

REQUEST FOR TECHNICAL CHANGE

AGENCY: Sheriffs' Education and Training Standards Commission

RULE CITATION: 12 NCAC 10B .0510

DEADLINE FOR RECEIPT: Thursday, October 10, 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 the following technical changes be made:

On the Submission for Permanent Rule form:

- *In Box 6, you state that the agency adopted the Rule on 9/13/2019. As that was the last date of the comment (and the 60th day), please confirm that this Rule was adopted after 5 p.m.*
- *Box 8, you state that there is no fiscal impact. However, in the Register, you stated that State and local funds were affected, and that this creates a substantial fiscal impact. Please either correct the form or inform me that the publication information was wrong.*
- *When you correct the form, please make it only one page.*

Please insert page numbers in the Rule. (See Rule 26 NCAC 02C .0108(1)(h))

Throughout the Rule, do not strike and underline the same text. I am aware that you made changes to mirror the language in Rule 12 NCAC 09B .0313, which was approved by the RRC at its September meeting. However, in order to properly show the changes made after publication to this amendment, you will bracket, strike, and highlight the language you are not adding.

On line 7, state "A "School Resource Officer (SRO)" [School Resource Officer] is defined..."

On line 8, state "defined in G.S. 115C-5(6)"

On line 19, replace "Rule." with "Paragraph."

In (b)(2), line 35, should "training course" be capitalized to be consistent with the term elsewhere in the Rule?

In (b)(2), line 37, replace "1/01/2020" with "January 1, 2020"

Amanda J. Reeder
Commission Counsel
Date submitted to agency: September 26, 2019

On lines 37 through Page 2, line 1, why is this course in quotation marks? I suggest removing them here, as well as on Page 2, lines 4 and 5.

In (d)(1), line 20, please state “applicant’s”

In (e), Page 2, line 27, replace “is” with “shall be”

On line 28, what is a “credit”? How long does it last? Is it one hour? Was this change made in response to public comment?

On lines 33 and 34, replace “Section” with “Rule”

In (f), line 36, delete the quotation marks around “Basic School Resource Officer Training”

On Page 3, line 2, please state “at the agency.”

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

Amanda J. Reeder
Commission Counsel
Date submitted to agency: September 26, 2019

1 12 NCAC 10B .0510 IS AMENDED AS PUBLISHED WITH CHANGES IN VOLUME 34, ISSUE 02,
2 PAGES 112 - 115 OF THE NORTH CAROLINA PUBLIC REGISTER, AS FOLLOWS:

3
4 **12 NCAC 10B .0510 CERTIFICATION AND TRAINING FOR SCHOOL RESOURCE OFFICERS**

5 (a) ~~The School Resource Officer training course for law enforcement officers shall provide the trainee with the skills~~
6 ~~and knowledge to perform in the capacity of a School Resource Officer. The course shall be for a period of 40 hours.~~
7 ~~School Resource Officer (SRO) is defined as any law enforcement officer assigned to one or more public schools~~
8 ~~within a public school local school administrative unit, as defined in North Carolina General Statute 115C-5(6), who~~
9 ~~works in a school at least 20 hours per week for more than 12 weeks per calendar year to assist with all of the~~
10 ~~following:~~

- 11 (1) ~~School safety;~~
12 (2) ~~School security;~~
13 (3) ~~Emergency preparedness;~~
14 (4) ~~Emergency response; and,~~
15 (5) ~~Any additional responsibilities related to school safety or security assigned by the officer's employer~~
16 ~~while the officer is acting as a School Resource Officer.~~

17 ~~These requirements shall be consistent with any Any written memorandum of understanding between the public~~
18 ~~school local school administrative unit and the law enforcement agency governing the School Resource Officer.~~
19 ~~Officer shall be consistent with this Rule.~~

20 (b) ~~The "School Resource Officer Training" course published by the North Carolina Justice Academy shall be used~~
21 ~~as the curriculum for this training course. Copies of this publication may be inspected at the office of the agency:~~

22 Sheriffs' Standards Division
23 North Carolina Department of Justice
24 1700 Tryon Park Drive
25 Post Office Drawer 149
26 Raleigh, North Carolina 27602

27 ~~and may be obtained at the cost of printing and postage from the North Carolina Justice Academy at the following~~
28 ~~address:~~

29 North Carolina Justice Academy
30 Post Office Drawer 99
31 Salemburg, North Carolina 28385

32 (b) Deputy Sheriffs assigned by their agency to perform duties as a School Resource Officer shall:

- 33 (1) have been issued general certification by the North Carolina Sheriffs' Education and Training
34 Standards Commission as a deputy sheriff; and
35 (2) have until December 31, 2020 to complete the Basic School Resource Officer training course if they
36 are acting in the capacity of a School Resource Officer between January 1, 2019 and December 31, 2019.
37 Any officer assigned as a School Resource Officer effective 1/01/2020 or later shall complete the "Basic

1 School Resource Officer Training” course pursuant to Paragraph (f) of this Rule, within one year after
2 being assigned as a School Resource Officer. Deputy Sheriffs who previously completed the training
3 pursuant to Paragraph (f) of this Rule and who have been continually assigned as an SRO pursuant to
4 Paragraph (a) of this Rule shall be credited with completion of the “Basic School Resource Officer
5 Training” course.

6 ~~(e) Deputy Sheriffs assigned by their agency to perform the duties of a School Resource Officer shall:~~

7 ~~(1) Have been issued general certification by the North Carolina Sheriffs’ Education and Training~~
8 ~~Standards Commission as a law enforcement officer; and~~

9 ~~(2) Have completed or will complete within one year after being assigned by their agency as a School~~
10 ~~Resource Officer the “School Resource Officer Training” course pursuant to Paragraph (b) of this~~
11 ~~Rule.~~

12 (c) A deputy sheriff assigned to one or more public schools within a ~~public school~~ **local school administrative** unit,
13 who works in a school at least 20 hours per week for more than 12 weeks per calendar year and who has not
14 completed the initial training as established by Paragraph (f) of this Rule shall not work in a school as a School
15 Resource Officer until the officer has completed the initial training as established by Paragraph (f) of this Rule.

16 (d) The agency head shall submit to the Sheriffs’ Standards Division a Form F-20 Commission School Resource
17 Officer Assignment Form for the person(s) selected to act as a School Resource Officer for the agency. The Form F-
18 20 is located on the agency's website: <https://ncdoj.gov> and must be completed in its entirety. **The Form F-20**
19 **Commission School Resource Officer Assignment Form consists of the following:**

20 **(1) applicants name;**

21 **(2) date of birth;**

22 **(3) social security number;**

23 **(4) name of agency and address;**

24 **(5) date awarded general certification;**

25 **(6) completion date of School Resource Officer training; and**

26 **(7) date assigned as a School Resource Officer.**

27 (e) The term of certification as a School Resource Officer is indefinite, provided the School Resource Officer
28 completes during each calendar year a ~~minimum of one hour~~ **credit** of School Resource Officer refresher training
29 authored by North Carolina Justice Academy. For School Resource Officers who complete the basic SRO training
30 requirement in 2020 or earlier, this requirement becomes effective January 1, 2021. Otherwise, this requirement
31 becomes effective the year following the officer’s successful completion of the Basic School Resource Officer
32 Training course. A certified School Resource Officer who has not completed the refresher training during a calendar
33 year as established by this section shall not work in a school as a School Resource Officer until the officer has
34 completed the required refresher training as established by this Section.

35 (f) The School Resource Officer training course for deputy sheriffs shall provide the trainee with the skills and
36 knowledge to perform in the capacity of a School Resource Officer. The "Basic School Resource Officer Training"

1 course authored by the North Carolina Justice Academy shall be used as the curriculum for this training course.

2 Copies of this publication may be inspected at the:

3 Sheriffs' Standards Division

4 North Carolina Department of Justice

5 1700 Tryon Park Drive

6 Post Office Drawer 629

7 Raleigh, North Carolina 27602

8 and may be obtained at the cost of printing and postage from the North Carolina Justice Academy at the following
9 address:

10 North Carolina Justice Academy

11 Post Office Drawer 99

12 Salemberg, North Carolina 28385

13 *History Note: Authority G.S. 17E-4; 17E-7*

14 *Eff. January 1, 2019.*

15 *Amended Eff. January 1, 2020*

REQUEST FOR TECHNICAL CHANGE

AGENCY: Sheriffs' Education and Training Standards Commission

RULE CITATION: 12 NCAC 10B .2005

DEADLINE FOR RECEIPT: Thursday, October 10, 2019

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 the following technical changes be made:

On the Submission for Permanent Rule form:

- *In Box 6, you state that the agency adopted the Rule on 9/13/2019. As that was the last date of the comment (and the 60th day), please confirm that this Rule was adopted after 5 p.m.*
- *Box 8, you state that there is no fiscal impact. However, in the Register, you stated that State and local funds were affected, and that this creates a substantial fiscal impact. Please either correct the form or inform me that the publication information was wrong.*
- *When you correct the form, please make it only one page.*

This Rule was amended effective August 2019. As such, you need to use the rule language that is currently in the Code to show the amendments you are proposing to make in this rulemaking. For example, on line 7, it should state "another entity such as a different law enforcement agency or training provider." Also, Paragraph (b) is formatted differently in the Code than it is here. (I am aware that you are simply using the July Register publication here; however, what is currently in the Code will trump that)

In (g)(2), Page 3, line 19, why isn't "assaultive" capitalized?

In the History Note, Page 4, line 1, do not underline "August 1, 2019;" You will only underline the new proposed effective date of January 1, 2020.

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

Amanda J. Reeder
Commission Counsel

Date submitted to agency: September 26, 2019

1 12 NCAC 10B .2005 IS AMENDED AS PUBLISHED IN VOLUME 34, ISSUE 02, PAGES 112 - 115 OF THE
2 NORTH CAROLINA PUBLIC REGISTER, AS FOLLOWS:

3

4 12 NCAC 10B .2005 MINIMUM TRAINING REQUIREMENTS

5

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

21 *(b) Training described in 12 NCAC 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 these*
25 *topics in part or in whole. It is not required that this IADLEST training be written in the Instructional Systems Design*
26 *(ISD) format or delivered by a Commission certified instructor.*

27 (b) 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 (c) The 2018 Detention Officer In-Service Training Program requires 16 credits of training and successful
37 completion in the following topic areas:

1 ~~(1) Recognizing Warning Signs and Strategies Associated with Mental Illness;~~

2 ~~(2) Equality in Detention Practices;~~

3 ~~(3) Communications Skills With Persons In Crisis — De-escalation Techniques;~~

4 ~~(4) Career Survival; and~~

5 ~~(5) Any topic areas of the Sheriff's or Department Head's choosing.~~

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

8 ~~(1) Communications Center Trainer;~~

9 ~~(2) Equality in Policing;~~

10 ~~(3) Communications Skills With Persons In Crisis — De-escalation Techniques; and~~

11 ~~(4) Any topic areas of the Sheriff's or Department Head's choosing.~~

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

14 (1) Legal Update;

15 (2) Juvenile Law Update;

16 (3) Individual Wellness: Coping with Stress and PTSD;

17 (4) Best Practices for Officers During Community Dissent;

18 (5) Law Enforcement Intelligence Update: Gangs and Divisive Groups;

19 (6) Domestic Violence: Law and Procedure Update;

20 (7) Opioid Awareness and Response;

21 (8) Firearms Training and Requalification for deputy sheriffs as set out in Section .2100 of this
22 Subchapter; and

23 (9) Any topic areas of the Sheriff's choosing.

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

26 (1) Detention Officer Legal Update;

27 (2) Detention Intelligence Update: Gangs and Divisive Groups;

28 (3) Individual Wellness: Coping with Stress and PTSD;

29 (4) Inmate Suicide Prevention;

30 (5) Opioid Awareness and Response; and

31 (6) Any topic areas of the Sheriff's or Department Head's choosing.

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

34 (1) Individual Wellness: Coping with Stress and PTSD;

35 (2) Civil Liability for Telecommunicators;

36 (3) Human Fatigue in Shift Work; Strategies for Improving Performance;

37 (4) Handling Difficult Callers; and

- 1 (5) Any topic areas of the Sheriff's or Department Head's choosing.
- 2 (f) The 2020 Law Enforcement In-Service Training Program requires 24 credits of training and successful
- 3 completion in the following topic areas:
- 4 (1) 2020 Legal Update;
- 5 (2) 2020 Long-Term Effects of Childhood Adversity;
- 6 (3) 2020 The Signs Within: Suicide Prevention Education and Awareness;
- 7 (4) 2020 Career Survival: Training and Standards Issues;
- 8 (5) 2020 Communication Strategies When Encountering Persons Who are Deaf or Hard of Hearing;
- 9 (6) 2020 Armed/Unarmed Security/Company Police: Understanding Their Roles and Authority;
- 10 (7) 2020 Firearms Training and Requalification for deputy sheriffs as set out in Section .2100 of this
- 11 Subchapter; and
- 12 (8) Any topic areas of the Sheriff's choosing.
- 13 (g) The 2020 Detention Officer In-Service Training Program requires 16 credits of training and successful
- 14 completion in the following topic areas:
- 15 (1) 2020 Overcoming Negativity in the Detention Center;
- 16 (2) 2020 Documenting the Incident Refresher;
- 17 (3) 2020 The Signs Within: Suicide Prevention Education and Awareness
- 18 (4) 2020 Career Survival: Training and Standards Issues;
- 19 (5) 2020 Recognizing Signs of assaultive Behavior; and
- 20 (6) Any topic areas of the Sheriff's or Department Head's choosing.
- 21 (h) The 2020 Telecommunicator In-Service Training Program requires 16 credits of training and successful
- 22 completion in the following topic areas:
- 23 (1) 2020 Suicide Callers;
- 24 (2) 2020 Overcoming Negativity in the Communications Center;
- 25 (3) 2020 Processing Calls/Quality Assurance;
- 26 (4) 2020 Responding to Domestic Violence Callers;
- 27 (5) 2020 Career Survival: Training and Standards Issues; and
- 28 (6) Any topic areas of the Sheriff's or Department Head's choosing.

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*History Note: Authority G.S. 17E-4; 17E-7;
Eff. January 1, 2007;
Amended Eff. January 1, 2018; January 1, 2017; January 1, 2016; January 1, 2015;
February 1, 2014; January 1, 2013; February 1, 2012; January 1, 2011; January 1, 2010;
January 1, 2009; January 1, 2008;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 6,
2018;*

Unitholder