

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

November 15, 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. Vice Chairperson Robin Pendergraft called the meeting to order at 1:30 p.m. Those in attendance were:

- *Chief Bill Hollingsed, NC Police Executives Association
- *Steve Johnson, Appointment by the General Assembly – Speaker of the House
- *Lt. Yolanda Sparrow, 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

Tyrone Brown, Office of Staff Development and Training
Chief Tim Ledford, NC Association of Chiefs of Police
Julia Lohman, NC Sheriffs' Standards Division
Joyce Ruth, Wife of Commissioner Bob Ruth
Charles Walston, Office of Staff Development and Training

Staff

Wayne Ayers, NC Justice Academy
Bill DuBois, NC Justice Academy
Gary Dudley, NC Justice Academy
Jennifer Fisher, NC Justice Academy
Malia Hollingsworth, NC Justice Academy
Leila Humphries, NC Justice Academy
Tim Pressley, Criminal Justice Standards Division
Alex Setzer, Criminal Justice Standards Division
Mark Strickland, NC Justice Academy

*Committee Members

WELCOME/ROLL CALL

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

MINUTES

Commissioner Hollingsed proposed a **motion** to accept the minutes of the August 23, 2012, meeting with a **second** from Commissioner Norville. **Motion carried.**

ELECTION OF VICE-CHAIR

Vice-Chair Robin Pendergraft opened the floor for vice-chair nominations. Commissioner Bill Hollingsed nominated Commissioner Robin Pendergraft with a second from Commissioner Steve Johnson. With no other nominations, Mark Strickland, NC Justice Academy Director, 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 FOR SCHOOL DIRECTOR CERTIFICATION

Tim Pressley, Criminal Justice Education Training and Standards Division, proposed a rule change to 12 NCAC 09B.0502(a) – Terms and Conditions of School Director Certification from a renewal period of two years to three years. He stated that this proposal was for the purpose of having the terms of a School Director certification aligned with other certifications. Commissioner Gwen Norville **proposed** a motion to authorize the Planning and Standards Committee to conduct a rule making hearing to amend 12 NCAC 09B.0502(a) Terms and Conditions of School Director Certification from a period of two years to three years with a **second** from Commissioner Steve Johnson. **Motion carried.**

Commissioner Steve Johnson **proposed** a motion to authorize the Planning and Standards Committee to conduct a rule-making hearing to amend 12 NCAC 09B.0502 (b) (1) – Terms and Conditions of School Director Certification to read, “Participate in annual training conducted by commission staff;” with a **second** from Commissioner Norville. **Motion carried.**

Commissioner Tracy McPherson inquired as to the length of time involved once a rule had been approved for revision by the Education and Training Committee. She stated that individuals had inquired as to the timing of rule revisions and their posting for public comment. Commissioner McPherson was specifically asking for those who typically do not attend a meeting or even know that the rule is being recommended for a change. Commissioner Pendergraft stated that rule-making is the time for making comments; therefore she felt it would be good to contact the Planning and Standards Committee staff for that information.

Commission members then discussed the issue of rules being posted for rule-making in a timely manner and the process of informing individuals how to follow and comment on rules being revised. Concern was expressed over the difficulty in following the revision of rules. Commissioner McPherson gave an example of when the reading level rule was approved by the Education and Training Committee and sent forward to the Planning and Standards Committee for rule-making hearing, the wording of that rule was changed and it went to rule-making. However, it was never sent back to the Education and Training Committee for their approval. One might argue that the rule was proposed by the Education and Training Committee; however, since the initial wording was changed, it wasn't the actual rule proposed by the Education and Training Committee. Commissioner Pendergraft suggested that this issue be placed on the agenda for the Executive Committee to ask for their guidance on how this process might be streamlined for individuals to better understand and follow.

ADMINISTRATIVE CODE: PROPOSED RULE REVISIONS – 2014 LAW ENFORCEMENT IN-SERVICE TRAINING TOPICS

On behalf of the Joint In-service Training Subcommittee, Bill DuBouis, NC Justice Academy, reported that the subcommittee met on September 27, 2012 and identified 2014 in-service training topics and hours.

Commissioner Tracy McPherson stated that she had been having discussions with Commission staff regarding the issue of delivering agency certificates not including the specific year for which the in-service training was taken, i.e., a certificate reflecting JMST but not the year for which it is to be applied. She continued to state that a suggestion to better clarify this issue was to include the year in the official title of the in-service topic, i.e. Firearms would become 2014 Firearms Training and Qualification. Commissioner Pendergraft felt this was just an administrative issue to include the year within the title. Mark Strickland stated that if the E & T Committee wanted the specific year to be included in the title, then it would occur. Alex Setzer, NC Criminal Justice

Standards Division, stated that this would be beneficial to the staff; particularly for individuals who have received a military waiver. The individual may miss a portion of their 2012 in-service training but they are completing it in 2013. The certificate will be dated as it was completed in 2013, but it would actually be for 2012 in-service training credit. He felt that it was important to have the year as part of the title.

After reviewing the proposed topics and hours, Commissioner Hollingsed **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 2014 mandated in-service training with a **second** from Commissioner Steve Johnson. **Motion carried.**

- 2014 Firearms Training and Qualification6 hours (minimum of)**
- 2014 Legal Update4 hours**
- 2014 JMST: A Juvenile – Now What?2 hours**
- 2014 Officer Safety: The First Five Minutes4 hours**
- 2014 Department Topic of Choice.....12 hours**

For a total of 28 hours

The NC Justice Academy will develop 28 hours of training with 16 hours of mandated training and 12 hours of agency topic of choice.

ADMINISTRATIVE CODE: PROPOSED RULE REVISION FOR BASIC TRAINING FOR JUVENILE JUSTICE OFFICERS AND JUVENILE COURT COUNSELORS

Deputy Director Charles Walston, Office of Staff Development & Training (NC Department of Public Safety), reported that on January 1, 2012, the Juvenile Justice Officer and the Juvenile Court Counselor curricula had become the responsibility of the Department of Public Safety. He reported that a workgroup had been formed to evaluate each of these programs which have remained in pilot status for over 10 years. After numerous meetings and gathering feedback from 691 Department of Juvenile Justice employees, Deputy Director Walston presented recommendations for each of the programs.

Several commissioners expressed their appreciation for the work that had been completed on this. Commissioner Gwen Norville also expressed her appreciation to Deputy Director Walston who had chaired the working group to ensure that effective January 2013 the curriculum will be operating within the Administrative Code.

Based upon the information presented, Deputy Director Walston requested that 12 NCAC 09B.0235 – Basic Training – Juvenile Court Counselors and Chief Court Counselors be revised to reflect the following:

- (a) **increase** the minimum hours of training from 144 to 160 and **add** *The instructional components of this course must be listed in the “Basic Juvenile Court Counselor Training Manual,” and shall include juvenile law, roles and responsibilities of juvenile court counselors, interpersonal communication skills, report writing, counseling skills, risk and needs assessments, restraints and defensive techniques and transportation procedures.*
- (b) **Remove** the topical areas and hours currently listed so that this rule mirrors other Department of Public Safety programs within .09G of the Administrative Code.
- **Add** *The “Basic Juvenile Court Counselor Training Manual” as published by the North Carolina Department of Public Safety is to be applied as the basic curriculum*

for delivery of Juvenile Court Counselor basic training courses. Copies of this publication may be inspected at the office of the agency: The Office of Staff Development and Training North Carolina Department of Public Safety 2211 Schieffelin Road Apex, North Carolina 27502 With mailing address: MSC 4213 Raleigh, North Carolina 27699-4213 and may be obtained at cost from the Department of Public Safety and adopt the curriculum as published in the manual as the approved curriculum for Juvenile Justice Court Counselor and Juvenile Justice Officer basic training.

In addition, 12 NCAC 09B.0236 – Basic Training – Juvenile Justice Officers would also be revised to reflect the following:

- (a) **Add The instructional components of this course must be listed in the “Basic Juvenile Justice Officer Training Manual,” and shall include roles and responsibilities of juvenile officers, interpersonal communication skills, counseling skills, behavior management, treatment program operation restraints and defensive techniques, basic life support and contemporary delinquency theory.**
- (b) Remove the topical areas and hours currently listed so that this rule mirrors other Department of Public Safety programs within 09G of the Administrative Code.
- **Add The “Basic Juvenile Justice Officer Training Manual” as published by the North Carolina Department of Public Safety is to be applied as the basic curriculum for delivery of Juvenile Justice Officer basic training courses. Copies of this publication may be inspected at the office of the agency: The Office of Staff Development and Training North Carolina Department of Public Safety 2211 Schieffelin Road Apex, North Carolina 27502 with mailing address: MSC 4213 Raleigh, North Carolina 27699-4213 and may be obtained at cost from the Department of Public Safety and adopt the curriculum as published in the manual as the approved curriculum for Juvenile Justice Court Counselor and Juvenile Justice Officer basic training.**

Finally, Deputy Director Charles Walston requested that 12 NCAC 09B.0304(i) (1) and (2) – Specialized Instructor Certification be revised as follows:

- (1) Remove “within the 12 month period preceding application
- (2) Remove “the American Red Cross” and replace with “an organization whose curriculum meets the national standard”

Commissioner Steve Johnson expressed his appreciation with the work that had been done on the curriculum; however, he expressed his concern with the rules that were being presented for revision .0235 and .0236. He feels that there isn't any consistency to the rules within the Administrative Code. If the rules are adopted as presented with the current language, then several manuals have been adopted by reference. Any future changes made by the Division would not have to come back before the E & T Committee if these rules are accepted as presented. He feels that it is important to have consistency with all the rules. By approving these rules as presented, Commissioner Steve Johnson believes that the Committee is accepting a 160 hour program of “any kind” as long as it covers the areas presented in subsection “a” of the rules. This would make it inconsistent with other rules which list out the topics and hours and remove the curriculum from any oversight if approved.

Commissioner Pendergraft stated that she understood that if something was “adopted by reference” then any changes to that material were approved by a training committee versus a full commission approval. Commissioner Johnson felt that if this was approved as presented, then all oversight had been removed.

Deputy Director Walston stated that the working group had discussed all these issues extensively, with Pam Pope, Teresa Marrella and Stephanie Freeman. It was believed that this

would be an efficient way to operate and allow the agency to be more responsive to the changes that occurred. He further stated that OSDT has an accredited training review committee that would ultimately use all the curriculum changes before it would be presented back to the Education and Training Committee for their approval.

Commissioner Steve Johnson stated that his issue was not with the OSDT curriculum but with the Commission's inconsistency throughout the rules of the Administrative Code. All rules should be consistent in how they are reflected in the Code. He believes that the topical areas along with the hours should be listed out.

Several commission members discussed the issue of being consistent and what was the best way to achieve this. After considerable discussion on documenting topics and hours within the Administrative Code, members felt that this was an issue to be discussed with the full commission.

Commissioner Norville stated that for years the curriculum in Correctional Officer and Probation Officer training had previously listed topics and hours but the bureaucracy in getting things revised was so great that hours were removed and only the subject matters were listed. Some changes occurred monthly and this process allowed the training to remain current and up-to-date.

Commissioner Johnson believes that oversight is better and that consistency is needed throughout. Chairman John Glenn stated that he believes topics should be there. To move the process along, Commissioner Johnson stated that he would feel better if all the topical areas were listed out in subsection (b) of .0235 and .0236.

Commissioner Gwen Norville stated whenever any changes are made to the curriculum manuals, those are brought before the Education and Training Committee depending on whether they are major or minor. Depending on what the Committee decides, Commissioner Norville stated that it was possible the Correctional Officer and Probation Officer training would have to be brought back for a rules revision.

Vice-Chair Pendergraft stated that the options were to accept the rule as is and have an in-depth discussion with the Commission as to what would be the better way to ensure consistency throughout the Code **OR** modify the rule to include all the topical topics without the hours. She stated that she is aware that "adopting by reference" is carefully reviewed by the Rules Review Committee and if they don't feel that the rule is adequate, it could be sent back.

Chairman John Glenn stated that he felt the Education and Training Committee should come to a consensus as to what they want

Commissioner Steve Johnson stated that a possible motion might include the following components: 12 NCAC 09B.0235 and 12 NCAC 09B.0236 subsections (a) and (b) be accepted as originally written, that the topical areas without the hours, be listed for each course (Basic Training – Juvenile Court Counselors and Chief Court Counselors and Basic Training – Juvenile Justice Officers) and that an additional subsection be added to include language that any hour or topical area change must be approved by the NC Criminal Justice Education and Training Standards Commission.

Commissioner Gwen Norville proposed a **motion** to authorize the Planning and Standards Committee to conduct a rule-making hearing to amend 12 NCAC 09B.0235 – Basic Training – Juvenile Court Counselors and Chief Court Counselors to accept subsection (a) **not to include** The instructional components of this course must be listed in the "Basic Juvenile Court counselor Training Manual," and shall include juvenile law, roles and responsibilities of juvenile court counselors, interpersonal communication skills, report writing, counseling skills, risk and needs assessments, restraints and defensive techniques and transportation procedures **to include** subsection (b); refer now to the course syllabus "Juvenile Justice Court Counselor Basic Training" to include the topical areas as well as the lesson plan curriculum without the topical hours **and to**

amend 12 NCAC 09B.0236 – Basic Training – Juvenile Justice Officers to accept subsection (a) **not to include** The instructional components of this course must be listed in the “Basic Juvenile Justice Officer Training Manual,” and shall include roles and responsibilities of juvenile officers, interpersonal communication skills, counseling skills, behavior management, treatment program operation restraints and defensive techniques, basic life support and contemporary delinquency theory. **to include** subsection (b); refer now to the course syllabus “Juvenile Justice Officer Basic Training” to include the topical areas as well as the lesson plan curriculum without the topical hours with a **second** from Commissioner Steve Johnson. **Motion carried.**

Commissioner Steve Johnson proposed a **motion** to authorize the Planning and Standards Committee to conduct a rule-making hearing to amend 12 NCAC 09B.0304 – Specialized Instructor Certification (i) (1) and (2) as follows:

- (1) Remove “within the 12 month period preceding application”
- (2) Remove “the American Red Cross” and replace with “an organization whose curriculum meets the national standard”

with a **second** from Commissioner Bill Hollingsed. **Motion carried.**

Based upon Deputy Director Charles Walston’s presentation regarding the revisions to the Basic Training for Juvenile Justice Officers and Juvenile Court Counselors curricula, Commissioner Steve Johnson **proposed** a motion to accept the revisions as presented with a **second** from Commissioner Gwen Norville. **Motion carried.**

Deputy Director Charles Walston presented revisions and updates for the Basic Training for Correctional Officers curriculum. He stated that the program had been restructured and new teaching techniques had been added to stimulate student participation and discussion. The course remains at 160 hours. Commissioner Gwen Norville **proposed** a motion to accept the revisions and updates as presented with a **second** from Commissioner Bill Hollingsed. **Motion carried.**

Deputy Director Walston concluded by reporting that the Basic Training for Probation/Parole Officers curriculum remains in pilot status. The Office of State Budget and Management have not yet conducted a fiscal impact study to determine the cost. Until this is completed, the program will remain in pilot status.

NORTH CAROLINA CHIEFS OF POLICE ASSOCIATION – 2013 WINTER CONFERENCE

On behalf of the NC Association of Chiefs of Police, Commissioner Tim Ledford reported that the Chiefs Association’s winter conference would be held January 27 – 29, 2013, in Cherokee, NC. Commissioner Ledford requested in-service pilot authority for the 2013 blocks of instruction: Social Media for Police Management and Electronic Surveillance to be delivered by James A. Deater, Jr., and Leischen A. Stelter. Instructor biographies were provided for the committee’s review as the instructors are from out-of-state. Each block of instruction will be two hours in length and test questions will be provided by the instructors. Commissioner Steve Johnson 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, Social Media for Police Management and Electronic Surveillance, conducted by James A. Deater, Jr., and Leischen A. Stelter, that will count as department topics of choice for the 2013 in-service training requirement with a **second** from Commissioner Ruth. **Motion carried.**

SCHOOL ACCREDITATION COMMITTEE

On behalf of the School Accreditation Subcommittee, Commissioner McPherson reported that Brunswick Community College, Supply, 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, Brunswick Community College, Supply, NC be reaccredited for a period of 5

years for the delivery of the Commission accredited Basic Law Enforcement Training course with a **second** from Commissioner Ruth. **Motion carried.**

GENERAL INSTRUCTOR REVISION COMMITTEE

On behalf of the General Instructor Training Revision Committee, Leila Humphries, NC Justice Academy, requested that the current "Evaluation Process" lesson plan be removed from pilot status and that the original "Evaluation Process" lesson plan dated August 2009 be reinstated into the General Instructor Training curriculum. This 2009 lesson plan would be consistent with instruction currently offered out in the field. Commissioner Steve Johnson **proposed** a motion to remove the current Evaluation Process lesson plan from pilot status and to reinstate the original lesson plan dated August 2009 into the General Instructor Training curriculum as requested with a **second** from Commissioner Bill Hollingsed. **Motion carried.**

BLET REVISION COMMITTEE

On behalf of the BLET Revision Committee, Jennifer Fisher, NC Justice Academy reported on revisions to the Arrest, Search and Seizure/Constitutional Law block of instruction. Several training objectives had been revised and one training objective had been added. However, the lesson plan did not contain any new content. These revisions were made based on the recommendation of Dave Shick, Associate Attorney General. Commissioner Gwen Norville **proposed** a motion to accept the revision of the Arrest, Search, and Seizure/Constitutional Law block of instruction as presented with a **second** from Commissioner Hollingsed. **Motion carried.**

Ms. Fisher further reported on the minor revisions and additions to the following BLET topics which will be included in the January 2013 revisions. Each of these revisions has been approved by the BLET Revision Committee:

- Anti-Terrorism (BLET: 34G)
- Civil Process (BLET: 33O)
- Controlled Substances (BLET: 22N)
- Criminal Investigations (BLET:15N)
- Domestic Violence Response (BLET: 21N)
- Law Enforcement Driving (BLET: 18O)
- Elements of Criminal Law (BLET: 05L)
- Ethics for Professional Law Enforcement (BLET: 03C)
- Explosives and Hazardous Materials Emergencies (BLET: 26N)
- Firearms (BLET: 14L)
- Human Trafficking (BLET: 36B)
- In-Custody Transportation (BLET: 24I)
- Individuals with Mental Illness and Mental Retardation (BLET: 27G)
- Law Enforcement Radio Procedures and Information Systems (BLET: 07F)
- Motor Vehicle Law (BLET: 17R)
- Patrol Techniques (BLET: 30K)
- Physical Fitness (BLET:02O)
- Rapid Deployment (BLET: 35C)
- Subject Control/Arrest Techniques (BLET:10P)
- Techniques of Traffic Law Enforcement (BLET 23M)
- Traffic Crash Investigation (BLET:25G)
- Dealing with Victims and the Public (BLET: 13M)

SPECIALIZED/GENERAL INSTRUCTOR RECERTIFICATION HOURS

Commissioner Robin Pendergraft reported that at the August meeting a subcommittee (Tracy McPherson, Bill Hollingsed, Steve Johnson, and Robin Pendergraft) was formed to review recertification hours for specialized and general instructors. She reported that there is a system plan goal assigned to the Education and Training Committee. The subcommittee has sought

additional information from staff and others for background information and for review. They focused on 5 out of 8 specialized instructor certifications but they weren't certain whether or not the Juvenile Justice instructors were meant to be included. Subject Control Arrest Techniques, Firearms, Driver Training, Physical Fitness, Explosives and Hazardous Materials Emergency Specialized Instructor Training are their focus at this time. It is important to ensure that specialized instructors are proficient and that they remain proficient. The subcommittee will seek input from experts in the specific areas and community colleges, the Commission staff and the NC Justice Academy as to the impact that will be made (costs involved) should the subcommittee recommend any changes. The subcommittee hopes to present proposals at the February 2013 meeting.

Commissioner Gwen Norville inquired as to whether any instructors within Adult Correction would be affected by this. Commissioner Pendergraft stated that she felt the Firearms instructors would be. However, Commissioner Norville stated that it would be easier for her office if all instructors were included. Commissioner Tracy McPherson stated that she wondered why DJJP instructors might not have been included; was it focused on only the high-liability areas. Commissioner Pendergraft felt that there should be consistency and if there is an area that needs to be addressed, then they will look at that.

NC JUSTICE ACADEMY SURVEY RESULTS

As requested at the last Education and Training meeting, Mark Strickland, Director of the NC Justice Academy, provided the committee members with a copy of the Possible Topics for In-service Training in 2014 survey and results. This is a survey that was distributed to various law enforcement agencies, conferences and Academy class participants. This survey does not address facility needs; it only addresses training topics.

Commissioner Robin Pendergraft reviewed Goal 3 of the System Plan. The committee felt that the yearly distribution of this survey was in compliance with Goal 3.

Deputy Director, Wayne Ayers, NC Justice Academy stated that the survey was directed more to law enforcement (police and sheriffs) but not all criminal justice as reflected in the system plan.

Commissioner Robin Pendergraft recommended that the system goal be modified to reflect "all criminal justice officers under the purview of the Commission."

Commissioner Pendergraft inquired as to whether or not there was a facility repository available to all law enforcement for training purposes. Commissioner Norville stated that their department maintains a document of all locations that have been certified by Criminal Justice Standards to conduct basic training.

Commissioner McPherson stated that the Community College System did not maintain a statewide usage report of what was contained within the buildings on a community college campus. Alex Setzer stated that CJ Standards conducts audits of the community college facilities. Members discussed that it would be helpful to have a compilation of available "certified" facilities for all agencies to have access. It was recommended that this would be a great project for an intern. To compile an electronic facility request form would be beneficial.

NEW BUSINESS

Commissioner Steve Johnson reported that at the September 2012 Joint In-service Training meeting, committee members voted to move forward and work with each Commission to produce a list of nationally accredited programs that would be included the Administrative Code. These programs would qualify as Chiefs Topic of Choice for in-service training. This would include such programs as CPR, armorer's courses conducted by gun companies that have factory authorized trainers, TASER, ASP Baton, Simunitions and other programs that officers are required to take

that are conducted consistently throughout the United States. This list would be very specific and would be included in the rules.

ADJOURNMENT

With no further business to discuss, the meeting adjourned at 4 p.m.