

RULES REVIEW COMMISSION

G.S. 150B-19.1 CERTIFICATION

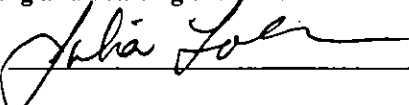
Instructions for completing and submitting the application for Rules Review Commission certification of compliance with the provisions of G.S. 150B-19.1 prior to publishing a notice of text:

- Complete and print out the certification form
- Sign (or have appropriate person sign) the form
- Scan the form, a dated copy of the proposed rule, and copies of any necessary attachments
- Email the scanned document(s) as an attachment to the email to: oah.rules@oah.nc.gov
- An automatically generated email will be sent indicating receipt of the email

Rule-making Agency: NC Sheriffs' Education and Training Standards Commission
Rule Citation(s): 12 NCAC .2005
(1a) What is the authority for this rule? (attach a copy of any federal authority or state authority that is not in the current edition of the NCGS) NCGS 17E-4 and 17E-7
(1b) Why is this rule necessary to serve the public interest? The Commission has determined that specific expertise is needed for individuals to teach particularized topical areas of instruction in order to ensure that the material is being taught by competent instructors. In order to ensure that deputy sheriffs, detention officers, and telecommunicators remain knowledgeable and competent in their job duties, the Commission has determined that annual in-service training should be required.
(2) How did the agency seek to reduce the burden upon those persons or entities who must comply with this rule? These rules set out the requirements for 2015 in-service training. The burden of compliance is reduced by allowing such training to be delivered in-house, on-line or through local community colleges any time during the calendar year, rather than requiring the training to be delivered in a central location.
(3) Why is the rule reasonably necessary to implement or interpret federal or state law? NCGS 17E provides that the Sheriffs' Commission establish in-service training standards for deputy sheriffs, detention officers, telecommunicators.
(4a) Are there existing rules adopted by the agency related to this specific purpose? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If "yes," provide citation: 12 NCAC .2001, .2002, .2003, .2004, .2006, .2007, .2008, .2009 & Section .2100
(4b) If "yes," did the agency consider the cumulative effect of all rules adopted by the agency related to the specific purpose for which this rule is proposed? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
(5) If appropriate, is this rule based on sound, reasonably available scientific, technical, economic, and other relevant information? <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Not Applicable If "yes," include a reference to the information to be included in the Notice of Text:
(6) How is the rule designed to achieve the regulatory objective in a cost-effective and timely manner? There are not many alternatives that are likely to improve performance and reduce the error rate across all jurisdictions other than training. Alternatives to the proposal include: 1) returning to complete local flexibility in training and 2) completely centralized training. Local flexibility could result in some justice officers no longer having the opportunity to attend training beyond the basic courses. In addition, as an officer changes from one agency to another, there is no assurance that the officer has received the most current training on recent legal updates, practical techniques, and others areas. Centralized training would somewhat improve the benefits by allowing uniform testing and measurement of testing success, but it would require hundreds of trainers and organizers. It would also require a large amount of travel time. These time and cost constraints did not allow centralized training to be feasible.

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G.S. 150B-19.1 CERTIFICATION

AGENCY CERTIFICATION	RRC CERTIFICATION
<p>The agency adhered to the principles in G.S. 150B-19.1 in developing and drafting the rule.</p> <p>Signature: </p> <p>Typed Name: Julia A. Lohman</p> <p>Title: Director</p> <p>Email: jlohman@ncdoj.gov</p>	<p>The Rules Review Commission certifies that the agency adhered to the principles in G.S. 150B-19.1.</p> <p>By: _____</p> <p>Date: _____</p>

12 NCAC 10B .2005 IS PROPOSED TO BE AMENDED 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 topical areas developed by another entity. 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 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 credits assigned to the number of hours, regardless of the amount of time the student spends completing the course where each hour 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) The 2013 Law Enforcement In-Service Training Program requires 24 credits of training and successful completion in the following topical areas:~~

- ~~(1) Legal Update;~~
- ~~(2) Juvenile Minority Sensitivity Training; Don't Press Send;~~
- ~~(3) Domestic Violence: The Children are Watching;~~
- ~~(4) Firearms Training and Requalification for deputy sheriffs as set out in Section .2100 of this Subchapter; and~~
- ~~(5) Any topic areas of the Sheriff's choosing.~~

~~(c) The 2013 Detention Officer In-Service Training Program requires 16 credits of training and successful completion in the following topical areas:~~

- ~~(1) Inmate Sexual Assaults;~~
- ~~(2) Detention Officer Legal Update;~~
- ~~(3) Awareness of Issues Surrounding Returning Military Personnel; and~~
- ~~(4) Any topic areas of the Sheriff's or Department Head's choosing.~~

~~(d) The 2013 Telecommunicator In-Service Training Program requires 16 credits of training and successful completion in the following topical areas:~~

- ~~(1) Officer Involved Shootings;~~
- ~~(2) Radio Demeanor and Broadcast Techniques; and~~
- ~~(3) Any topic areas of the Sheriff's or Department Head's choosing.~~

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(b)(e) The 2014 Law Enforcement In-Service Training Program requires 24 credits of training and successful completion in the following topical areas:

- (1) Legal Update;
- (2) Juvenile Minority Sensitivity Training: A Juvenile – What Now;
- (3) Officer Safety: The First Five Minutes;
- (4) Firearms Training and Requalification for deputy sheriffs as set out in Section .2100 of this Subchapter; and
- (5) Any topic areas of the Sheriff's choosing.

(c)(f) The 2014 Detention Officer In-Service Training Program requires 16 credits of training and successful completion in the following topical areas:

- (1) Surviving In Custody Death;
- (2) Detention Officer Intelligence Update; and
- (3) Any topic areas of the Sheriff's or Department Head's choosing.

(d)(g) The 2014 Telecommunicator In-Service Training Program requires 16 credits of training and successful completion in the following topical areas:

- (1) Hitting the Wall: Avoiding Complacency;
- (2) Customer Service and the 911 Professional; and
- (3) Any topic areas of the Sheriff's or Department Head's choosing.

(e) The 2015 Law Enforcement In-Service Training Program requires 24 credits of training and successful completion in the following topical areas:

- (1) Legal Update;
- (2) Juvenile Minority Sensitivity Training: What does it have to do with me?;
- (3) Domestic Violence: Teen Dating Violence;
- (4) Firearms Training and Requalification for deputy sheriffs as set out in Section .2100 of this Subchapter; and
- (5) Any topic areas of the Sheriff's choosing.

(f) The 2015 Detention Officer In-Service Training Program requires 16 credits of training and successful completion in the following topical areas:

- (1) Legal Update;
- (2) Documenting the Incident;
- (3) Emotional Survival for Detention Officers; and
- (4) Any topic areas of the Sheriff's or Department Head's choosing.

(g) The 2015 Telecommunicator In-Service Training Program requires 16 credits of training and successful completion in the following topical areas:

- (1) Crisis Negotiation;
- (2) Interpersonal Communications: Team Building;
- (3) Emotional Survival;

1 (4) Tactical Dispatch; and

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

3
4 *History Note: Authority G.S. 17E-4; 17E-7;*

5 *Eff. January 1, 2007;*

6 *Amended Eff. January 1, 2015; February 1, 2014; January 1, 2013; February 1, 2012; January 1,*
7 *2011; January 1, 2010; January 1, 2009; January 1, 2008.*

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Counsel Note

Your agency submitted a rule for certification for publication pursuant to G.S. 150B-19.1. The Commission has not met and has not made a decision regarding this request.

In reviewing the rule submitted by your agency for certification, Counsel has noted the following, and recommends changing the rule as set forth below.

These are not required changes for approval pursuant to G.S. 150B-19.1. Do not submit a rewritten rule to address the requests set forth below. This is intended to assist you in preparing the rules for publication in the N.C. Register. Therefore, if you make these changes, please format them as required by 26 NCAC Subchapter 02C.

Rule Citation: 12 NCAC 10B .0206

Agency: NC Sheriffs' Education and Training Standards Commission

Please change "must" to "shall" throughout the Rule.

In (e), line 32, delete "did" before "completed"

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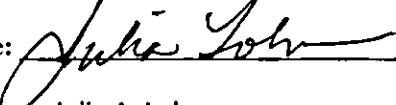
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(2) How did the agency seek to reduce the burden upon those persons or entities who must comply with this rule? This rule sets out the criteria to determine which justice officers are under an obligation to complete the 2015 in-service training. The burden of compliance is reduced by allowing such training to be delivered in-house, on-line or through local community colleges any time during the calendar year, rather than requiring the training to be delivered in a central location.
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1 12 NCAC 10B .2006 IS PROPOSED TO BE AMENDED AS FOLLOWS:

2
3 12 NCAC 10B .2006 IN-SERVICE TRAINING PROGRAM SPECIFICATIONS

4 ~~Justice officers who have been active as a deputy sheriff, detention officer, or telecommunicator between January and~~
5 ~~June of each calendar year must complete the respective In-Service Training Program(s) established by 12 NCAC 10B~~
6 ~~.2002 by December of each calendar year. For each justice officer holding multiple certifications from the Commission,~~
7 ~~the Sheriff shall designate the officer's primary duties for the purpose of selecting which one of the in-service training~~
8 ~~programs the officer must complete for a calendar year. A justice officer who fails to complete in-service training as~~
9 ~~required, but is either separated or made inactive prior to the end of the calendar year, may be re-activated after~~
10 ~~completing the in-service training program prescribed for the year immediately preceding the year in which the officer is~~
11 ~~being activated. Persons applying to receive deputy certification who have prior service as a criminal justice officer as~~
12 ~~defined in 12 NCAC 09A .0103(6) between January and June of a prior year who failed to complete in-service training~~
13 ~~for that year, must complete the in-service training program prescribed for the year immediately preceding the year in~~
14 ~~which the officer is being activated as a deputy.~~

15 (a) Justice officers who have been active as a deputy sheriff, detention officer, or telecommunicator between January and
16 July of each calendar year must complete the respective In-Service Training Program(s) established by 12 NCAC 10B
17 .2002 by the end of December of each calendar year.

18 (b) For each justice officer holding multiple certifications from the Commission with the same office, the Sheriff shall
19 designate the officer's primary duties for the purpose of selecting which one of the in-service training programs the officer
20 must complete for a calendar year.

21 (c) A justice officer who fails to complete in-service training as required, but is either separated or made inactive prior to
22 the end of the calendar year, may be re-activated after completing the in-service training program prescribed for the year
23 immediately preceding the year in which the officer is being activated.

24 (d) Persons who have prior service as a criminal justice officer as defined in 12 NCAC 09A .0103(6) between January
25 and July of the current year, and who then become an active deputy sheriff are required to complete the in-service
26 training program for that year, unless the person is also either a detention officer or telecommunicator with the same
27 Sheriff's Office and the Sheriff has designated the officer's primary function to be either a detention officer or
28 telecommunicator.

29 (e) Persons who have prior service as a criminal justice officer as defined in 12 NCAC 09A .0103(6) between January
30 and July of a prior year who failed to complete in-service training for that year, must complete the in-service training
31 program prescribed for the year immediately preceding the year in which the officer is being activated as a deputy, unless
32 the person was also reported to this Commission as a telecommunicator with the same agency and did completed the
33 telecommunicator in-service training for that year.

34
35 *History Note: Authority G.S. 17E-4; 17E-7;*

36 *Eff. January 1, 2007;*

37 *Amended Eff. January 1, 2015; January 1, 2013; January 1, 2010.*

6/26/14