

REQUEST FOR TECHNICAL CHANGE

AGENCY: Sheriffs' Education and Training Standards Commission

RULE CITATION: 12 NCAC 10B .0510

DEADLINE FOR RECEIPT: Wednesday, November 6, 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, Box 5, please check "No." Please note, you do not need to create a new form – you can just make the change to the form that you filed here.

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

Throughout the Rule, you will need to highlight language that was added after publication. You will do this on Page 1, lines 7, 8 (both places), 9, 17, 18, 19 (both places), 36, 37, Page 2, lines 1 (both places), 2, 5, 6, 13, 19 through 27, 28, 29, 34, 35, and Page 3, lines 1 and 2.

In (a)(4), line 14 delete the comma after "and"

In (b)(1), line 34, as well as (c), Page 2, line 13 and (f), Page 2, line 36, I note that the phrase "deputy sheriff" is not capitalized, but it is on line 32 and on Page 2, line 3. I believe that the capitalization should be consistent throughout this Rule.

In (e), Page 2, line 28, please be sure to strike through "[is]"

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: October 23, 2019

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

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

(a) ~~The School Resource Officer training course for law enforcement officers shall provide the trainee with the skills and knowledge to perform in the capacity of a School Resource Officer. The course shall be for a period of 40 hours.~~

A "School Resource Officer (SRO)" ~~[School Resource Officer (SRO)]~~ is defined as any law enforcement officer assigned to one or more public schools within a ~~[public school]~~ local school administrative unit, as defined in G.S. 115C-5(6), who works in a school at least 20 hours per week for more than 12 weeks per calendar year to assist with all of the following:

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

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

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

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

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

North Carolina Justice Academy
Post Office Drawer 99
Salem, North Carolina 28385

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

(1) have been issued general certification by the North Carolina Sheriffs' Education and Training Standards Commission as a deputy sheriff; and

(2) have until December 31, 2020 to complete the Basic School Resource Officer ~~[training course]~~ Training Course if they are acting in the capacity of a School Resource Officer between January 1, 2019 and December 31, 2019. Any officer assigned as a School Resource Officer effective ~~[1/01/2020]~~ January

1. 2020 or later shall complete the ~~["Basic School Resource Officer Training"]~~ Basic School Resource Officer Training course pursuant to Paragraph (f) of this Rule, within one year after being assigned as a School Resource Officer. Deputy Sheriffs who previously completed the training pursuant to Paragraph (f) of this Rule and who have been continually assigned as an SRO pursuant to Paragraph (a) of this Rule shall be credited with completion of the ~~["Basic School Resource Officer Training"]~~ Basic School Resource Officer Training course.

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

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

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

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

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

(1) applicant's name;

(2) date of birth;

(3) social security number;

(4) name of agency and address;

(5) date awarded general certification;

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

(7) date assigned as a School Resource Officer.

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

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

1 Basic School Resource Officer Training course authored by the North Carolina Justice Academy shall be used as the
2 curriculum for this training course. Copies of this publication may be inspected at [the:] the agency:

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 Salemburg, 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: Wednesday, November 6, 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, Box 5, please check "No." Please note, you do not need to create a new form – you can just make the change to the form that you filed here.

In the Introductory Statement, please insert "with changes"

In Paragraph (b), the language that was published in the NC Register on July 15 now differs from the language in the Code, as it was amended effective August 1. What is currently in the Code will be what is in the Rule. Therefore, entirely replace what you have as Paragraph (b) with what is currently in the Code:

(b) The in-service training for topic areas of the Sheriff's or Department Head's choosing required by this Rule shall either:

- (1) meet the requirements of Paragraph (a) of this Rule; or
- (2) be delivered pursuant to National Certification Programs administered by the International Association of Directors of Law Enforcement Standards and Training (IADLEST) completed during the mandated in-service year to satisfy these topics in part or in whole. It is not required that this IADLEST training be written in the Instructional Systems Design (ISD) format or delivered by a Commission certified instructor.

In (g)(5), Page 3, line 19, you are capitalizing "assaultive" without showing it. Please delete "assaultive" and replace it with "Assaultive" using proper formatting.

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: October 23, 2019

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

12 NCAC 10B .2005 MINIMUM TRAINING REQUIREMENTS

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

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

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

~~(1) Legal Update;~~

~~(2) Strategies to Improve Law Enforcement Interactions and Relationships with Minority Youth;~~

~~(3) Equality in Policing;~~

~~(4) Communications Skills With Persons In Crisis—De-escalation Techniques;~~

~~(5) Firearms Training and Requalification for deputy sheriffs as set out in Section .2100 of this Subchapter; and~~

~~(6) Any topic areas of the Sheriff's choosing.~~

~~(c) The 2018 Detention Officer In-Service Training Program requires 16 credits of training and successful 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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31 *History Note: Authority G.S. 17E-4; 17E-7;*

32 *Eff. January 1, 2007;*

33 *Amended Eff. January 1, 2018; January 1, 2017; January 1, 2016; January 1, 2015;*

34 *February 1, 2014; January 1, 2013; February 1, 2012; January 1, 2011; January 1, 2010;*

35 *January 1, 2009; January 1, 2008;*

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

37 *2018;*

