

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

**EDUCATION AND TRAINING COMMITTEE**

**February 12, 2015**

The Education and Training Committee of the North Carolina Criminal Justice Education and Training Standards Commission met in Room 224 of the Office of Staff Development and Training, 2211 Schieffelin Road, Apex, NC. Vice-Chairperson Robin Pendergraft called the meeting to order at 1:30 p.m.

Those in attendance were:

- \*Robin Pendergraft, Attorney General of the State of North Carolina – Ex-Officio Member
- \*Lee Farnsworth, NC Law Enforcement Officers' 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
- \* Nathan Mizell, Nash Community College
- \*Lt. Yolanda Sparrow, North State Law Enforcement Officers' Association

**Visitors**

J. Lynn Cale, Edgecombe Community College  
Chief William Carter, Wendell Police Dept.  
Chief Tim Hayworth, Zebulon Police Dept.  
Terry Miller, NC Justice Academy  
Robin Pigg, Edgecombe Community College  
Retired Chief Allen Smith, Carteret Co. Sheriff's Office  
Bernie Taylor, Edgecombe Community College  
Jeff Welty, UNC School of Government  
Barbara Yow, NC Justice Academy

**Staff**

Trevor Allen, NC Criminal Justice Standards Division  
Wayne Ayers, NC Justice Academy  
Bill DuBois, NC Justice Academy  
Steven G. Combs, Director, NC Criminal Justice Standards Division  
Gary Dudley, NC Justice Academy  
Stacy Holloman, NC Justice Academy  
Darlene Jackson, NC Justice Academy  
Julia Lohman, NC Sheriffs Standards Division  
Tim Pressley, NC Criminal Justice Standards Division  
Richard Squires, NC Criminal Justice Standards Division  
Mark Strickland, NC Justice Academy  
Dan Worley, NC Justice Academy

\*Committee Members

## WELCOME/ROLL CALL

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

## MINUTES

Commissioner Lee Farnsworth proposed a motion to accept the minutes of the November 13, 2014, meeting with a second from Commissioner Bill Hollingsed.

Motion carried.

## ADMINISTRATIVE CODE – PROPOSED RULE REVISIONS

On behalf of the Criminal Justice Education and Training Standards Division Staff, Deputy Director Trevor Allen presented several proposed rule changes for the Criminal Justice Education & Training Standards Division to address a variety of recently identified issues.

Deputy Director Trevor Allen, Standards Division, appeared before the Committee to propose rule revisions to **12 NCAC 09B.0303 – Terms/Conditions of General Instructor Certification** and **12 NCAC 09B.0305 – Terms/Conditions of Specialized Instructor Certification**. These rules deal with who can sign off on recommendations for instructor certifications. Since Commissioner Tim Hayworth and Chief Bill Carter, Wendell Police Department, suggested the rule revisions, Mr. Allen felt it would be more appropriate to hear from them as for the need for the proposed rule changes. Chief Hayworth indicated that he and Chief Carter had been reviewing the rules on the signing of general instructor renewals and evaluations. He felt the rules currently in place (**12NCAC09B.0303 and 12NCAC09B.0305**) have traditionally been ignored over the years by the Commission and Police Chiefs.

Chief Hayworth said, in certain circumstances, when an agency has an in-service training coordinator, the “rule of thumb” is the agency will only have one in-service training coordinator. Under the current rule, if that training coordinator happens to be the same person who delivers the instruction, there is no one else in the department who can sign off on the evaluation and renewal. This happens more often in smaller agencies due to being limited to how many instructors they have; there may be two or three instructors in the whole department. Previously, police chiefs have been allowed to sign off. Chief Hayworth spoke with Director Steven Combs, and Mr. Combs recognized that such sign offs have happened, but his position was that if there is a rule that is not being followed to a “t”, his preference would be to take a look at it and change the rule. **12 NCAC 09B.0303 (c) 1** states “a favorable recommendation from a school director or in-service training coordinator completed on a Commission Renewal of Instructor”, which would mean if the in-service training coordinator is getting renewed, the school director or the in-service training coordinator can sign off on someone else’s renewal. **12 NCAC 09B.0303 (c) 2** states “or a favorable evaluation by a Commission or staff member...” Mr. Hayworth recommended adding **#3**.

Police Chief Bill Carter stated he had an issue arise in October 2014. He has only one in-service training coordinator. When he was up for renewal and forms were submitted, they were returned, saying he could not sign and recommend himself, which makes good sense. He then had to go through the community college to get signed off under a

school director. This could be an issue for some agencies, since there are a lot of small law enforcement agencies.

Commissioner Steve Johnson asked if all in-service coordinators are general instructors. Tim Pressley's response was "yes", they are general instructors. Commissioner Johnson suggested possibly using the wording "another school director or another certified instructor". Chief Hayworth responded that would be more valuable on the side of the evaluation of the instruction rather the in-service training coordinator or the instructor renewal.

Vice-Chair Pendergraft stated she understood the dilemma and the needs expressed. She did not personally have as much concern about the agency head signing off on the general instructor. However, the issue with the specialized instructor did cause concern for her because the Commission has had to take action on two different occasions where the agency heads in small departments had signed off on hours needed for certification when the officers were not even in the class. She was concerned that it may be too easy to "fudge". However, she did think there needs to be a way to assist the smaller agencies. Chief Bill Carter noted that agency heads are required to sit through the classes anyway.

As a matter of information, Tim Pressley informed the members of the Committee that the Commission now accepts as many in-service training coordinators as the agencies will allow, and are currently taking applications.

Vice-Chair Pendergraft indicated she felt that the idea was to have someone who understands general training principles to look at lesson plans and evaluate, and she did not feel that person would have to have the same specialized certification because that would be more restricting.

Tim Pressley stated if the school director is running a BLET school, and they want to evaluate firearms instructor, the Commission will accept that. That could also apply to the in-service training coordinator.

After reviewing 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 the rules, ***12 NCAC 09B.0303 – Terms/Conditions of General Instructor Certification, and 12 NCAC 09B.0305 – Terms/Conditions of Specialized Instructor Certification*** as follows:

- ***12 NCAC 09B.0303 – Terms/Conditions of General Instructor***, paragraph (b), subparagraph (1), AND paragraph (c), subparagraph (1): adds the language "general instructor" so that smaller agencies have more opportunity to provide a favorable written recommendation for certification and renewal of general instructors.
- ***12 NCAC 09B.0305 – Terms/Conditions of Specialized Instructor***, paragraph (c), subparagraph (2), section (A): adds the language "general instructor" so that smaller agencies have more opportunity to provide a favorable written recommendation for certification and renewal of specialized instructors.

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

On behalf of the Criminal Justice Standards Division, Deputy Director Trevor Allen presented a proposed rule revision to **12 NCAC 09B .0202 Responsibilities of the School Director**. As a result of the Commission's removal of the state comprehensive exam from Commission training curricula, the Standards Division is recommending changes to the Form F-10B. Section IV of the form currently requires documentation of each trainee's name, date of birth, employing agency, scores on the 80-minute skill presentations, and scores on the state comprehensive exam. The Standards Division proposed eliminating the columns for the state exam and 80-minute presentation scores, and replacing them with a block indicating successful completion of the course. The Standards Division does not enter data or prepare reports regarding the skill presentation scores. Therefore, they are proposing to strike the language from this rule that requires the school director to submit the skill presentation scores to the Standards Division.

Mr. Allen stated that, by rules, instructor students are allowed to take the written exam before they do the 80-minute presentation, although it is not mandatory.

Vice-Chair Pendergraft said she sees merit in leaving the presentation score in there. Even though Commission staff may not have used this information up to this point, it adds essential information. Commissioner Steve Johnson agreed, adding that if the information is ever needed, it will be available. Commissioner Nathan Mizell stated that maybe the score information could be useful in some way, if the Committee decides to keep it. Vice-Chair Pendergraft noted it could be used to "spot check." Mark Strickland commented that upcoming major revisions are being proposed to the instructor training program. At that point, they could take a look at those scores and see what the impact is on the students. Commissioner Johnson recommended leaving the rule as is, removing "exam score" and "re-exam score".

Deputy Director Trevor Allen presented a proposed revision to **12 NCAC 09B.0304 Specialized Instructor Certification**. In paragraph (e) (1) there is a requirement that applicants for Specialized Instructor Certification in the First Responder topical area must "hold or have held basic EMT certification." Mr. Allen said questions were raised: "What if someone has not had that certification for a number of years? Would they be current in their topical knowledge to be able to teach in that block of instruction?" Mr. Allen stated it was suggested by Jennifer Fisher from the North Carolina Justice Academy that the rule require the applicant to hold a **current** certification as an Emergency Medical Technician.

Commissioner Tracy McPherson informed the Committee that, as a technicality, nationally and statewide, the names of those certifications are changing in the future. They will essentially be the same, but instead of "EMT Basic", the title may be "EMT." She said the titles may not be current by the time this proposed change would go to the rule-making committee. Mr. Allen responded that the technicality of the title change would not affect the rule change.

After discussion, the Committee felt it was best to explore other options, and this issue was tabled until the next meeting.

On behalf of the Criminal Justice Standards Division, Deputy Director Trevor Allen presented a proposed revision to the rule **12 NCAC 09B.0106 Documentation of Educational Requirements**. The Standards Division has had numerous individuals apply for certification and/or enrollment in the BLET program who received their high school education through home-schooling. Researching the registration of these schools is often labor-intensive, as many are out of state, or not currently operating. The proposed revision includes language which allows college/university degrees to suffice in all instances in which high school diplomas are required.

After reviewing the recommendations as presented, Commissioner Tracy McPherson proposed a **motion** that the Commission authorize the Planning and Standards Committee to conduct a rule-making hearing to amend the rule **12 NCAC 09B.0106 – Documentation of Educational Requirements** as follows:

**12 NCAC 09B.0106 - Documentation of Educational Requirements**, paragraph (b): adds the language “Documentary evidence of college or university graduation, with an Associate’s Degree or higher, consisting of diplomas or transcripts from colleges or universities accredited as such by the Department of Education of the state in which the institution is located, or an accredited body recognized by either the U.S. Department of Education or the Council for Higher Education Accreditation, or the state university of the state in which the institute is located.”

Also, that the Commission authorize the Planning and Standards Committee to conduct a rule-making hearing to amend the following rules in order to facilitate the Division’s staff processing certification applicants and enrollments into Basic Law Enforcement Training (BLET):

- **12 NCAC 09B.0111 – Minimum Standards for Law Enforcement Officers**, paragraph (2), adds the language “college or university graduate.”
- **12 NCAC 09B.0114 – Minimum Standards for Local Confinement Personnel**, paragraph (2), adds the language “college or university graduate.”
- **12 NCAC 09B.0117 – Minimum Standards for Juvenile Justice Officers**, paragraph (2), adds the language “college or university graduate.”
- **12 NCAC 09B.0203 – Admission of Trainees**, paragraph (g), adds the language “college or university graduate.”
- **12 NCAC 09B.0302 – General Instructor Certification**, paragraph (a), subparagraph (1), section (A), adds the language “college or university graduate.”
- **12 NCAC 09B.0501 – Certification of School Directors**, paragraph (b), subparagraph (2), section (A), adds the language “college or university graduate.”
- **12 NCAC 09G.0204 – Education**, paragraph (a), adds the language “college or university graduate.”

- **12 NCAC 09G.0308 – General Instructor Certification**, paragraph (a), subparagraph (1), section (A), adds the language “college or university graduate.”

With a **second** from Commissioner Nathan Mizell. **Motion carried.**

On behalf of the Criminal Justice Standards Division, Deputy Director Trevor Allen presented a proposed revision to **12 NCAC 09F .0104 – Instructor Qualification (Concealed Carry Handgun)** to mandate that a Concealed Carry Handgun Instructor who fails to renew his or her certification for a period of two years or more, must repeat the course on “*Laws Governing Concealed Handgun and Use of Force.*”

After reviewing the recommendations as presented, Commissioner Steve Johnson proposed a **motion** that the Commission hereby authorize the Planning and Standards Committee to conduct a rule making hearing to amend the following rule: **12 NCAC 09F.0104 – Instructor Qualification (Concealed Carry Handgun)** as follows:

**12 NCAC 09F.0104 – Instructor Qualification:**

- Paragraph (a), subparagraph (2), adds the word “and” to the end of the subparagraph.
- Creates a new paragraph (b) to read “If the instructor fails to file with the Commission a course outline and proof that the individual is an instructor pursuant to **12 NCAC 09F.0104** (a) (1) for two consecutive years, he or she must repeat the course on “*Laws Governing Concealed Handgun and the Use of Deadly Force*” conducted by the North Carolina Justice Academy in addition to the provisions of **12 NCAC 09F.0104** (a) (1) and (a) (3) prior to instructing a concealed carry handgun course.
- The language in former paragraph (b) now becomes paragraph (c).

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

## **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 five (5) years in accordance with **12 NCAC 09B.0200 and 12 NCAC 09C.0401** for the delivery of the Commission regulated training:

- Renewal – Blue Ridge Community College - BLET
- Renewal – Brunswick County Sheriff’s Office - BLET
- Renewal – Forsyth Technical Community College – BLET, SMI
- Renewal – Richmond Community College – BLET, SMI
- Renewal – Rockingham Community College – BLET

In addition, that the following institutions be accredited pursuant to **12 NCAC 09C.0401 and .0402 and 12 NCAC 09B.0200**:

- Accreditation – Edgecombe Community College – BLET
- Accreditation – Richmond Community College – General Instructor Training

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

### **JOINT IN-SERVICE TRAINING COMMITTEE – 2016 IN-SERVICE TRAINING OBJECTIVES**

On behalf of the Joint In-Service Training Committee, Bill DuBois, North Carolina Justice Academy, presented the approved recommended training objectives for the 2016 In-Service Training Topics. The Joint In-Service Training Committee met on January 29, 2015 and finalized the training objectives. Mr. DuBois requested that the Education and Training Committee approve the training objectives as presented.

Commissioner Lee Farnsworth proposed a **motion** that the 2016 in-service training objectives be approved as presented with a **second** from Commissioner Steve Johnson. **Motion carried.**

### **CLARIFICATION ON TESTING FOR MANDATORY IN-SERVICE TRAINING (12 NCAC 09E.0105 – MINIMUM TRAINING SPECIFICATIONS: ANNUAL IN-SERVICE TRAINING) - DIVISION STAFF**

On behalf of the Criminal Justice Education and Training Standards Division Staff, Deputy Director Trevor Allen appeared before the Committee to request clarification on the testing requirements of Mandatory In-Service Training. Mr. Allen stated that Division Staff has received questions from the field indicating that students during In-Service Training are being tested in the following ways:

- Testing may be given in a collaborative manner
- Allowing take home tests
- Allowing open-note testing

Division Staff believes that the current rule, **12 NCAC 09E.0105**, is clear and that students take the tests individually at the end of training. The staff does not see a need to revise the current rule. However, the staff wanted to receive further clarification from the Committee. After discussion, the Committee provided the following guidance for this request:

- ✓ The testing of students is clear in the current rule.
- ✓ Collaborative testing and take home testing are not allowed.
- ✓ Open-note and/or open book testing is allowed due to the possible complexities of the training materials.
- ✓ Testing is an individual effort by the students to demonstrate their understanding of the materials.
- ✓ This guidance will be published in the Annual In-Service FAQs.

## **SPEED MEASURING INSTRUMENTS CALIBRATION – DIVISION STAFF**

Deputy Director Trevor Allen, Criminal Justice Standards Division, appeared before the Committee and presented an overview of the recent discussion of SMI Calibration as it relates to instruments involved in training, testing, and certification.

The question has been posed to the Standards Division as to whether Speed Measurement Instruments are required to be calibrated by a third party for testing and certification purposes. Mr. Allen referred the questions to Training Manager Stacy Holloman and SMI School Director Dan Worley, at the North Carolina Justice Academy. The issue of calibration came to light in the recent events involving the Asheville Police Department, when the agency determined that many speeding citations were issued based upon non-calibrated Speed Measuring Instruments. Mr. Worley informed the Committee that the law requires a Speed Measuring Instrument be calibrated if the instrument is used as evidence of a speeding violation in a court proceeding. However, the law does not mandate that instruments used during SMI operator training and certification be calibrated. He noted further that the instrument is already tested on a daily basis by the basic operator, and also by the radio technician conducting the annual test for accuracy. Both of them test the unit to ensure it powers up and reads correctly. The unit is required to be removed from service by the operator immediately upon discovery of an abnormality during the daily testing.

After discussion by the Committee and recognized experts, the Committee determined that no further action needed to be taken in regards to the current rules associated with Speed Measuring Instruments.

## **SPECIALIZED PHYSICAL FITNESS INSTRUCTOR TRAINING UPDATES – NORTH CAROLINA JUSTICE ACADEMY**

Stacy Holloman, Training Manager, North Carolina Justice Academy, provided the Committee with an update for the Specialized Physical Fitness Instructor Update courses. The updates were triggered by the adoption of the revised POPAT for BLET.

Mr. Holloman indicated that to date, twelve courses were scheduled; one was cancelled due to no enrollment; and 174 instructors have attended. Currently, there are four remaining courses between the current date and May 2015, with 64 seats available.

With no further business, Vice-Chair Robin Pendergraft proposed a **motion** to adjourn, with a **second** from Commissioner Bill Hollingsed. **Motion carried.**

The meeting was adjourned at 3:00 p.m.

