

**RULE-MAKING HEARING  
RULES REVISIONS**

**North Carolina Criminal Justice  
Education and Training Standards Commission**

**May 20, 2015**

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**Call to Order**

The Planning & Standards (P&S) Committee of the North Carolina Criminal Justice Education and Training Standards Commission met at the Wake Technical Community College, Public Safety Center on May 20, 2015. This committee presided over the public Rule-Making Hearing with Commission Chairman Scott Cunningham calling the hearing to order at 10:30 am. Mr. Cunningham introduced Committee members and stated the purpose of the Rule-Making Hearing is to receive remarks from any persons interested in commenting on the proposed amendments to the Commission's Administrative Rules.

**Committee Members Present**

Commissioner Scott Cunningham, Chairman  
Commissioner Robert Myrick  
Commission Charles Johnson  
Commissioner Jeff Welty  
Commissioner Trey Robison  
Commissioner Allen Smith  
Commissioner Charles Walston  
Commissioner James Fisher-Davis

**Guests Present**

Commissioner Nathan Mizell  
Margaret McDonald, NC Dept. of Public Safety

**Staff Present**

Steven Combs, CJ Standards Division  
Trevor Allen, CJ Standards Division  
Merrily Cheek, CJ Standards Division  
Dawn Suffel, CJ Standards Division

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Chairman Cunningham advised that proposed amendments would be read and, if needed, the amendments would be explained by a staff member. He stated that after the rules are presented and explained, anyone wishing to comment would be allowed to do so. No written comments or objections were received by the Rule-Making Coordinator.

Chairman Cunningham read into the record the proposed rule amendments as follows:

**12 NCAC 09B .0701 MILITARY AND MILITARY SPOUSE TRANSFEREES**

Commissioner Cunningham explained that there is pending legislation which may supersede the rule being discussed today; nonetheless the committee shall proceed with rule-making hearing to ensure a rule is in place should legislation efforts not pass. He went on by summarizing that key differences between the proposed rule and pending legislation involve how military experience and training will be credited for law enforcement certification purposes.

After lengthy discussion to clarify rule intent involving military spouses, .0701, Item (g), Commissioner Welty recommended language added at the end of sentence in .0701 (g)(3)(B) to convey “*notwithstanding the break in training limitations of 09B .0403(a)(2)*” applicable to out-of-state transferees.

No comments.

**Motion** to adopt proposed rule amendment with language modification as described was made by Commissioner Robert Myrick and **seconded** by Commissioner Allen Smith. **Motion carried** unanimously.

**12 NCAC 09B .0227 SPECIALIZED DRIVER INSTRUCTOR TRAINING**

Commissioner Cunningham explained that changes to this rule would increase training hours, from 33 to 48 hours, for specialized driver instructors.

No comments.

**Motion** to adopt changes as presented was made by Commissioner Jeff Welty; **seconded** by Commissioner James Fisher-Davis. **Motion carried** unanimously.

**12 NCAC 09B .0235 BASIC TRAINING – JUVENILE COURT COUNSELORS AND CHIEF COURT COUNSELORS**

Commissioner Cunningham explained that changes to this rule would update curricula for Juvenile Justice Officers, Juvenile Court Counselors and Chief Court Counselors to keep current with industry standards.

No comments.

**Motion** to adopt changes as presented was made by Commissioner Jeff Welty; **seconded** by Commissioner Charles Johnson. **Motion carried** unanimously.

**12 NCAC 09B .0236 BASIC TRAINING – JUVENILE JUSTICE OFFICERS**

Commissioner Cunningham explained that changes to this rule would update curricula for Juvenile Justice Officers, Juvenile Court Counselors and Chief Court Counselors to keep current with industry standards.

No comments.

**Motion** to adopt changes as presented was made by Commissioner Jeff Welty; **seconded** by Commissioner Robert Myrick. **Motion carried** unanimously.

**12 NCAC 09B .0305 TERMS AND CONDITIONS OF SPECIALIZED INSTRUCTOR CERTIFICATION**

Commissioner Cunningham explained that changes to this rule would ensure that specialized physical fitness instructors and law enforcement firearms instructors maintain proficiency in their respective discipline.

No comments.

**Motion** to adopt changes as presented was made by Commissioner Jeff Welty; **seconded** by Commissioner Allen Smith. **Motion carried** unanimously.

**12 NCAC 09E .0105 MINIMUM TRAINING SPECIFICATIONS**

Commissioner Cunningham explained that changes to this rule would update the annual in-service training topics for law enforcement officers.

No comments.

**Motion** to adopt changes as presented was made by Commissioner Jeff Welty; **seconded** by Commissioner Robert Myrick. **Motion carried** unanimously.

**12 NCAC 09B .0228 BASIC TRAINING – WILDLIFE ENFORCEMENT OFFICERS**

**12NCAC 09B .0401 TIME REQUIREMENT FOR COMPLETION OF TRAINING**

**12NCAC 09C .0303 PROBATIONARY CERTIFICATION**

Commissioner Cunningham explained that public hearings on these three rules were already held in November of 2014, yet had not been published in the NC Register; therefore they will go before the full commission on May 21, 2015.

This concludes today's Rule-Making Hearing.

**MINUTES**  
**North Carolina Criminal Justice**  
**Education and Training Standards Commission**

**Planning & Standards Committee**  
**May 20, 2015**

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 May 20, 2015 at 10:30 am.

**Committee Members Present**

Commissioner Scott Cunningham, Chairman  
Commissioner Robert Myrick  
Commissioner Charles Johnson  
Commissioner Jeff Welty  
Commissioner Trey Robison  
Commissioner Allen Smith  
Commissioner Charles Walston  
Commissioner James Fisher-Davis

**Guests Present**

Commissioner Nathan Mizell  
Margaret McDonald, NC Dept. of Public Safety

**Staff Present**

Steven Combs, CJ Standards Division  
Trevor Allen, CJ Standards Division  
Merrily Cheek, CJ Standards Division  
Dawn Suffel, CJ Standards Division

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**Call to Order**

Chairman Scott Cunningham called the committee meeting to order and declared a quorum.

**Rule-Making Hearing**

Under separate cover.

**Approval of the February 12, 2015 Meeting Minutes**

**Motion** to approve was made by Commissioner Allen Smith and **seconded** by Commissioner Charles Johnson.  
**Motion carried** unanimously.

**Recruitment & Retention Study Update**

Staff member Merrily Cheek updated the committee concerning the study by explaining that ASU and ECU are currently going through a required internal approval process. Merrily shared sample draft questions and assured the committee that equal attention will be given to retention as it is to recruitment. Commissioner Walston offered his ongoing support on the Corrections side and to help with the DPS process. The committee discussed intent and format of questions, as well as method of presentation to most effectively collect information.

## *Planning and Standards Committee Meeting*

Chairman Cunningham asked for the committee to review the draft that Ms. Cheek provided and to email her with all comments so she can compile suggestions toward the direction the committee wishes to take.

### **8<sup>th</sup> Edition Commission System Plan**

Chairman Cunningham reemphasized the need for the entire commission's involvement in providing the committee with their views on what the focus should be for the next edition plan.

Ms. Cheek provided a brief review of objectives, from the 7<sup>th</sup> Edition Plan, that have been accomplished and those that might need eliminated or continued work going forward. Ms. Cheek provided example of other plan models, at the recommendation of Commissioner Welty from the committee's last meeting, and suggests reducing the 5 year strategy to a more attainable, visible work plan, perhaps a 2 year plan. The committee was in agreement.

### **MIST Rule Proposals**

Mr. Trevor Allen brought forward a proposal to amend the rules concerning annual mandated in-service training (MIST) for those officers who fail to complete on time. Mr. Allen explained that because there is usually a lapse between the first of the year and the time the officer receives notification of suspension, staff is asking for the committee, and ultimately the full commission, to consider suspension beginning on January 1.

Rules include: 12 NCAC 09E .0103, 09E .0107 and 09E .0108. The committee supported the proposal and **motion** to take it to executive committee and the full commission for consideration of rule-making authority was made by Commissioner Robert Myrick and **seconded** by Commissioner Allen Smith. **Motion carried** unanimously.

### **Other Business**

None.

### **Date of Next Meeting**

The next scheduled meeting of the Planning & Standards Committee will begin at 10:30 a.m. on August 20, 2015 at Wake Tech Public Safety Center, Raleigh.

### **Motion to Adjourn**

**Motion** to adjourn was made by Commissioner Allen Smith and **seconded** by Commissioner Charles Johnson. **Motion carried** unanimously.