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NORTH CAROLINA SHERIFFS' STANDARDS DIVISION
NORTH CAROLINA CRIMINAL JUSTICE STANDARDS DIVISION

December 14, 2021

Senator Warren Daniel
Senator Danny Britt
Representative James L. Boles, Jr.
Representative Ted Davis, Jr.
Co-Chairs, Joint Legislative Oversight Committee on Justice and Public Safety
North Carolina General Assembly
Raleigh, NC 27601-2808

Dear Chairs of the Joint Legislative Oversight Committee On Justice and Public Safety:


Pursuant to Session Law 2021-138, Section 5.(b), the Criminal Justice Education and Training Standards Commission and the Sheriffs' Education and Training Standards Commission are pleased to submit this report on the progress of developing uniform, statewide minimum standards for law enforcement officers and justice officers.

Additional content is also provided based on legislative action to include steps taken to modify rules for mental health requirements and psychological screenings, development of a best practices guide for law enforcement recruitment and retention, and a study on the benefits, if any, of requiring physical fitness testing throughout the career of a law enforcement officer, and whether that testing, if required, should be incrementally adjusted based upon the age of the law enforcement officer.

Thank you for the opportunity to provide this information. We would be happy to respond to any questions you may have regarding this report.

Sincerely,


Jeffrey Smythe
Director, N.C. Criminal Justice Standards Division


Diane Konopka
Director, N.C. Sheriffs' Standards Division



**SHERIFF ALAN CLONINGER
CHAIR**



**CHIEF CHRIS BLUE
CHAIR**

**NORTH CAROLINA SHERIFFS' EDUCATION AND TRAINING STANDARDS
COMMISSION**

**NORTH CAROLINA CRIMINAL JUSTICE EDUCATION AND TRAINING
STANDARDS COMMISSION**

MEMORANDUM

TO: Senator Warren Daniel
Senator Danny Britt
Representative James L. Boles, Jr.
Representative Ted Davis, Jr.
Co-Chairs, Joint Legislative Oversight Committee on Justice and Public Safety

FROM: Sheriff Alan Cloninger, Chair, NC Sheriffs' Education and Training Standards Commission
Chief Chris Blue, Chair, NC Criminal Justice Education and Training Standards Commission

DATE: December 28, 2021

SUBJECT: Senate Bill 300

Senate Bill 300, now codified as Session Law 2021-138 (SL 2021-138), created certain reporting and other deadlines for the Criminal Justice Education and Training Standards Commission and the Sheriffs' Education and Training Standards Commission regarding our implementation of the new legislation. This report is provided in compliance with those deadlines.

I. Compliance with Part V of SL 2021-138

Part V, Section 5.(a), of SL 2021-138 requires that the Commissions "jointly develop uniform, statewide minimum standards for law enforcement officers and justice officers and adopt these standards as rules." These permanent rules must be in place by December 31, 2022, and the Commissions must report the standards developed to the Joint Legislative Oversight Committee on Justice and Public Safety by December 31, 2021.

The Commissions identified the need for uniformity of minimum standards in the early part of 2021, and subsequently organized a Rules Advisory Group composed of members of both Commissions to work on revisions to the Administrative Code to make the standards the same for both law enforcement officers and justice officers. The Rules Advisory Group met in August, September, and October this year to work on rules revisions and is making good progress.

Specifically, the Rules Advisory Group is working on revising 12 NCAC 09B .0101 (Minimum Standards for Criminal Justice Officers) and 12 NCAC 10B .0301 (Minimum Standards for Justice Officers) to make them identical, apart from terminology related to the covered individuals. This process will also require revision of all the attendant rules that more fully describe the minimum standards requirements, specifically including the following:

- 12 NCAC 09B .0102 (Background Investigation) and 10B .0305 (Background Investigation)
- 12 NCAC 09B .0103 (Fingerprint Record Check) and 10B .0303 (Fingerprint Records Check)
- 12 NCAC 09B .0104 (Medical Examination) and 10B .0304 (Medical Examination)
- 12 NCAC 09B .0105 (Qualifications Appraisal Interview) and 10B .0306 (Employment Interview)
- 12 NCAC 09B .0106 (Documentation of Educational Requirements) and 10B .0302 (Documentation of Educational Requirement)
- 12 NCAC 09B .0111 (Minimum Standards for Law Enforcement Officers)
- 12 NCAC 10B .0307 (Criminal History Record)

The Rules Advisory Group plans to meet again in early January 2022, to work on finalizing these revisions. It is the hope of the Group to present language to the Planning and Standards Committee of the Criminal Justice Education and Training Standards Commission at the February 2022 meeting in order to request rulemaking authority. The same will be done at the March meeting of the Sheriffs' Education and Training Standards Commission. This will allow both Commissions to conduct permanent rulemaking in time to meet the December 31, 2022 deadline in SL 2021-138.

II. Compliance with Part VII of SL 2021-138

Part VII, Section 7. (i), of SL 2021-138 requires that the Commissions implement the requirements of Sections 7. (a) through 7. (d) related to minimum standards and mandatory training no later than January 1, 2022. The Commissions have been diligent in initiating the Temporary Rulemaking process in order to ensure that the Administrative Code is amended as quickly as possible to comply with these requirements. We have also instituted procedures to ensure that we are in compliance with the requirements, even in the absence of a formal Administrative Code Provision. Specific details regarding compliance are as follows:

A. Compliance with Sections 7.(a) and 7.(b)

These Sections require the Commissions to include certain mental health and wellness training requirements in both the minimum standards for entry and the ongoing training requirement for

tenured officers. In 2020, the Joint In-Service Training Committee recognized the need for this type of training and set in motion a Mandatory In-Service Training (MIST) topic for 2022 titled, “Practicing Proactive Wellness,” a two-hour course. The 2021 topic that was recently completed by all officers is titled, “Physical and Mental Wellness: Building and Implementing a Plan for Improvement,” a two-hour course.

During 2022, any officer seeking a new certification will be required to complete the “Practicing Proactive Wellness” course using the North Carolina Justice Academy on-line portal. This is an on-demand offering that can be completed at any time. This requirement will be communicated to the field by both Sheriffs’ Standards and Criminal Justice Standards staff. In conjunction with the MIST training requirement, all justice officers will be able to receive the required training in 2022. This process also allows us to require this additional training for 500+ individuals who graduated the BLET in December 2021 or sooner if their request for certification will be filed with either Standards Division after January 1, 2022.

Additionally, the new curriculum for the BLET 2023 has already been drafted to include this content. We will begin to pilot this curriculum in July 2022 and after a year of pilot offerings, we expect to ratify that curriculum for full use across the state in July 2023. Lastly, the current BLET will have this added content in place in July 2022.

B. Compliance with Sections 7.(c) and 7.(d)

These Sections establish requirements for the administration of psychological screening for criminal justice officers and justice officers. In anticipation of this legislation the Criminal Justice Education and Training Standards Commission initiated the rulemaking process with respect to psychological screenings in February of 2021 and passed revisions to the Administrative Code in May of 2021. Because these revisions received objections after public hearing, they were required to go through the legislative review process. That process is ongoing and will be conducted during the Legislature’s short session in the spring of 2022. SL 2021-138 was passed after the revision to these rules and contained slightly different requirements, necessitating that the Commissions conduct the rulemaking process again. The Commissions are moving through the Temporary Rulemaking process to comply with these Sections. The new temporary rules, which track the language of SL 2021-138 almost verbatim, will be heard before the Rules Review Commission on January 20, 2022, and if passed, will become effective on February 1, 2022. The Commissions will then move to permanent rulemaking.

Under the existing rules, law enforcement officers and certain employees of the Department of Adult Correction are already required to receive in-person psychological examinations before employment. The Division of Adult Correction is prepared to comply with this requirement in SL 2021-138 for its other employees by the effective date January 1, 2022, in advance of the passage of the Temporary Rule, as are the Sheriffs, who did not have such requirements before the passage of SL 2021-138.

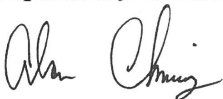
C. Compliance with Section 7.(h)

This section directs the North Carolina Criminal Justice Education and Training Standards Commission and the North Carolina Sheriffs' Education and Training Standards Commission to jointly study the benefits, if any, of requiring physical fitness testing throughout the career of a law enforcement officer, and to also study whether that testing, if required, should be incrementally adjusted based upon the age of the law enforcement officer, and report to the Joint Legislative Oversight Committee on Justice and Public Safety no later than March 31, 2022. The Commissions have developed a Physical Fitness Advisory Group, composed of members of both Commissions and other stakeholders, who are currently working with Appalachian State University to consider this matter. The Physical Fitness Advisory Group has met twice and expect to have completed a literature review and a report with preliminary findings by the March 31, 2022 deadline.

III. Compliance with Part IX of SL 2021-138

Part IX, Section 9.(a) requires that the Commissions develop a best practices guide for law enforcement recruitment and retention and Section 9.(b) requires a report to the Joint Legislative Oversight Committee on Justice and Public Safety by April 1, 2022. The Commissions have developed the Recruitment & Retention Advisory Group, composed of members of both Commissions, who are currently working on drafting a best practice guide for recruitment and retention. The Recruitment & Retention Advisory Group met on August 27, 2021 and September 24, 2021, and plans to meet again to finalize the draft and submit to both Commissions in February and March of 2022. We will have an updated progress report ready to submit by the April 1, 2022, deadline.

Respectfully submitted,



Sheriff Alan Cloninger
Chair, North Carolina
Sheriffs' Education and Training
Standards Commission



Chief Chris Blue
Chair, North Carolina
Criminal Justice Education and
Training Standards Commission