REVISION COMMITTEE UPDATE

On behalf of the BLET Revision Committee, Jennifer Fisher reported that the committee had met on January 20, 2012. She informed the Education and Training Committee members of the following minor revisions:

- *Physical Fitness Training (BLET: 02N)* – The instructor notes pages have been updated.
- *Field Notetaking and Report Writing (BLET: 08G)* – The video titled, "Surviving Report Writing," has been removed. The producer is no longer in business.
- *Motor Vehicle Law (BLET: 17R)* – The content regarding G.S. 20-141.5 speeding to elude arrest was updated in the lesson plan. The AOC handouts were also updated.
- *Controlled Substances (BLET: 22N)* – New information has been added to the lesson plan that discusses substance abuse, addiction, and treatment. In addition, several controlled substances have also been added to the lesson plan. Lastly, a new handout regarding various controlled substances and their signs/symptoms has been added.
- *Sheriff's Responsibilities: Detention Duties (BLET: 31E)* – New information has been added to the lesson plan regarding the new community and intermediate corrections conditions, known as the "Quick Dip" program.
- *Human Trafficking (BLET: 36A)* – The "North Carolina Coalition Against Human Trafficking" handout has been updated along with the lesson plan content to reflect the new title of the coalition.

Ms. Fisher also informed the committee that the Firearms block of instruction will be distributed in July 2012. Content has been added to this block of instruction about the dynamic stance.

Ms. Fisher stated that school directors have received the updated lesson plans and PowerPoint slides. She also stated that the BLET webpage contains the lesson plans and handout materials as well.

Concealed Carry Handgun Instructor Legal Update

Wayne Ayers, Deputy Director of Training, North Carolina Justice Academy, reported that the Academy has delivered six instructor Legal Updates from October 2011 – January 2012, as requested by the Committee during the August 2011 meeting. As of January 2012, 712 CCH instructors have attended the training. The Academy will deliver two additional courses in March 2012 with 250 seats available.

Commissioner Jones inquired as to how many concealed carry handgun instructors could have attended the training. Commissioner Steve Johnson stated that there are approximately 1,200 CCH instructors. Individuals are not required to attend the updates; therefore, they will not lose their certification if they do not attend.

In-Service Firearms Training Manual

Commissioner Steve Johnson reported that additional language and revisions relating to duty equipment in the In-Service Firearms Training Manual has been reviewed and approved by Special Deputy Attorney General John Aldridge. He stated that publication should occur in March. The following revision was presented for better clarifying “duty equipment.”

Duty Equipment: In-service re-qualification must be completed using that duty equipment utilized by the officer on a daily or regular basis. Items or devices not worn or utilized on a daily or regular basis which are used to enhance or aid in the presentation, firing, or accuracy of the weapon when re-qualifying are prohibited.

Examples of items that **may** be used:

1. Knee pads
2. Orthotics or similar devices ordered by a physician
3. Safety glasses
4. Hearing protection

Examples of items that **may not** be used:

1. Tactical or thigh holsters not used on a regular or daily basis
2. Eye patches designed to aid in overcoming eye dominance when not used on a daily basis
3. Fingerless gloves when not used on a daily basis
4. “Holographic sights” or similar sighting devices not used on a regular/daily basis

Commissioner Steve Johnson further reported that additional changes in the manual will address questions relating to lateral transfers, recent BLET graduates, and changes in the language concerning retired versus separated officers as defined in SB.1132. He also reported that additional language will be added to the manual which provides guidance to Firearms Instructors who will be signing F-9As (qualified assistant, school director, agency head or in-service coordinator) for individuals who have completed the classroom portion of firearms training on-line.

Commissioner Johnson further stated that some agencies are placing the Academy's in-service firearms lesson plan on-line along with their departmental rules and regulations (policies). This scenario raised several questions as to who should sign the F-9A.

Commissioner Johnson further stated that firearm instructors are taught what the rules are within the Administrative Code and what the repercussions are if they do not follow the rules of the Administrative Code. Guidance on who can sign the F-9A and what documentation is needed should be provided for the training completed on-line. Commissioner Pendergraft agreed that something is needed.

Commissioner Johnson recommended that narration be placed in the In-service Firearms Training Manual, which specifically deals with on-line training and signatures; i.e., documentation which needs to be seen prior to the individual signing the F-9A.

On-line In-Service Training Q&A

Commissioner Steve Johnson reported that he had been contacted by the Criminal Justice Education & Training Staff regarding recent questions from the field relating to On-line In-service Training. Several questions have been raised and answered. This Q & A will be utilized by staff as needed. This information was reviewed.

1. **Question:** Will the On-Line In-service Training Instructor receive credit for "instruction" for renewal of their General and/or Specific Instructor Certification?

Answer: No. Instructors need to be evaluated on "platform skills." Instructors conducting traditional classroom training will receive credit towards renewal.

2. **Question:** Is the instructor conducting on-line in-service training required to take a test under the provisions effective January 1, 2013?

Answer: Yes, as will instructors conducting traditional classroom instruction.

3. **Question:** Should the instructors conducting on-line in-service training take the test prior to conducting the course?

Answer: The instructor conducting on-line in-service training must complete the test prior to conducting the training. Instructors conducting traditional classroom training should take the test prior to conducting the training.

Members discussed the "answer" to this question. Commissioner Steve Johnson felt that if the instructor conducting on-line in-service training completes the test prior to conducting the training, then they are able to check if the system is working correctly, i.e., grading is being done accurately, questions are being displayed correctly, etc.

An example was given to support "Instructors conducting traditional classroom training should take the test prior to conducting the training." If an instructor becomes sick and another instructor is asked to conduct the training "at the last minute," then that individual might not have time to do anything other than retrieve his teaching materials and start class. Should a class be cancelled or delayed until the instructor takes the test and let someone else grade it or should the instructor (because he is a general instructor) be allowed to begin class?

Committee members discussed this issue and felt that it should be the same for on-line training as well as the traditional classroom. Therefore, the "answer" will be revised to read "The instructor conducting on-line in-service training must complete the test prior to conducting the training. Instructors conducting traditional classroom training must take the test prior to conducting the training."

4. **Question:** If the on-line in-service training instructor must take the test prior to conducting the class, who grades the test?

Answer: The test should be graded by the Agency Head, In-service Training Coordinator, School Director, or Qualified Assistant. The same should be done for the instructor conducting traditional classroom training.

5. **Question:** Does the instructor conducting on-line in-service training need to complete the course to receive credit towards their own in-service training requirement?

Answer: Yes. When conducting the on-line in-service training, the instructor must complete both the course and the test. An instructor conducting the traditional classroom training would receive credit for the course as long as their name appears on the roster and they successfully complete the required test.

Commissioner McPherson asked for clarification on the term “roster.” After some discussion, members felt it should read “An instructor conducting the traditional classroom training would receive credit for the course as long as their name appears on the agency roster or the community college roster and they successfully complete the required test.”

NEW BUSINESS

Specialized Instructor Training Courses and CPR Certification:

Commissioner Steve Johnson stated that students applying to attend a “specialized” instructor course are required to be CPR certified. He proposed that the Administrative Code be revised to remove the requirement that students be CPR certified prior to attending any specialized instructor training course. He agrees that once the student has taken the course and passed, that they should have their CPR certification prior to being certified as a specialized instructor.

Commissioner Robin Pendergraft inquired as to why the requirement was initially made. Commissioner Jones requested that research be conducted as to the justification for requiring that students be CPR certified prior to taking the class. After additional discussion, it was suggested that the history associated with this rule be reviewed and brought before the committee at the May meeting. Commissioner Pendergraft recommended that language be drafted to delete the requirement of being CPR certified prior to attending the specialized courses from the rules.

Commissioner Steve Johnson proposed a **motion** that the Commission authorize the Planning and Standards Committee to conduct a rule-making hearing to revise the following rules to remove the requirement that students be CPR certified prior to attending any specialized instructor course:

12 NCAC 09B.0227(c)(5) – Specialized Driver Instructor Training

12 NCAC 09B.0226(c)(3) – Specialized Firearms Instructor Training

12 NCAC 09B.0232(c)(4) – Specialized Subject Control Arrest Techniques Instructor Training

12 NCA 09B.0233(c)(4) – Specialized Physical Fitness Instructor Training

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

Pilot Authority – Chiefs Choice:

Committee members discussed how to better manage approving pilot authority for in-service Chiefs Choice Topics. Recommendations presented were to eliminate, from the Administrative Code, the requirement that an instructor be NC certified, and that lesson plans have to be prepared in the ISD format. It was also suggested that a standing committee review the lesson plans and instructor bio for approval and then forward those recommendations to the Education and Training Committee. The focus should be as much on the training materials as it is on the instructor.

Commissioner Terry Jones commented that these issues have been discussed but the Joint In-service Training Subcommittee wanted to leave the requirements as they were. Commissioner Wrenn Johnson agreed that there is an issue with the current requirements. Commissioner Pendergraft believes that it is a complicated issue but needs to be addressed by a committee other than the Education and Training Committee.

To better facilitate this process, the Education and Training Committee recommended that the Joint In-service Committee and the On-line Training Committee meet to discuss this issue and present their recommendations at the May Education and Training Meeting. Commissioner Steve Johnson will facilitate this meeting.

In-service 2012 – Legal Update:

Mark Strickland informed the committee that due to some recent revisions within the 2012 In-service Training Legal Update, committee members would be receiving an updated version of this topic.

Bill DuBois, NC Justice Academy, was introduced as the newest Academy instructor responsible for in-service training. Mr. DuBois was previously employed at Fayetteville State University.

JMST:

Commissioner Steve Johnson stated that officers were complaining about having to take this training every year even though it is required by law. He suggested that the state law be changed to reflect training be taken every two years. Commissioner Jones wondered if there were prevalent issues to support it being taught every year. What were the issues when the legislature required JMST to be taught every year? Commissioner Wrenn Johnson was more in favor of teaching four hours every other year instead of 2 hours every year.

After further discussion, the committee felt this is a topic to revisit and poll all departments for change in June 2013.