

NORTH CAROLINA GENERAL ASSEMBLY
1971 SESSION

CHAPTER 963
SENATE BILL 411

AN ACT ESTABLISHING THE NORTH CAROLINA CRIMINAL JUSTICE TRAINING
AND STANDARDS COUNCIL.

The General Assembly of North Carolina enacts:

Section 1. Findings and policy. The General Assembly finds that the administration of criminal justice is of Statewide concern, and that proper administration is important to the health, safety and welfare of the people of the State and is of such nature as to require education and training of a professional nature. It is in the public interest that such education and training be made available to persons who seek to become criminal justice officers, persons who are serving as such officers in a temporary or probationary capacity, and persons already in regular service.

Sec. 2. Definitions. Unless the context clearly otherwise requires, the following definition applies in this act: "Criminal justice system" means the State and local law enforcement agencies, the State and local police traffic service agencies, the State correctional agencies, the jails and other correctional agencies maintained by local governments, except constitutional officers.

Sec. 3. (a) There is hereby established the North Carolina Criminal Justice Training and Standards Council, hereinafter called "the Council" in the Executive Office of the Governor (or the Department of Justice). The Council shall be composed of 21 members as follows:

Group 1 - Sheriffs. Five sheriffs or other individuals serving in sheriffs' departments, one of whom shall be selected by the North State Law Enforcement Officers Association and four selected by the North Carolina Sheriffs' Association.

Group 2 - Police Officers. Five police chiefs or other individuals serving in police departments, one of whom shall be selected by the North State Law Enforcement Officers Association and four selected by the North Carolina Association of Police Executives.

Group 3 - Departments.

(a) A representative of the Department of Justice to be selected by the Attorney General.

(b) A representative of the Department of Motor Vehicles to be selected by the Commissioner of Motor Vehicles.

(c) A representative for the Correctional System to be selected by the Governor.

(d) A representative for the Court System to be selected by the Chief Justice.

Group 4 - At-large groups and ex officio members.

(a) Three members at large to be selected by the Governor.

(b) The Director of the Institute of Government and the Director of Law Enforcement Training in the Department of Community Colleges, the Director of Criminal Justice Programs at East Carolina University and the Director of Criminal Justice Programs of North Carolina University at Charlotte, who shall be permanent members of the Council.

(c) The members shall be appointed for staggered terms and the initial appointments shall be made prior to September 1, 1971, and the appointees shall hold office until July 1st of

the year in which their respective terms expire and until their successors are appointed and qualified as provided hereafter:

For the terms of one year: One member from Group 1, one member from Group 2, one from Group 3(b), one from Group 3(d), and one from Group 4(a).

For the terms of two years: Two members from Group 1, two members from Group 2, one from Group 3(a), and one from Group 4(a).

For the terms of three years: Two members from Group 1, two members from Group 2, one member from Group 3(c), and one from Group 4(a).

Thereafter, as the term of each member expires, his successor shall be appointed for a term of three years. Notwithstanding the appointments for a term of years, each member shall serve at the will of the appointing authority.

The Director of the Institute of Government, the Director of Law Enforcement Training of the Department of Community Colleges, the Directors of Criminal Justice Programs at East Carolina University and the University of North Carolina at Charlotte shall be continuing members of the Council during their tenure as Director.

Members of the Council who are public officers shall serve ex officio and shall perform their duties on the Council in addition to the duties of their office.

(d) Vacancies in the Council occurring for any reason shall be filled, for the unexpired term, by the authority making the original appointment of the person causing the vacancy.

Sec. 4. Compensation. Members of the Council who are State officers or employees shall receive no compensation for serving on the Council, but shall be reimbursed for their expenses in accordance with G.S. 138-6. Members of the Council who are full-time salaried public officers or employees other than State officers or employees shall receive no compensation for serving on the Council, but shall be reimbursed for their expenses in accordance with G.S. 138-5(b). All other members of the Council shall receive compensation and reimbursement for expenses in accordance with G.S. 138-5.

Sec. 5. (a) The Governor shall designate one of the members of the Council as chairman upon its creation, and shall appoint or reappoint the chairman each July 1 thereafter.

(b) The Council shall select a vice-chairman and such other officers and committee chairmen from among its members, as it deems desirable, at the first regular meeting of the Council after its creation and at the first regular meeting after July 1 of each year thereafter. Nothing in this subsection, however, shall prevent the creation or abolition of committees or offices of the Council, other than the office of vice-chairman, as the need may arise at any time during the year.

(c) The Council shall hold at least four regular meetings per year upon the call of the chairman. Special meetings shall be held upon the call of the chairman or the vice-chairman, or upon the written request of five members of the Council.

(d) The activities and recommendations of the Council with respect to standards for criminal justice training shall be treated as appropriate in regular and special reports made by the Council. The Council, however, shall present special reports and recommendations to the Governor or the General Assembly, or both, as the need may arise or as the Governor or General Assembly may request.

Sec. 6. Powers. In addition to powers conferred upon the Council elsewhere in this act, the Council shall have the power to:

- (1) Promulgate rules and regulations for the administration of this act including the authority to require the submission of reports and information by criminal justice agencies and departments within this State relevant to employment, education and training.
- (2) Establish minimum educational and training standards for employment as a criminal justice officer: (a) in temporary or probationary status, and (b) in permanent positions.

- (3) Certify persons as being qualified under the provisions of this act to be criminal justice officers.
- (4) Consult and cooperate with counties, municipalities, agencies of this State, other governmental agencies, and with universities, colleges, junior colleges, and other institutions concerning the development of criminal justice training schools and programs or courses of instruction.
- (5) To establish minimum standards and levels of education or equivalent experience for all criminal justice instructors, teachers or professors.
- (6) Conduct and stimulate research by public and private agencies which shall be designed to improve education and training in the administration of criminal justice.
- (7) Make recommendations concerning any matters within its preview pursuant to this act.
- (8) Employ a Director and such other personnel as may be necessary in the performance of its functions.
- (9) Appoint such advisory committees as it may deem necessary.
- (10) Make such evaluations as may be necessary to determine if governmental units are complying with the provisions of this act.
- (11) Adopt and amend by-laws, consistent with law, for its internal management and control.
- (12) Enter into contracts and do such things as may be necessary and incidental to the administration of its authority pursuant to this act.

Sec. 7. Required standards. (a) Criminal justice officers already serving under permanent appointment on July 1, 1971, shall not be required to meet any requirement of subsections (b) and (c) of this section as a condition of tenure or continued employment, nor shall failure of any such criminal justice officers to fulfill such requirements make him ineligible for any promotional examination for which he is otherwise eligible. The legislature finds, and it is hereby declared to be the policy of this act, that such criminal justice officers have satisfied such requirements by their experience. It is the intent of this act that all officers employed, after the Council has adopted the required standards, shall meet the requirements of this act, provided that the Council shall not enforce its standards until after training facilities are available for personnel to comply with the standards.

(b) At the earliest practicable time, the Council shall provide, by regulation, that no person shall be appointed as a criminal justice officer, except on a temporary or probationary basis, unless such person has satisfactorily completed an initial preparatory program of training at a school approved by the Council. No criminal justice officer who lacks the education and training qualifications required by the Council may have his temporary or probationary employment extended beyond one year by renewal of appointment or otherwise.

(c) In addition to the requirements of subsection (b), of this section, the Council, by rules and regulations, shall fix other qualifications for the employment and retention of criminal justice officers, including minimum age, education, physical and mental standards, citizenship, good moral character, experience, and such other matters as relate to the competence and reliability of persons to assume and discharge the responsibilities of criminal justice officers, and the Council shall prescribe the means for presenting evidence of fulfillment of these requirements.

Where minimum general educational standards are not met, yet the individual shows potential and a willingness to achieve the standards by extra study, they may be waived by the Council for the amount of time it will take to achieve the standards required.

(d) The Council may issue a certificate evidencing satisfaction of the requirements of subsection (b) and (c) of this section to any applicant who presents such evidence as may be required by its rules and regulations of satisfactory completion of a program or course of

instruction in another jurisdiction equivalent in content and quality to that required by the Council for approved criminal justice education and training programs in this State.

Sec. 8. Grants under the supervision of Council and the State. The Council may authorize the reimbursement to each political subdivision of the State not exceeding sixty per cent (60%) of the salary and of the allowable tuition, living and travel expenses incurred by the officers in attendance at approved training programs, providing said political subdivisions do in fact adhere to the selection and training standards established by the Council.

Sec. 9. Appropriations. (a) The Council may accept for any of its purposes and functions under this act any and all donations, both real and personal, and grants of money from any governmental unit or public agency, or from any institution, person, firm or corporation, and may receive, utilize and dispose of the same. Any arrangements pursuant to this subsection shall be detailed in the annual report of this Council. Such report shall include the identity of the donor, the nature of the transaction, and the conditions, if any. Any monies received by the Council pursuant to this subsection shall be deposited in the State treasury to the account of the Council.

(b) The Council, by rules and regulations, shall provide for the administration of the grant program authorized by this section. In promulgating such rules, the Council shall promote the most efficient and economical program of criminal justice training, including the maximum utilization of existing facilities and programs for the purpose of avoiding duplication.

(c) The Council may provide grants as a reimbursement for actual expenses incurred by the State or political subdivision thereof for the provisions of training programs of officers from other jurisdictions within the State.

Sec. 10. Severability. The provisions of this act shall be severable and if any phrase, clause, sentence or provision of this act is declared to be contrary to the Constitution or laws of this State or of the United States or the applicability thereof to any government, agency, person or circumstance is held invalid, the validity of the remainder of this act and the applicability thereof to any government, agency, person or circumstance shall not be affected thereby.

Sec. 11. Repealing clause. All acts or parts of acts not consistent with this act are hereby repealed.

Sec. 12. This act shall become effective upon ratification.

In the General Assembly read three times and ratified, this the 19th day of July, 1971.