

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

**MINUTES**

**DATE:** February 17, 2017

**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**

Chief Chris Blue  
Captain Marianne Bond  
Mr. Eddie Caldwell  
Mr. David Dail  
Mr. Ray Davis  
Mr. Richard Epley  
Mr. James Fisher-Davis  
Chief Jay Fortenbery  
Chief Robert Hassell  
Mr. Brent Herron  
Chief Bill Hollingsed  
Deputy Chief Brian James  
Ms. Teresa Jardon  
Mr. Steve Johnson  
Mayor Bobby Kilgore  
Chief Tim Ledford  
Colonel Glenn McNeill, Jr.  
Ms. Tracy McPherson  
Mr. Nathan Mizell  
Chief James Moore  
Dr. Kenneth Mullen  
Chief Deputy Marshal Ricky Parks  
Chief Ron Parrish  
Ms. Robin Pendergraft  
Mr. Trey Robison  
Mr. Michael Slagle  
Mr. Jeff Welty  
Ms. Angela Williams

**MEMBERS ABSENT**

Mr. Gregory Baker  
Captain Lee Farnsworth  
Chief Tim Hayworth  
Mr. Bob Schurmeier

**I. CALL TO ORDER**

Commission Chairman Bill Hollingsed called the meeting to order. Ms. Donna Byrd, Clerk to the Commission, administered the Oath of Office to the following new members: Colonel Glenn McNeill, Jr., who represents the North Carolina State Highway Patrol and Chief Robert Hassell of Reidsville Police Department, who represents the North Carolina Association of Chiefs of Police. Commission Chairman Hollingsed read the Ethics Responsibility into the minutes. He declared that a quorum was present and welcomed all visitors to the Commission meeting.

Commission Chairman Hollingsed welcomed Diane Konopka, Director and Sirena Jones, Deputy Director of the Sheriffs' Standards Division.

## II. PRESENTATION OF RESOLUTIONS OF APPRECIATION

Commission Chairman Hollingsed entertained a motion to approve Resolutions of Appreciation for Charles Walston with the N.C. Department of Public Safety, former Chief Harold Medlock of Fayetteville Police Department and former Chief Allen Smith of Atlantic Beach Police Department. Chairman Hollingsed read the Resolutions of Appreciation into the minutes.

**MOTION was made by Commissioner Robin Pendergraft to approve the Resolutions of Appreciation for Charles Walston, Harold Medlock and Allen Smith; seconded by Commissioner Ron Parrish. The MOTION carried unanimously.**

Commission Chairman Hollingsed gave a warm welcome to Mr. Seth Dearmin, Chief of Staff to Attorney General Josh Stein.

## III. AWARDING OF ADVANCED CERTIFICATES [Agenda Memorandum No. 04-16]

Commission Chairman Hollingsed reported that staff had evaluated the applications of all one hundred (100) candidates. There were ninety-five (95) candidates for the Advanced Law Enforcement Certificate and five (5) 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 Chris Blue that the Commission award the Advanced Law Enforcement Certificate or Advanced Criminal Justice Certificate to each named individual. The MOTION was seconded by Commissioner Mike Slagle and carried unanimously.**

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

Wahnetah Toineeta	Cherokee Police Department Presented by Chairman Hollingsed
Dustin Michael Wilhoit	Concord Police Department Presented by Chairman Hollingsed
Clara P. Dula	Fuquay-Varina Police Department Presented by Captain Bob Adams
Wilton Perez	Harnett Health Company Police Presented by Chairman Hollingsed
Joshua K. Hamilton	Hope Mills Police Department Presented by Sergeant Anthony Day
George D. Regan, Jr.	Hope Mills Police Department Presented by Sergeant Anthony Day
Shane S. Manuel	N.C. State Highway Patrol Presented by Colonel Glenn McNeill
Glenn H. Stokes, Jr.	N.C. State Highway Patrol Presented by Colonel McNeill

Patrick B. Yount

N.C. State Highway Patrol  
Presented by Colonel McNeill

Darin M. Bronson

Spring Lake Police Department  
Presented by Chairman Hollingsed

#### IV. ELECTION – STANDING COMMITTEE CHAIRMAN

Chairman Hollingsed entertained a motion for nominations for the office of Chairman of the Planning and Standards Committee.

**MOTION was made by Commissioner Pendergraft to nominate Jeff Welty as Chairman of the Planning and Standards Committee. The MOTION was seconded by Commissioner James Fisher-Davis and carried unanimously.**

#### V. MINUTES OF NOVEMBER 18, 2016 MEETING

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

**MOTION was made by Commissioner Parrish that the Commission approve the minutes of the November 18, 2016 meeting as mailed. The MOTION was seconded by Commissioner Ray Davis and carried unanimously.**

#### VI. STANDING COMMITTEE REPORTS

##### A. Executive Committee - Chairman Eddie Caldwell

Chairman Caldwell reported that the Executive Committee met and discussed several items. One item of discussion was the authority of this Commission under two different general statutes. The Administrative Procedures Act Chapter 150B of the General Statutes governs the operation of most state agencies under the Administrative Procedures Act. He explained that there is a separate article called Article 3A which sets up procedures for occupational licensing boards to handle their administrative hearings. The difference between Article 3 and Article 3A is that for Article 3, these cases go directly to the Office of Administrative Hearings and the Administrative Law Judge reviews the case(s) and makes a final decision. Therefore, these cases do not return to the full Commission for decision. General Statute 150B, Article 3A, is where the Commission can either hear the case or forward to the Office of Administrative Hearings for review and after their review, they in turn forward the case(s) to the Commission for final decision.

**MOTION was made by Commissioner Caldwell on behalf of the Executive Committee, that the Commission authorize the Executive Committee to: (1) evaluate the legislative options for clarifying that the Commission is under Article 3A of Chapter 150B of the North Carolina General Statutes; and (2) if the Executive Committee determines that it is advisable to do so, pursue clarifying legislation; seconded by Commissioner Steve Johnson. The MOTION carried unanimously.**

Second, Chairman Caldwell stated that as an occupational licensing board, the Commission is independent and administratively housed under the North Carolina Department of Justice and the Attorney General. Chairman Caldwell advised that Ms. Christy Agner, liaison for the Attorney General represented the Department of Justice. Recently, there had been discussion where the Commission needed someone there to speak on behalf of the Commission. He reported that Director Combs had been talking with Mr. Seth Dearmin, Chief of Staff about a position of a legislative liaison to represent the Commission.

**MOTION was made by Commissioner Caldwell on behalf of the Executive Committee, that the Commission authorize the Executive Committee to: (1) evaluate the options for partnering with the North Carolina Department of Justice to secure legislative liaison services for the Commission; and (2) if the Executive Committee determines that it is advisable to do so, enter into an agreement with the North Carolina Department of Justice for legislative liaison services, including the obligation of Commission funding for that purpose; seconded by Commissioner Davis. The MOTION carried unanimously.**

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

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

**B. Education and Training Committee – Chairperson Robin Pendergraft**

Chairperson Robin Pendergraft reported that the Education and Training Committee met on Wednesday, February 15, 2017 at Wake Technical Community College, Raleigh, North Carolina.

Chairperson Pendergraft reported that on behalf of the Federal Law Enforcement Committee, Commissioner Steve Johnson presented the proposed rule change regarding Federal Law Enforcement Transfers. The request would require a rule change for 12 NCAC 09B .0403 – Evaluation for Training Waiver.

**MOTION was made by Commissioner Pendergraft that the Commission authorize the Planning and Standards Committee to conduct a rule-making hearing to amend the rule, 12 NCAC 09B .0403 – Evaluation for Training Waiver as follows: (1) Modify the language in paragraph (a), subparagraph (2) as follows: change the break in service language from “one year” to “three years;” (2) Delete the following language in paragraph (a), subparagraph (12); “Persons who have completed training as a federal law enforcement officer and are candidates for appointment as a sworn law enforcement officer in North Carolina shall be required to complete a Commission-accredited basic training program, as prescribed in Rule .0405 of this section, and shall achieve a passing score on the State Comprehensive Examination;” (3) Add the following language in paragraph (a), subparagraph (12); “Individuals seeking certification with the Commission and have been appointed as Special Agents with the Federal Bureau of Investigation, United States Secret Service, Bureau of Alcohol, Tobacco and Firearms and Drug Enforcement Administration, United States Marshals and Deputy United States Marshals shall be evaluated to determine the amount and quality of their training and experience. These individuals shall not have a break in service exceeding three years. At minimum, federal law enforcement officers shall have two years full-time, sworn law enforcement experience and have completed a basic law enforcement training course as required by their appointing federal agency. Prior to employment as a certified law enforcement officer, these individuals must complete with a passing score, the employing agency’s in-service firearms training and qualification program as prescribed in 12 NCAC 09E .0106. These individuals shall complete the Basic Law Enforcement Training topics pursuant to 12 NCAC 09B .0205(b)(1)(A), (b)(1)(C), (b)(1)(D), (b)(1)(F), (b)(2)(A), (b)(2)(C), (b)(2)(E), (b)(2)(F), (b)(2)(1), (b)(3)(B), (b)(3)(D), (b)(4)(E), (b)(5)(A), (b)(6)(A), (b)(6)(B), (b)(6)(C) and shall achieve a passing score on the State Comprehensive Examination pursuant to 12 NCAC 09B .0406 within a 12 month probationary period. Individuals who submit to the Commission documentation of completion of training equivalent to the topics pursuant to 12 NCAC 09B .0205(b)(2)(A), (b)(2)(C), (b)(2)(E), (b)(2)(F), (b)(2)(I), (b)(3)(B), (b)(3)(D), (b)(4)(E), (b)(5)(A), (b)(6)(A), (b)(6)(B) and (b)(6)(C) shall not be required to complete those topics”; (4) Include the following language as paragraph (a), subparagraph (13): “Federal law enforcement transferees other than those listed in Paragraph (12) of this Rule shall be evaluated to determine the amount and quality of their training and experience. Federal law enforcement officers shall not have a break in service exceeding three years. At minimum, federal law enforcement officers shall have two years full-time, sworn law**

**enforcement experience and have completed a basic law enforcement training course as required by their appointing federal agency. Prior to employment as a certified law enforcement officer, transferees, must complete with a passing score the employing agency's in-service firearms training and qualification program as prescribed in 12 NCAC 09E .0106. At a minimum, transferees shall complete the Legal Unit in a Commission-accredited Basic Law Enforcement Training Course as prescribed in Rule .0205(b)(1) of this Subchapter and shall achieve a passing score on the State Comprehensive Examination within a 12 month probationary period"; and, (5) Renumber existing subparagraphs in paragraph (a) to reflect "(14)" through "(19);" seconded by Commissioner Ken Mullen. The MOTION carried unanimously.**

Chairperson Pendergraft reported that on behalf of the Joint In-Service Training Committee, Deputy Director Trevor Allen presented a proposed rule change for 12 NCAC 09E .0105 – Minimum Training Specifications: Annual In-Service Training.

**MOTION was made by Commissioner Pendergraft that the Commission authorize the Planning and Standards Committee conduct a rule-making hearing to amend the rule, 12 NCAC 09E .0105 – Minimum Training Specifications: Annual In-Service Training as follows: (1) Add the following language in paragraph (a): "All sworn law enforcement officers shall complete a minimum of 24 in-service training credits. The following topics, totaling 18 credits, are specifically required;" (2) Delete the following language in paragraph (a); "These specifications shall be incorporated in each law enforcement agency's annual in-service training courses;" (3) Modify the language in paragraph (a), subparagraph (1) as follows: Change the year from "2017" to "2018" and "(6 credits)" to "(4 credits);" (4) Modify the language in paragraph (a), subparagraph (2) as follows: Change the year from "2017" to "2018". (5) Modify the language in paragraph (a), subparagraph (3) as follows: Change the title from "2017 Positively Impacting Today's Youth" to "2018 Strategies to Improve Law Enforcement Interactions and Relationships with Minority Youth"; (6) Modify the language in paragraph (a), subparagraph (4) as follows: Change the title from "2017 Domestic Violence: Protecting Victims of Domestic Violence" to "2018 Equality in Policing"; (7) Delete the following language in paragraph (a), subparagraph (5): "2017 Improving Decision-Making Skills (4 credits);" and replace with "2018 Communications Skills with Persons in Crisis – De-escalation Techniques (4 credits)." (8) Delete the following language in paragraph (a), subparagraph (6): "2017 Department Topics of Choice (4 credits);" (9) Change numbering/lettering sequence of paragraph (a), subparagraph (6) to reflect paragraph "(b)" and add the following: "All sworn law enforcement officers shall complete a minimum of six (6) in-service credits, in topics identified by their respective agency heads"; and, (10) Modify lettering in remaining paragraphs to reflect "(c)" through "(f)"; seconded by Commissioner Johnson. The MOTION carried unanimously.**

Chairperson Pendergraft reported that Mr. Bill DuBois, North Carolina Justice Academy recommended training objectives for the 2018 In-Service Training Topics. The Education and Training Committee approved this request.

Chairperson Pendergraft reported that Deputy Director Trevor Allen, Criminal Justice Standards Division staff recommended the accreditation for Elizabeth City Police Department – General Instructor Training and Speed Measuring Instrument Training. The Committee approved the request.

Deputy Director Allen recommended the use of electronic signatures by the instructor delivering the classroom portion of the annual in-service training be allowed. This electronic signature would apply to Section II (Firearms Instructor Compliance – Classroom Requirement) and Section IV (Agency Acknowledgement of Qualification Scores) on page 1 of the Commission Firearms Qualification Record

(Form F-9A). The hand signature would be required for Section V on page 2 (range qualification scores) of the Form F-9A. The Committee approved the request.

Chairperson Pendergraft noted that Mr. Perry Harris, North Carolina Justice Academy briefed the Committee on the current status of the ongoing General Instructor Training course revision process.

Chairperson Pendergraft reported that Dr. Ken Mullen, Appalachian State University addressed the Committee on behalf of the Program Evaluation Committee. The Committee discussed the program and asked staff to research goals and support for participating agencies and organizations and present at the next Committee meeting.

Lastly, Chairperson Pendergraft reported that Commissioner Johnson discussed the potential of a new firearms requirement for law enforcement, specifically qualifications for day and night (low light) utilizing all weapons that an officer carries (handguns and long guns).

**C. Planning and Standards Committee – Chairman Jeff Welty**

Chairman Jeff Welty reported that the Planning and Standards Committee met on Wednesday, February 15, 2017 at Wake Technical Community College, Raleigh, North Carolina.

Chairman Welty welcomed Chief Hassell of Reidsville Police Department to the Planning and Standards Committee. He reported that the Committee elected Commissioner James Moore as Vice-Chair.

Chairman Welty reported that the minutes from the November 16<sup>th</sup> meeting were approved.

Next, Chairman Welty reported that the Committee conducted a rule making hearing to amend 12 NCAC 09B .0204 – Training Course Enrollment – to have a course with a minimum of eight full time students instead of ten with permission of the Director of the Standards Division.

Chairman Welty reported that 12 NCAC 09G .0206 – Moral Character – defines conditions of moral character for prospective Probation/Parole Officers and Corrections Officers. An informal request was made asking staff to reconcile this amendment with the equivalent rule on the law enforcement side.

Chairman Welty reported that 12 NCAC 09H .0102 and 09H .0105 – Minimum Training Specifications & Filing and Fees – Revises the process for obtaining and renewing a Retired Law Enforcement Officer Firearm certification for a twelve (12) month period and clarifies the Division form required for application.

**MOTION was made by Commissioner Welty that the Commission adopt the rule amendments to 12 NCAC 09B .0204 – Training Course Enrollment, 12 NCAC 09G .0206 – Moral Character, 12 NCAC 09H .0102 and 09H .0105 – Minimum Training Specifications and Filing and Fees; seconded by Commissioner Brent Herron. The MOTION carried unanimously.**

Chairman Welty reported that the Planning and Standards Committee reviewed two possible options that legal counsel drafted for addressing Commission authority to suspend or deny an instructor's certification to 12 NCAC 09B .0301 – Certification of Instructors.

**MOTION was made by Commissioner Welty that the Commission authorize the Planning and Standards Committee to conduct a rule making hearing to revise 12 NCAC 09B .0301 – Certification of Instructors – an automatic revocation of instructor certification based on revocation of law enforcement officer certification and also contain provision that would allow for non-law enforcement officer instructors have their certification revoke if that would cause a law enforcement officer to lose his certification; seconded by Commissioner Fisher-Davis. The MOTION carried unanimously.**

Chairman Welty reported that the Committee had a presentation from Pearson Vue regarding computer-based test delivery. After much discussion, the Committee recommended that the current method of testing continue without any interruption.

Chairman Welty reported that the Committee received an update to the recruitment and retention study of Adult Institutional Corrections personnel from Dr. Heidi Bonner with East Carolina University. Chairman Welty reported that the study revealed that better pay, employee recognition, proper time off as well as improved supervisory support and training was needed.

In closing, Chairman Welty stated that the Committee agreed to the revisions in the Medical Screening Guidelines of Criminal Justice Officers in the state of North Carolina supported by legal counsel and staff.

**MOTION was made by Commissioner Welty that the Commission approve and adopt the changes of the guidelines; seconded by Commissioner Teresa Jardon. The MOTION carried unanimously.**

**D. Probable Cause Committee - Chairman Ray Davis**

Chairman Davis reported that the Probable Cause Committee met on Wednesday, February 15<sup>th</sup> and Thursday, February 16, 2017 at Wake Technical Community College, Raleigh, North Carolina.

Chairman Davis reported that the minutes of November 16<sup>th</sup> and November 17, 2016 were approved as presented.

Chairman Davis asked the Commission members to review the list of individuals that staff had certified after reviewing their criminal records. He advised that the Probable Cause Committee members had reviewed and subsequently approved the issuance of certification to three individuals.

Chairman Davis reported that on Wednesday, February 15<sup>th</sup>, sixteen (16) officers/applicants were reviewed with a total of nineteen (19) alleged violations of the Administrative Code. No probable cause was found against eight (8) officers/applicants involving ten (10) allegations. Probable cause was found against six (6) officers/applicants involving seven (7) allegations. The Probable Cause Committee found probable cause against two (2) other officers/applicants involving two (2) alleged violations with the offer of a lesser sanction of an "Official Written Reprimand."

Chairman Davis reported that on Thursday, November 17<sup>th</sup>, eleven officers/applicants were reviewed with a total of twenty (20) alleged violations of the Administrative Code. No probable cause was found against six (6) officers involving nine (9) alleged violations. Probable cause was found against five (5) officers/applicants involving ten (10) alleged violations. Probable cause was found against one (1) officer/applicant involving one (1) alleged violation with the offer of a lesser sanction of an "Official Written Reprimand".

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**MOTION was made by Commissioner Davis that the Commission accept a lesser sanction of agreement for Memorandum Number 16/090; seconded by Commissioner Bobby Kilgore. The MOTION carried unanimously.**

**MOTION was made by Commissioner Davis that the Commission accept a lesser sanction of agreement for Memorandum Number 17/008; seconded by Commissioner David Dail. The MOTION carried unanimously.**

**MOTION was made by Commissioner Davis that the Commission accept a lesser sanction of agreement for Memorandum Number 17/017; seconded by Commissioner Angela Williams. The MOTION carried unanimously.**

#### **VII. OTHER BUSINESS**

Director John Byrd, with the N.C. State Crime Laboratory presented a handout displaying cases and the turnaround time to process. He explained that on an average in 2014, the Crime lab had 52,595 cases with the turnaround time of approximately 4 to 5 years. In 2016, the crime lab dropped below 10,000 cases. Director Byrd stated that they had struggled with resources; however, with the allocations from the General Assembly, the Crime lab had increased staff. Presently, the Crime lab has a turnaround time of 180 days. He stressed his appreciation to the Commission for their assistance in resources.

#### **VIII. OLD BUSINESS**

##### **A. Old Business**

None

##### **B. Legal Counsel Report**

Mr. Hal Askins distributed a document entitled "Pending Administrative Cases" for the membership's review.

#### **IX. DATE OF NEXT MEETING**

Commission Chairman Hollingsed advised that the next Commission meeting is scheduled for May 17-19, 2017 at the Wake Technical Community College, Public Safety Education Campus in Raleigh, NC.

#### **X. MOTION TO ADJOURN**

**MOTION was made by Commissioner Davis that the Commission adjourn; seconded by Commissioner Mullen. The MOTION carried unanimously.**