

Burgos, Alexander N

Subject: FW: [External] RE: Request for Changes 12 NCAC 10B .0713

From: Peaslee, William W <bill.peaslee@oah.nc.gov>
Sent: Thursday, November 10, 2022 4:18 PM
To: Jones, Sirena C <scjones@ncdoj.gov>
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>
Subject: RE: [External] RE: Request for Changes 12 NCAC 10B .0713

Thank you for your email. I will inform the RRC of your request for an extension at the RRC meeting.

William W. Peaslee
Rules Review Commission Counsel / Legislative Liaison
Office of Administrative Hearings
1711 New Hope Church Road
Raleigh NC, 27609
(984) 236-1939
Bill.Peaslee@oah.nc.gov

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Burgos, Alexander N

From: Peaslee, William W
Sent: Saturday, November 12, 2022 12:15 PM
To: Burgos, Alexander N
Cc: Jones, Sirena C
Subject: FW: [External] 12NCAC 10B .0603
Attachments: changes12 ncac 10B .0603 highlights.docx

Follow Up Flag: Follow up
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Alex,

Based upon the amendments in response to the Request for Changes attached hereto, it is my intention to recommend approval to the RRC.

William W. Peaslee
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From: Jones, Sirena <Scjones@ncdoj.gov>
Sent: Thursday, November 10, 2022 4:57 PM
To: Peaslee, William W <bill.peaslee@oah.nc.gov>
Subject: [External] 12NCAC 10B .0603

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Good afternoon.

I attempted to do as you suggested with highlighting the changes that I made after your initial review. I hope I did this correctly so that I am not confusing you.

If it is too confusing please let me know and I can make any adjustments.

Thanks



Sirena Jones

Deputy Director

Sheriffs' Standards Division

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REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: North Carolina Sheriff's Education and Training Standards Commission

RULE CITATION: 12 NCAC 10B .0603

DEADLINE FOR RECEIPT: November 10, 2022

PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

Generally, to the Rule: It appears that the Rule could be made much more concise. The Commission may want to consider re-writing the Rule. Rather than

Page 1, Line 27: The Commission's rules only mention "General Detention Officer Certification" in Rule .0603. This certification is not mentioned elsewhere in Chapter 10B. How does one get this certification?

Response: General justice officer certification as a detention officer pursuant to 12 NCAC 10B. 0404 has been added to refer to the proper type of certification.

Page 1, Line 33: "Grandfather Detention Officer Certification" is an undefined term. What is it and how does someone get the certification?

Response: GS § 17E-7(a) which defines the term has been added as a reference.

Page 2, Line 9: The term "general certification as a correctional officer" is undefined in the rules of the North Carolina Criminal Justice Education and Training Standards Commission." Please identify the specific certification by rule or statute.

Response: A reference to 12 NCAC 09G .0304 has been added to this section to clarify its meaning.

Page 2, Lines 8-28: Section (c) is confusing as written. Is (c) conditions precedent to an evaluation or the criteria for the evaluation?

Response: This section has been clarified to list the criteria for qualifying for a waiver.

Page 2, Lines 11-12: There appears to be a punctuation and spacing issue.

Response: Corrected

William W. Peaslee
Commission Counsel

Date submitted to agency: November 4, 2022

Page 2, Line 12: Are there any specifications for the correctional officer training? Could it be from another State? YouTube? Distance learning?

Response: Yes, it has been added to clarify that the correctional officer training had to be through the State of North Carolina to qualify. During this time period there was a training program for correctional officers changed and was codified at that time into 12 NCAC 09G .0411. No similar provision to reference exists for the time prior to this date to reference, but there was a training program for the state.

Page 2, Line 13: “Transfers” from where? Should “to” be “from”?

Response: Clarified. This section is referring to correctional officers leaving a job with State Division of Adult Corrections prison and accepting a job as a detention officer in a regional confinement facility or sheriff's office. The individual transferring would be applying for certification as a detention officer through a Sheriff's Office or Confinement facility. By changing it to “is an applicant for justice officer certification through a sheriff's office or a district confinement facility,” the change addresses the ambiguity of the term transfers.

Page 2, Line 15: How can an individual be “transferring” and have a break in service?

Response: Clarified to show that the break in service is referring to the time between when a correctional officers leaves the position to when he/she is appointed as a detention officer. This break in service cannot be longer than one year.

Page 2, Line 17: Where is the “State Comprehensive Examination” defined or set forth in a Rule? **Response:** Citation to 12 NCAC 10B .0606 has been added to this section

Page 2, Line 33: Are there any specifications for the correctional officer training? Could it be from another State? YouTube? Distance learning?

Response: This has been added to clarify that the training is 12 NCAC 9G .0411 Basic Training for Correctional Officers. That reference has been added to this section.

Page 2, Line 34: “Transfers” from where? Should “to” be “from”? **This has been clarified to show that it is someone who left employment with DAC prison and is now applying for justice officer certification.**

Page 2, Line 36: What does the agency mean by “break in service”? Break from a previously held correctional officer position? **Response:** Clarified to show that the break in service is referring to the time between when a correctional officers leaves the position to when he/she is appointed as a detention officer. This break in service cannot be longer than one year.

Page 3, Line 1: What documentation is the Commission requiring?

William W. Peaslee
Commission Counsel

Date submitted to agency: November 4, 2022

Response: Information has been added regarding the record of completion for the basic correctional officer training course.

Page 3, Line 3: Upon what criteria will the Division base its decision? The current course curriculum for the correctional officer training. **Response:** Clarified to reflect that the curriculum of the training the officer took and current DOCC curriculum are compared to ensure the officer received comparable training to the current DOCC curriculum and any deficiencies that must be remedied.

Page 3, Line 7: Where is the “State Comprehensive Examination” defined or set forth in a Rule? **Response:** Added the examination requirement .0606

Page 3, Line 8: What “required training”? The training required by the Division’s determination in (d)(2)(A)? **The training the Division determines is necessary to meet current DOCC standards.**

Page 3, Line 10: The term “general deputy sheriff certification” does not appear in Chapter 10. Please identify the certification the Commission intends. By probationary certification, is the Commission referring to 12 NCAC 10B .0402?

Response: Corrected to general and probationary justice officer certification as a deputy.

Page 3, Line 11 and 12: Move “issued” after “probationary or general certification”. Or is a law enforcement officer issuing the certification? **Done**

Page 3, Line 14: As Consider citing 12 NCAC 09B .0205 **Done**

Page 3, Line 18: Where is the “State Comprehensive Examination” defined or set forth in a Rule? **Added .0606**

Page 3, Line 19: Are the topic areas in Lines 22-236 part of the Detention Officer Training Course (DOTC)? If so, the use of the “after” is odd. As written the officer would need to take a course in the topic areas and then take the DOTC. If training is needed over and above the DOTC, consider making these requirements (5). **Clarified**

The following is a re-write of (c) which is offered for consideration and not as a requirement. If it meets the Commission's intentions, it is more concise language and, I will submit, easier to read. This is provided merely as an example and as an attempt to aid the Commission.

(c) For individuals who have completed training as a correctional officer pursuant to Rule _____ between January 1, 1981, and August 1, 2002, the Division shall grant a waiver of the education requirements of 12 NCAC 10B .0601 if individuals:

- A) Have a general certification as a correctional officer from the North Carolina Criminal Justice Education and Training Standards Commission pursuant to Rule _____; and

William W. Peaslee
Commission Counsel

Date submitted to agency: November 4, 2022

- B) Have within the preceding twelve months held a detention officer position with sheriff's office or district confinement facility; and *(they would currently be an applicant for detention certification)*
- C) Serve a 12-month probationary period as set forth in Rule .0602(a) of this Section; and *(written this way the probationary period is required before completion of the training requirement)*
- D) Have completed the following topics of instruction in a commission-certified Detention Officer Certification Course:
 - a. Orientation
 - b. Etc., Etc.; and
- E) Have successfully completed the State Comprehensive Examination pursuant to _____.

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Burgos, Alexander N

Subject: FW: [External] RE: Request for Changes 12 NCAC 10B .0713

From: Jones, Sirena <Scjones@ncdoj.gov>
Sent: Wednesday, November 9, 2022 4:51 PM
To: Peaslee, William W <bill.peaslee@oah.nc.gov>
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>
Subject: [External] RE: Request for Changes 12 NCAC 10B .0713

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Good afternoon.

I respectfully request additional time to work on the amendments and responses to 12 NCAC 10B .0713.

Thanks for your consideration.



Sirena Jones
Deputy Director
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Burgos, Alexander N

Subject: FW: [External] RE: Request for Changes 12 NCAC 10B .0713
Attachments: 11.2022 - Sheriff Education Request for Changes 12 NCAC 10B .0603.docx

From: Peaslee, William W <bill.peaslee@oah.nc.gov>
Sent: Friday, November 4, 2022 10:38 AM
To: Jones, Sirena C <scjones@ncdoj.gov>
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>
Subject: RE: [External] RE: Request for Changes 12 NCAC 10B .0713

Good morning Sirena.

I'm the attorney who reviewed the Rules submitted by the North Carolina Sheriffs' Education and Training Standards Commission for the November 2022 RRC meeting. The RRC will formally review these Rules at its meeting on Thursday, November 17, 2022, at 9:00 a.m. The meeting will be a hybrid of in-person and WebEx attendance, and an invite should be sent to you as we get closer to the meeting. If there are any other representatives from your agency who will want to attend virtually, let me know prior to the meeting, and we will get invites out to them as well.

Please submit the revised Rules and forms to me via email, no later than 5 p.m. on November 10, 2022.

In the meantime, please let me know if you have any questions or concerns.

William W. Peaslee
Rules Review Commission Counsel / Legislative Liaison
Office of Administrative Hearings
1711 New Hope Church Road
Raleigh NC, 27609
(984) 236-1939

Bill.Peaslee@oah.nc.gov

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From: Peaslee, William W bill.peaslee@oah.nc.gov
Sent: Friday, November 4, 2022 10:01 AM
To: Jones, Sirena C scjones@ncdoj.gov
Cc: Burgos, Alexander N alexander.burgos@oah.nc.gov
Subject: RE: [External] RE: Request for Changes 12 NCAC 10B .0713

Thank you for your email.

I am reviewing Rule 603. I am working on the Request for Changes which I am afraid will be lengthy. I hope to have it to you today.

Thank you.

William W. Peaslee
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To Bcc

Cc

Fw: [External] RE: Request for Changes 12 NCAC 10B .0713

From: Jones, Sirena <Scjones@ncdoj.gov>
Sent: Thursday, November 3, 2022 4:37 AM
To: Peaslee, William W <bill.peaslee@oah.nc.gov>
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>
Subject: [External] RE: Request for Changes 12 NCAC 10B .0713

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Good afternoon Mr. Peaslee.
 I also submitted 10B .0603 and I have not heard anything back on that one. Are you reviewing that one as well?

Thanks

Sirena Jones

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B *I* U

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Draft saved at 6:49 AM

Burgos, Alexander N

From: Peaslee, William W
Sent: Wednesday, October 26, 2022 3:52 PM
To: Jones, Sirena C
Cc: Burgos, Alexander N
Subject: Request for Changes 12 NCAC 10B .0713
Attachments: November 2022 Request for Changes 12 NCAC 10B .0713.docx

I'm the attorney who reviewed the Rules submitted by the North Carolina Sheriffs' Education and Training Standards Commission for the November 2022 RRC meeting. The RRC will formally review these Rules at its meeting on Thursday, November 17, 2022, at 9:00 a.m. The meeting will be a hybrid of in-person and WebEx attendance, and an evite should be sent to you as we get closer to the meeting. If there are any other representatives from your agency who will want to attend virtually, let me know prior to the meeting, and we will get evites out to them as well.

Please submit the revised Rules and forms to me via email, no later than 5 p.m. on November 9, 2022.

In the meantime, please let me know if you have any questions or concerns.

William W. Peaslee
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