

MINUTES

North Carolina Criminal Justice Education and Training Standards Commission

Planning & Standards Committee

November 15, 2017

The Planning & Standards (P&S) Committee of the North Carolina Criminal Justice Education and Training Standards Commission met at Wake Tech Public Safety Center, Raleigh on November 15, 2017 at 10:30am.

Committee Members Present

Commissioner Jeff Welty, Chair
Commissioner James Moore
Commissioner Trey Robison
Commissioner Teresa Jardon
Commissioner Richard Epley
Commissioner Robert Hassell
Commissioner Jay Fortenbery
Commissioner Randy Byrd

Guests Present

Commissioner Tracy McPherson, NC Community Colleges
Trevor Allen, NC Justice Academy

CJ Standards Staff Present

Steven Combs
Michelle Schilling
Charminique Williams
Dawn Suffel

Call to Order

Committee Chair Jeff Welty called the meeting to order and declared a quorum.

Approval Minutes

Motion to approve the August 17, 2017 meeting minutes was made by Commissioner Jay Fortenbery and **seconded** by Commissioner Teresa Jardon. **Motion carried** unanimously.

Election of Vice Chair

Motion to nominate Commissioner James Fisher-Davis as vice-chair was made by Commissioner James Moore and **seconded** by Commissioner Jay Fortenbery. **Motion carried** unanimously.

Physician Assistants and Nurse Practitioners

The committee discussed rules regarding who may administer a physical examination to a prospective officer. The current version of the *Medical Guidelines for the Certification of Criminal Justice Officers in the State of North Carolina* provides that a physician, surgeon, physician assistant or nurse practitioner may conduct such exams; therefore language in the administrative code needs to be made concurrent. **Motion** to seek rule-making authority from the full commission to amend 12 NCAC 09B.0101 (minimum standards), 12 NCAC 09B.0104 (medical examination), and 12 NCAC 09C.0306 (lateral transfer) to add physician assistants and nurse practitioners was made by Commissioner James Moore and **seconded** by Commissioner Robert Hassell. **Motion carried** unanimously.

Admission of Trainees

Committee discussed the rules regarding educational requirements for prospective officers. Generally, the rules require at least a high school diploma, and do not allow for diplomas based on correspondence courses. Staff consulted with the community college system and determined that the community colleges recognize distance education diplomas, except those from diploma mills (defined as institutions that charge a fee and provide a diploma with little or no academic work required). **Motion** to seek rule-making authority from the full commission to amend 12 NCAC 09B.0106 (documentation of educational requirements), 12 NCAC 09B.0203 (admission of

trainees), and 12 NCAC 09G.0204 (education) and adopt definition provided by, and make in alignment with, the community college system was made by Commissioner Trey Robison and **seconded** by Commissioner Robert Hassell. **Motion carried** unanimously.

Concealed Carry Handgun Instructors Certification

Committee discussed rules regarding concealed carry handgun (CCH) instructors requirement to become certified, but rules do not currently have provision should said certification lapse. **Motion** to seek rule-making authority from the full commission to amend 12 NCAC 09F .0105 (instructor responsibilities) and 12 NCAC 09F .0106 (sanctions), to require instructors to keep their CCH instructor certifications current was made by Commissioner Robert Hassell and **seconded** by Commissioner Teresa Jardon. **Motion carried** unanimously.

System Plan – 9th Edition

Committee discussed the need to work on a new system plan; the current plan ends year end 2018. The committee discussed duration of the new plan (past plans have lasted 3 to 5 years), the process for gathering input about the plan (certainly from the other committees and from the Commission as a whole; there was also support for having staff conduct a survey and for putting a request for suggestions on the Commission website; there was less obvious support for public meetings or hearings), and the content of the plan (there was some support for choosing a smaller number of focused goals instead of a broad and all-encompassing plan). Specific topics mentioned as possibilities for the plan included:

- Standards for correctional officer training, and perhaps others who work in a prison environment – are they getting enough training? Should they be required to complete some or all of their training before working in a prison? DPS is looking at this as a policy matter as well. Historically, there was some concern about the expense of training people who might decide, after actually working in a prison that the work was not to their liking.
- The long cycle for approving in-service topics. An urgent topic that comes up today will not become part of in-service training until 2020, because topics are considered by a joint CJ/Sheriffs' committee, which moves slowly, and then must be adopted via the rulemaking process. Could the process be streamlined? Must topics be adopted via rulemaking, or could the rule simply say that training will be on topics determined by the Justice Academy or the committee? Would such a rule be insufficiently specific?
- Are there things we should look at based on the recruitment/retention study? One possibility is a need for management and leadership training. The *Police Executive Research Forum* (PERF) and a few other organizations do some of this on a national level. The Justice Academy is looking at expanding its offerings in this area.
- Should there be ongoing physical fitness standards for officers?
- Should BLET include much more training on verbal de-escalation than the 8 hours included now? Director Combs noted that staff is looking at doing a new job task analysis that might also lead to recommendations for changes to BLET.

Decennial Rules Review

As part of the Commission's decennial review of all its rules, the committee reviewed 62 administrative rules. Staff provided an updated definition for categorizing rules as unnecessary; necessary with substantive public interest; or necessary without substantive public interest, based on the language of G.S. 150B-21.3A as well as staff's communication with counsel for the Rules Review Commission. Applying that understanding, which focuses on whether we have received or reasonably expect objections to a rule, committee categorized each of the 62 rules as necessary without substantive public interest. At the conclusion of the categorization process, likely in August 2018, the committee will summarize all work and seek approval from the full commission.

Date of Next Meeting

Scheduled for February 14, 2018.

Adjournment

Motion to adjourn was made by Commissioner Richard Epley and **seconded** by Commissioner Jay Fortenbery. **Motion carried.**