

REQUEST FOR TECHNICAL CHANGE

AGENCY: Sheriffs' Education and Training Standards Commission

RULE CITATION: 12 NCAC 10B .0302

DEADLINE FOR RECEIPT: Monday, July 8, 2019

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 call our office to inquire concerning the staff recommendation.

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

In (d), what is considered to be "little" coursework?

In (e), who is the national entity who is responsible for recognizing credentials?

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

Amber May
Commission Counsel
Date submitted to agency: Monday, June 24, 2019

1 12 NCAC 10B .0302 IS READOPTED AS PUBLISHED IN VOLUME 33, ISSUE 17, PAGES 1767-1769 OF
2 THE NORTH CAROLINA PUBLIC REGISTER, AS FOLLOWS:

3
4 **12 NCAC 10B .0302 DOCUMENTATION OF EDUCATIONAL REQUIREMENT**

5 (a) Each applicant for Justice Officer certification shall furnish documentary evidence of high school, college or
6 university graduation to the employing agency. Documentary evidence of high school graduation consists of
7 diplomas or transcripts from public schools or private schools which meet standards adopted by either the North
8 Carolina Department of Public Instruction, the Division of Non-Public Instruction, or a comparable out of state
9 agency. Documentary evidence of college or university graduation consists of diplomas or transcripts from colleges
10 or universities accredited as such by the Department of Education of the state in which the institution is located, an
11 accredited body recognized by either the U.S. Department of Education or Council for Higher Education
12 Accreditation, or the state university of the state in which the institution is located.

13 (b) High School Diplomas earned through home school programs must be accompanied by a true and accurate or
14 certified transcript and must meet the requirements of Part 3 of Article 39 of Chapter 115C of the North Carolina
15 General Statutes, or a comparable out-of-state statute.

16 (c) Diplomas earned from High Schools outside of the United States must be translated into English and be
17 accompanied by an authentic transcript. Transcripts shall be evaluated to ensure they are scholastically comparable
18 to United States curriculum requirements.

19 (d) High School diplomas earned through on-line or correspondence courses from an entity that charges a fee and
20 requires the student to complete little or no education or coursework to obtain a high school diploma, are not
21 recognized toward the minimum educational requirements.

22 (e) Documentary evidence of having earned a High School Equivalency (HSE) Diploma shall be satisfied by a
23 certified copy of a nationally recognized high school equivalency credential from the issuing state.

24 (f) Documentary evidence of the attainment of satisfactory scores on any military high school equivalency
25 examination is acceptable as evidence of high school graduation if verified by a true copy of the veteran's DD214.

26
27 *History Note: Authority G.S. 17E-4;*

28 *Eff. January 1, 1989;*

29 *Amended Eff. January 1, 2019; January 1, 2008; August 1, 2000; January 1, 1992; January 1,*
30 *1990.*

31 *Readopted Eff. 08/01/2019*

REQUEST FOR TECHNICAL CHANGE

AGENCY: Sheriffs' Education and Training Standards Commission

RULE CITATION: 12 NCAC 10B .1003, .1203, .1403, .1603

DEADLINE FOR RECEIPT: Monday, July 8, 2019

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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 call our office to inquire concerning the staff recommendation.

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

Please format all repeals in accordance with 26 NCAC 02C .0108(6)(a)(iii)

An example can be found at <https://files.nc.gov/ncoah/documents/Rules/Examples---Permanent-Repeal-For-Publication-In-The-Ncac.pdf>.

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

Amber May
Commission Counsel
Date submitted to agency: Monday, June 24, 2019

1 12 NCAC 10B .1003 IS REPEALED AS PUBLISHED IN VOLUME 33, ISSUE 17, PAGES 1767-1769 OF
2 THE NORTH CAROLINA PUBLIC REGISTER, AS FOLLOWS:

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4 **12 NCAC 10B .1003 BASIC LAW ENFORCEMENT CERTIFICATE**

5 ~~In addition to the qualifications set forth in Rule .1002, an applicant for the Basic Law Enforcement Certificate~~
6 ~~shall:~~

- 7 (1) ~~have no less than one year of service; and either~~
8 (2) ~~have successfully completed a commission-accredited basic law enforcement training course and~~
9 ~~any remedial training as required by the Commission; or~~
10 (3) ~~have completed a minimum of 160 hours of training in the field of law enforcement.~~

11
12 *History Note: Authority G.S. 17E-4;*

13 *Eff. January 1, 1989;*

14 *Amended Eff. January 1, 1994; January 1, 1992; January 1, 1991;*

15 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 6,*
16 *2018.*

17 *Repealed Eff. August 1, 2019.*
18

1 12 NCAC 10B .1203 IS REPEALED AS PUBLISHED IN VOLUME 33, ISSUE 17, PAGES 1767-1769 OF
2 THE NORTH CAROLINA PUBLIC REGISTER, AS FOLLOWS:

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4 **12 NCAC 10B .1203 BASIC DETENTION OFFICER PROFESSIONAL CERTIFICATE**

5 ~~In addition to the qualifications set forth in Rule .1202 of this Section, an applicant for the Basic Detention Officer~~
6 ~~Professional Certificate shall:~~

- 7 (1) ~~have no less than one year of service; and~~
8 (2) ~~have completed an accredited Detention Officer Certification Course; or~~
9 (3) ~~have completed a minimum of 80 hours of training in the field of jails or corrections.~~

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11 *History Note: Authority G.S. 17E-4;*
12 *Eff. January 1, 1990;*
13 *Amended Eff. January 1, 1996; January 1, 1991;*
14 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 6,*
15 *2018.*
16 *Repealed Eff. August 1, 2019.*
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1 12 NCAC 10B .1403 IS REPEALED AS PUBLISHED IN VOLUME 33, ISSUE 17, PAGES 1767-1769 OF
2 THE NORTH CAROLINA PUBLIC REGISTER, AS FOLLOWS:

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5 **12 NCAC 10B .1403 BASIC RESERVE DEPUTY SHERIFF PROFESSIONAL CERTIFICATE**

6 ~~In addition to the qualifications set forth in Rule .1402, an applicant for the Basic Reserve Deputy Sheriff Certificate~~
7 ~~shall have no less than one year of reserve service and have either:~~

8 ~~(1) successfully completed a commission accredited basic law enforcement training course and any~~
9 ~~remedial training as required by the Commission for general certification; or~~

10 ~~(2) completed a minimum of 160 hours of training in the field of law enforcement.~~

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12 *History Note: Authority G.S. 17E;*

13 *Eff. August 1, 2000;*

14 *Amended Eff. April 1, 2001;*

15 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 6,*
16 *2018.*

17 *Repealed Eff. 08/01/2019.*
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1 12 NCAC 10B .1603 IS REPEALED AS PUBLISHED IN VOLUME 33, ISSUE 17, PAGES 1767-1769 OF
2 THE NORTH CAROLINA PUBLIC REGISTER, AS FOLLOWS:

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4 **12 NCAC 10B .1603 BASIC TELECOMMUNICATOR CERTIFICATE**

5 ~~In addition to the qualifications set forth in Rule .1602, an applicant for the Basic Telecommunicator Certificate~~
6 ~~shall have no less than one year of service; and, either:~~

7 (1) ~~successfully completed the commission-accredited Telecommunicator Certification Course and~~
8 ~~any remedial training as required by the Commission; or~~

9 (2) ~~completed a minimum of 40 hours of training in the field of telecommunications.~~

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11 *History Note: Authority G.S. 17E-4;*

12 *Eff. April 1, 2001;*

13 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 6,*
14 *2018.*

15 *Repealed Eff. 08/01/2019.*
16

REQUEST FOR TECHNICAL CHANGE

AGENCY: Sheriffs' Education and Training Standards Commission

RULE CITATION: 12 NCAC 10B .2005

DEADLINE FOR RECEIPT: Monday, July 8, 2019

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 call our office to inquire concerning the staff recommendation.

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

I know this language has been in this Rule forever, but what is meant by "another entity" on line 6?

What's the interplay between (a) and (b)? I'm not sure that I understand. Is the intent here that the Sheriff or Department head can either 1) use a lesson plan developed by the Justice Academy; 2) use a lesson plan developed by a certified instructor; or 3) choose one from IADLEST? If that's correct, please consider reformatting this Rule into list form and make (a) information on how the requirements of this Rule may be met. Then, make the information regarding what constitutes "successful" (lines 10-20) its own Paragraph. If that's not correct, please clarify otherwise.

In (b), line 21, change "12 NCAC 10B .2005(a)" to "Paragraph (a) of this Rule"

Was it intended that the years get updated in (c) through (h)?

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

Amber May
Commission Counsel
Date submitted to agency: Monday, June 24, 2019

1 **12 NCAC 10B .2005 IS AMENDED AS PUBLISHED IN VOLUME 33, ISSUE 17, PAGES 1767-1769 OF THE**
2 **NORTH CAROLINA PUBLIC REGISTER, AS FOLLOWS:**
3

4 **12 NCAC 10B .2005 MINIMUM TRAINING REQUIREMENTS**

5 (a) A Sheriff or Department Head may use a lesson plan developed by the North Carolina Justice Academy or
6 a lesson plan for any of the topic areas developed by another entity. The Sheriff or Department Head may
7 also use a lesson plan developed by a certified instructor, provided that the instructor develops the lesson
8 plan in accordance with the Instructional Systems Development model as taught in Criminal Justice Instructor
9 Training and as described in 12 NCAC 09B .0209. Lesson plans shall be designed to be delivered in
10 hourly increments. A student who completes the training shall receive the number of credits that correspond
11 to the number of hours assigned to the course, regardless of the amount of time the student spends
12 completing the course, where each hour of instruction shall be worth one credit (e.g., "Legal Update" is
13 designed to be delivered in four hours and will yield four credits). With the exception of Firearms Training
14 and Requalification, successful completion of training shall be demonstrated by passing tests as developed
15 by the delivering agency or as written by the North Carolina Justice Academy. A written test comprised
16 of at least five questions per hour of training shall be developed by the delivering agency, or the
17 agency may use the written test developed by the North Carolina Justice Academy, for each in-service
18 training topic. A student shall pass each test by achieving 70 percent correct answers. Firearms Training
19 and Requalification shall be demonstrated qualification with a firearm as set out in Section .2100 of this
20 Subchapter.

21 (b) Training described in 12NCAC 10B .2005(a) shall satisfy the in-service training requirement for topic areas of
22 the Sheriffs' or Department Head's choosing; or the Sheriff or Department Head may chose training delivered
23 pursuant to National Certification Programs administered by the International Association of Directors of Law
24 Enforcement Standards and Training (IADLEST) completed during the mandated in-service year to satisfy
25 these topics in part or in whole. It is not required that this IADLEST training be written in the Instructional
26 Systems Design (ISD) format or delivered by a Commission certified instructor.

27 ~~(b)(c)~~ The 2018 Law Enforcement In-Service Training Program requires 24 credits of training and successful
28 completion in the following topic areas:

- 29 (1) Legal Update;
- 30 (2) Strategies to Improve Law Enforcement Interactions and Relationships with Minority Youth;
- 31 (3) Equality in Policing;
- 32 (4) Communications Skills With Persons In Crisis – De-escalation Techniques;
- 33 (5) Firearms Training and Requalification for deputy sheriffs as set out in Section .2100 of this
34 Subchapter; and
- 35 (6) Any topic areas of the Sheriff's choosing.

36 ~~(e)(d)~~ The 2018 Detention Officer In-Service Training Program requires 16 credits of training and successful
37 completion in the following topic areas:

- (1) Recognizing Warning Signs and Strategies Associated with Mental Illness;
- (2) Equality in Detention Practices;
- (3) Communications Skills With Persons In Crisis – De-escalation Techniques;
- (4) Career Survival; and
- (5) Any topic areas of the Sheriff's or Department Head's choosing.

~~(d)~~(e) The 2018 Telecommunicator In-Service Training Program requires 16 credits of training and successful completion in the following topic areas:

- (1) Communications Center Trainer;
- (2) Equality in Policing;
- (3) Communications Skills With Persons In Crisis – De-escalation Techniques; and
- (4) Any topic areas of the Sheriff's or Department Head's choosing.

~~(e)~~(f) The 2019 Law Enforcement In-Service Training Program requires 24 credits of training and successful completion in the following topic areas:

- (1) Legal Update;
- (2) Juvenile Law Update;
- (3) Individual Wellness: Coping with Stress and PTSD;
- (4) Best Practices for Officers During Community Dissent;
- (5) Law Enforcement Intelligence Update: Gangs and Divisive Groups;
- (6) Domestic Violence: Law and Procedure Update;
- (7) Opioid Awareness and Response;
- (8) Firearms Training and Requalification for deputy sheriffs as set out in Section .2100 of this Subchapter; and
- (9) Any topic areas of the Sheriff's choosing.

~~(f)~~(g) The 2019 Detention Officer In-Service Training Program requires 16 credits of training and successful completion in the following topic areas:

- (1) Detention Officer Legal Update;
- (2) Detention Intelligence Update: Gangs and Divisive Groups;
- (3) Individual Wellness: Coping with Stress and PTSD;
- (4) Inmate Suicide Prevention;
- (5) Opioid Awareness and Response; and
- (6) Any topic areas of the Sheriff's or Department Head's choosing.

~~(g)~~(h) The 2019 Telecommunicator In-Service Training Program requires 16 credits of training and successful completion in the following topic areas:

- (1) Individual Wellness: Coping with Stress and PTSD;
- (2) Civil Liability for Telecommunicators;
- (3) Human Fatigue in Shift Work; Strategies for Improving Performance;
- (4) Handling Difficult Callers; and

1 (5) Any topic areas of the Sheriff's or Department Head's choosing.
2
3 History Note: Authority G.S. 17E-4; 17E-7;
4 Eff. January 1, 2007;
5 Amended Eff. August 1, 2019; January 1, 2019; January 1, 2018; January 1, 2017; January 1,
6 2016; January 1, 2015; February 1, 2014; January 1, 2013; February 1, 2012; January 1, 2011;
7 January 1, 2010; January 1, 2009; January 1, 2008.