

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

MINUTES

DATE: May 22, 2014

TIME: 9:00 A. M.

LOCATION: Wake Technical Community College - Public Safety Education Campus
Raleigh, North Carolina

SUBMITTED BY: Steven G. Combs
Director

MEMBERS PRESENT

Mr. John Glenn
Chief Ira Jones
Mr. Eddie Caldwell
Dr. Robert Ruth
Chief Wrenn Johnson
Mr. Ray Davis
Mr. Bob Myrick
Captain Lee Farnsworth
Mr. James Festerman
Chief Bill Hollingsed
Chief Tim Ledford
Chief Patricia Bazemore
Corporal Melissa Hinnant
Ms. Gwen Norville
Ms. Stephanie Freeman
Ms. Tracy McPherson
Chief Tim Hayworth
Mr. Johnny Hawkins
Mr. Trey Robison
Chief Allen Smith
Mr. Jeff Welty
Ms. Diane Isaacs
Colonel Bill Grey
Ms. Angela Williams
Mr. Charles Johnson
Lieutenant Yolanda Sparrow

MEMBERS ABSENT

Chief Scott Cunningham
Mr. Brent Herron
Ms. Robin Pendergraft
Mayor Bobby Kilgore
Mr. Steve Johnson

I. CALL TO ORDER

Commission Chairman John Glenn brought the meeting to order. He read the Ethics Statement into the minutes. Following the roll call, Chairman Glenn declared that a quorum was present. He extended a warm welcome to the visitors.

Chairman Glenn personally thanked Ms. Betty Reynolds for hosting the Commission at the Wake Technical Community College Public Safety Education Campus.

**II. AWARDING OF ADVANCED CERTIFICATES
[Agenda Memorandum No. 02-14]**

Chairman Glenn reported that staff had evaluated the applications of all one hundred and sixty-four (164) candidates. There were one hundred and thirty-one (131) candidates for the Advanced Law Enforcement Certificate and thirty-three (33) candidates for the Advanced Criminal Justice Certificate. He noted that each of these applicants had met the requirements to receive the Advanced Certificate and the Advanced Certificate pin.

MOTION was made by Commissioner Ira Jones that the Commission award the Advanced Law Enforcement Certificate or Advanced Criminal Justice Certificate to each named individual. The MOTION was seconded by Commissioner Wrenn Johnson and carried unanimously.

The following individuals were present to personally receive their Advanced Law Enforcement and Advanced Criminal Justice Certificates:

Joshua Steven Kirk	Aberdeen Police Department Presented by Chief Timothy J. Wenzel
Lance D. Fallen	Albemarle Police Department Presented by Commissioner Glenn
Matthew D. Long	Cary Police Department Presented by Chief Pat Bazemore
Joshua Allen Fulbright	Cary Police Department Presented by Chief Bazemore
Richard Cameron Jenks	Cherryville Police Department Presented by Commissioner Glenn
Adrian Nelson Mathews	Clinton Police Department Presented by Commissioner Glenn
Brandon Kenyan Harper	Goldsboro Police Department Presented by Chief Jeffery Stewart
Kevin Carl Schutzman	Havelock Police Department Presented by Commissioner Glenn
Damir Mahmutovic	Mint Hill Police Department Presented by Chief Tim Ledford
Thomas F. Brown, Jr.	Mount Olive Police Department Presented by Charles Brown, Town Manager

Roland Keith Lewis, Jr.	Newport Police Department Presented by Chief Jeff Clark
Mark Andrew Johnson	Old Dominion Security Company Police Presented by Captain Kurt Henderson
Matthew L. Norris	Polkton Police Department Presented by Commissioner Glenn
David S. Park	Raleigh Police Department Presented by Commissioner Glenn
Sharra Yvonne Carter	Reidsville Police Department Presented by Commissioner James Festerman
Jamie Arthur Hughes	Selma Police Department Presented by Captain Ronald Daniels
William Thomas Lee	Smithfield Police Department Presented by Commissioner Glenn
Teresa Sauls Gurley	Wake Forest Police Department Presented by Chief Jeff Leonard
Ronald Jarrod Evans	Wilmington Police Department Presented by Lieutenant Benjamin Kennedy
Rickey Brewer	NCDPS/Division of Adult Corrections Presented by Commissioner Glenn
Enith Maricelia Briaes	NCDPS/Division of Adult Corrections Presented by Commissioner Glenn
Mavis Byrd-Marshall	NCDPS/Division of Adult Corrections Presented by Commissioner Glenn
Stacie Crabtree	NCDPS/Division of Adult Corrections Presented by Commissioners Johnny Hawkins and Gwen Norville
Clinton H. Manley	NCDPS/Division of Adult Corrections Presented by Commissioner Glenn
Ruby Inez McClendon	NCDPS/Division of Adult Corrections Presented by Commissioner Glenn
Charmaine T. McKenzie	NCDPS/Division of Adult Corrections Presented by Commissioner Norville
Renita Summers	NCDPS/Division of Adult Corrections Presented by Commissioner Glenn

III. MINUTES OF FEBRUARY 21, 2014 MEETING

Chairman Glenn entertained a motion to approve the minutes of the previous Commission meeting.

MOTION was made by Commissioner Jones that the Commission approve the minutes of the February 21, 2014 meeting as mailed. The MOTION was seconded by Commissioner Wrenn Johnson and carried unanimously.

IV. STANDING COMMITTEE REPORTS

A. Executive Committee - Chairman Eddie Caldwell

Chairman Caldwell reported that the Executive Committee met on Wednesday, May 21, 2014, at the Wake Technical Community College Public Safety Training Center in Raleigh.

Chairman Caldwell asked Director Mark Strickland to give an update on the Justice Academy. A copy of his written report is attached.

Chairman Caldwell asked Director Steven Combs to give an update on the Criminal Justice Standards Division. A copy of his written report is attached.

B. Education and Training Committee - Chairperson Wrenn Johnson

Chairperson Johnson reported that the Education and Training Committee met on Wednesday, May 21, 2014 at the Wake Technical Community College, Public Safety Education Campus, Raleigh, North Carolina.

Chairperson Johnson reported that on behalf of the Criminal Justice Education and Training Standards Division staff, Tim Pressley presented proposed rule changes for the N.C. Wildlife Resources Commission. The N. C. Wildlife Resources Commission has requested to adopt the current BLET program as opposed to the Wildlife BLET outlined in 12 NCAC 09B .0228. The proposed rule changes are: 12 NCAC 09C .0303(d) and (e) – Probationary Certification; 12 NCAC 09B .0228 – Basic Training: Wildlife Enforcement Officers and 12 NCAC 09B .0401(b) and (c) – Time Requirements for Completion of Training.

MOTION was made by Commissioner Wrenn Johnson that the Commission authorize the Planning and Standards Committee to conduct a rule-making hearing to amend the following rules for the basic training and certification of Wildlife Enforcement Officers: 12 NCAC 09C .0303 subparagraphs (d) and (e) probationary Certification and 12 NCAC 09B .0401, subparagraphs (b) and (c) Time Requirements for Completion of Training; seconded by Commissioner Bill Hollingsed. The MOTION carried unanimously.

MOTION was made by Commissioner Wrenn Johnson that the Commission authorize the Planning and Standards Committee to conduct a rule-making hearing to repeal the rule, 12 NCAC 09B .0228 Basic Training: Wildlife Enforcement Officers; seconded by Commissioner Bill Hollingsed. The MOTION carried unanimously.

Chairperson Johnson reported that Commissioner Tracy McPherson, on behalf of the N. C. Community College System, presented the proposed rule change for a New Reading Assessment Option for the admission standard for the BLET program as outlined in 12 NCAC 09B .0203(e) Admission of Trainees.

Chairperson Johnson noted that the new N.C. Diagnostic Assessment and Placement (NC DAP) assessment that is being adopted by the State's Community Colleges as a standardized admission assessment does not meet the specific requirements as outlined in 12 NCAC 09B .0203(e). The Community College System believes that the NC DAP does meet the intent of the Commission and further requests that the rule be revised to allow the use of NC DAP.

MOTION was made by Commissioner Wrenn Johnson that the Commission authorize the Planning and Standards Committee to conduct a rule-making hearing to amend rule 12 NCAC 09B .0203(e) Admission of Trainees to add the N.C. Diagnostic Assessment and Placement (NC DAP) assessment. This rule-making hearing will be contingent upon the Community College System Office providing documentation to the Commission staff and legal counsel to document that the NC DAP and placement into the recommended developmental course meets the 10th grade reading level or equivalent standard of the Commission; seconded by Commissioner Bob Ruth. The MOTION carried.

Director Mark Strickland of the Justice Academy requested that Education and Training Committee Curriculum Revision Policy remove subparagraph (e) “[Wildlife Officers (Agency Head, Colonel of the Wildlife Resources Commission)]”. He advised that the N.C. Wildlife Commission would not be required to deliver their own BLET in accordance to 12 NCAC 09B .0228 since they no longer have a curriculum revision committee. The Committee approved this request.

Chairperson Johnson reported that Commissioner Tracy McPherson recommended on behalf of the School Accreditation Subcommittee the reaccreditation of the following institutions for a period of five years in accordance with 12 NCAC 09B .0200 and 12 NCAC 09C .0401 for the delivery of the Commission regulated training: Carteret Community College – BLET and SMI; Central Piedmont Community College – BLET, SMI and General Instructor Training, Charlotte-Mecklenburg Police Department –

BLET, Durham County Sheriff's Office – BLET; and, Halifax Community College – BLET, SMI and General Instructor Training. In addition, the Subcommittee recommends accreditation pursuant to 12 NCAC 09C .0401 and .0402 and 12 NCAC 09B .0200 to the following schools: James Sprunt College – SMI and General Instructor Training and Sampson Community College – SMI program. The Committee approved this request.

Chairperson Johnson reported that Mr. Stacy Holloman with the N.C. Justice Academy proposed revisions on behalf of the Speed Measuring Instruments Advisory Committee to the SMI courses as follows: (1) minor grammatical corrections and changes to outdated terminology; (2) a revision to the testing procedures for Radar and Time Distance skills assessments; (3) revisions to both Appendices A and C for the SMI courses; and, (4) inclusion of an overview of State v. Royster from the N.C. Court of Appeals concerning the estimation of speed by a law enforcement officer. Mr. Holloman asked that he be granted authority to make these revisions and release the materials by August 1, 2014. The Committee approved this request.

Mr. Holloman requested a clarification on administrative procedures for Specialized Instructor course Pre-Qualifications. He stated that there was not an established standard to the time period that a pre-qualification is valid. The Academy School Directors recommend that the Committee consider when a student passes a pre-qualification, that student has one calendar year to successfully complete the specialized course. If the student fails to complete that said course within one calendar year, the student must demonstrate proficiency in another pre-qualification in order to enroll in another course delivery. The Committee approved this request.

Chairperson Johnson reported that on behalf of the N.C. Law Enforcement Women's Association, Commissioner Melissa Hinnant requested that the training delivered by American Military University Instructors at the annual training course in Charlotte, NC be allowed to count towards credit for the intermediate and advanced certificate. The topics are "Leadership" and "Interview and Interrogation: Identifying Deceptive Behavior" respectively. The Committee approved this request.

Chairperson Johnson reported that on behalf of the N.C. Police Executives Association, Commissioner Bill Hollingsed requested that the training delivered by the Police Chief from Watertown and the Assistant Superintendent of the Boston Police Department about the Boston marathon bombing from April 2013 be allowed to count towards 4 credits for 2014 In-Service Training. The Committee approved this request.

Chairperson Johnson reported that on behalf of the BLET Revision Committee, Ms. Jennifer Fisher, N.C. Justice Academy proposed revisions to the BLET curricula: (1) Crime Prevention - training objectives revised and other revisions throughout the lesson plan and (2) Elements of Criminal Law – training objectives revised and other revisions throughout the lesson plan; content was added on violations of the domestic violence protective order. The Committee approved this request.

Lastly, Chairperson Johnson reported that Ms. Fisher proposed the following minor revisions to the BLET curricula: Arrest, Search, and Seizure/Constitutional Law; Course Orientation; Criminal Investigation; Crowd Management; Domestic Violence; Ethics for Professional Law Enforcement; Explosive and Hazardous Materials Emergencies; In-Custody Transportation; Interviews: Field and In-Custody; Law Enforcement Radio Procedures and Information Systems; Motor Vehicle Law; Patrol Techniques; Rapid Deployment; Sheriff's Responsibilities: Detention Duties; Subject Control/Arrest Techniques; and Techniques of Traffic Law Enforcement.

C. Planning and Standards Committee - Chairperson Stephanie Freeman

Chairperson Stephanie Freeman reported that the Planning and Standards Committee met on Wednesday, May 21, 2014 and approved the minutes of the February meeting.

Chairperson Freeman reported that the Planning and Standards Committee conducted a rule-making hearing and recommended five rules for repeal. The rules are: 12 NCAC 09A .0108 – Applicability of Radar/TDS Standards; 12 NCAC 09B .0311 – Certified Instructors; 12 NCAC 09C .0217 – Application for Law Enforcement Employment; 12 NCAC 09C .0218 – Form Order Blank and 12 NCAC 09C .0220 – Acquisition of Forms.

MOTION was made by Commissioner Freeman on behalf of the Planning and Standards Committee that the Commission grant rule-making authority to approve the repeal of the following rules: 12 NCAC 09A .0108 – Applicability of Radar/TDS Standards; 12 NCAC 09B .0311 – Certified Instructors; 12 NCAC 09C .0217 – Application for Law Enforcement Employment; 12 NCAC 09C .0218 – Form Order Blank and 12 NCAC 09C .0220 – Acquisition of Forms; seconded by Commissioner Allen Smith. The MOTION carried.

Chairperson Freeman reported that the Education and Training Standards Commission voted to amend rule 12 NCAC 09F .0102 concerning topical areas of Concealed Carry Handgun Training under .0102 item (1) to remove the requirement that only lesson plans developed by the NC Justice Academy be used for training purposes. The revision will allow for other lesson plans, such as those developed by the National Rifle Association, to be utilized in satisfying the requirements of this rule. After much discussion, this rule will come before the Planning and Standards Committee in August.

Chairperson Freeman reported that the Ms. Anne Brown with NC Department of Public Safety, Human Resources, appeared before the Committee to request that the title "Juvenile Court Counselor I" be removed from the Interpretive Rule and replaced with "Juvenile Court Counselor".

MOTION was made by Commissioner Freeman on behalf of the Planning and Standards Committee that the Commission remove the job title “Juvenile Court Counselor I” and add the title to the Interpretive Rule “Juvenile Court Counselor” seconded by Commissioner Charles Johnson. The MOTION carried unanimously.

D. Probable Cause Committee - Chairman Ray Davis

Chairman Davis reported that the Probable Cause Committee met on Tuesday, May 20th and again on Wednesday, May 21st.

He reported that the Committee reviewed a total of thirty-four (34) cases. Probable cause was found in sixteen (16) cases and no probable cause in thirteen (13) cases. Five cases were continued for additional investigation. Chairman Davis related that the Committee found probable cause in one case in which the Committee offered a lesser sanction of an “Official Written Reprimand.”

MOTION was made by Commissioner Davis that the Commission accept a lesser sanction of agreement for Memorandum Number 14/040; seconded by Commissioner Jones. The MOTION carried unanimously.

Chairman Davis concluded his report by stating that there were no officers to report on “The List of Individuals Certified Having Committed a Criminal Offense”.

V. OTHER BUSINESS

None

VI. OLD BUSINESS

A. Old Business

None

B. Legal Counsel Report

Ms. Lauren Earnhardt distributed a document entitled “Pending Administrative Cases” for the membership’s review:

C. Final Agency Decisions

Chairman Glenn noted that Mr. John Congleton, an Assistant Attorney General, would serve as the Commission’s Legal Counsel for the Final Agency Decision.

Chairman Glenn read the Recusal Statement to the Commission members and reminded everyone that both the Petitioner and the Respondent would be limited to 30 minutes of oral argument.

1. Patricia Mary Cotto

Ms. Lauren Earnhardt presented oral argument regarding the case against Ms. Cotto.

MOTION was made by Commissioner Lee Farnsworth that the Commission adopt the Proposed Final Agency Decision by legal counsel; seconded by Commissioner Allen Smith. The MOTION carried. See Attachment I for the Commission's Final Agency Decision and Attachment II for the roll call vote.

2. Marshall Letitus Wiley

Ms. Lauren Earnhardt presented oral argument regarding the case against Mr. Wiley.

MOTION was made by Commissioner Smith that the Commission adopt the Proposed Final Agency Decision as written by legal counsel; seconded by Commissioner Bob Myrick. The MOTION carried. See Attachment III for the Commission's Final Agency Decision and Attachment IV for the roll call vote.

3. Dominic Orlando Chavis

Ms. Lauren Earnhardt presented oral argument regarding the case against Mr. Chavis.

MOTION was made by Commissioner Smith that the Commission adopt the Proposed Final Agency Decision as written by legal counsel; seconded by Commissioner Farnsworth. The MOTION carried unanimously. See Attachment V for the Commission's Final Agency Decision and Attachment VI for the roll call vote.

4. Lee Daniel Wilkerson

Ms. Lauren Earnhardt presented oral argument regarding the case against Mr. Wilkerson.

MOTION was made by Commissioner Caldwell that the Commission go into Closed Session; seconded by Commissioner Ruth. The MOTION carried unanimously.

MOTION was made by Commissioner Wrenn Johnson that the Commission return to Open Session; seconded by Commissioner Stephanie Freeman. The MOTION carried unanimously.

MOTION was made by Commissioner Jeff Welty that the Commission accept the Proposed Final Agency Decision; seconded by Commissioner Myrick. The MOTION carried unanimously. See Attachment VII for the Commission's Final Agency Decision and Attachment VIII for the roll call vote.

VII. DATE OF NEXT MEETING

Chairman Glenn advised that the next Commission meeting is scheduled for August 21-22, 2014 at the Wake Technical Community College, Public Safety Education Campus.

VIII. MOTION TO ADJOURN

MOTION was made by Commissioner Welty that the Commission adjourn; seconded by Commissioner Wrenn Johnson. The MOTION carried unanimously.