

Impact Analysis: Education and Training Standards for 2013

Agency: Department of Justice

Contact: Julia Lohman, 919 662-4370

Rule Title: Education and Training Standards

State Impact: Yes

Local Impact: Yes

Substantial Economic Impact: Yes

Rule Citation:

12 NCAC 10B .0101, .0205, .0206, .0410, .0702, .0713, .0901, .1002, .1004, .1005, .1202, .1204, .1205, .1602, .1604, .1605, .2003-.2009, .2102, .2103

Statutory authority for the rule change:

G.S. 17E-4 and 17E-7

Summary of the Proposed Regulations

The NC Sheriffs' Education and Training Standards Commission is charged with setting the minimum education and training standards for justice officers (deputy sheriffs, detention officers, and telecommunicators) in this State. Deputy sheriffs, detention officers, and telecommunicators each perform a vital role in ensuring that public health, safety and welfare are well guarded. 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.

Summary of the Impacts of the Proposed Regulations

Affected Party	Quantified Benefits	Quantified Costs
Local Government	\$8.1 million	\$8.8 million
State Government	N/A	\$1.1 million
Private Entities	\$820	N/A
Total	\$8.1 million	\$9.8 million

Note: Only quantified benefits and costs included in the table. In some cases, such as benefits to the public from improved performance and coordination among justice officers resulting from in-service training, unquantified benefits and costs are likely to be significant. Components may not sum to total due to rounding.

Impact of Proposed Changes to 12 NCAC 10B .0101

Description: Revision amends the physical address for the Division

Purpose: The Division moved to a new location.

Baseline: N/A

Cost Estimates: None.

Impact of Proposed Changes to 12 NCAC 10B .0410

Description: Revision redacts a rule cite that no longer exists.

Purpose: N/A

Baseline: N/A

Cost Estimates: None.

Impact of Proposed Changes to 12 NCAC 10B .0901

Description: Revision make it clear that the instructors for the Telecommunicator Certification Course are not covered by the rules set out by the Criminal Justice Commission and updates the contact information for the Office of Administrative Hearings.

Purpose: To clearly set out which entity regulates instructors for Commission-mandated courses.

Baseline: Rules are already in place for telecommunicator instructors. This is merely a clarification.

Cost Estimates: None.

Impact of Proposed Changes to 12 NCAC 10B .0205

Description: Revision will allow the Commission to reduce the period of sanction after an administrative hearing where the basis for adverse action is made under 12 NCAC .0204(d).

Purpose: To allow the Commission more discretion in granting leniency for individuals who have been found to have violated a Commission rule.

Baseline: The only basis in 12 NCAC .0204(d) for which there is not a provision to grant leniency is where an applicant has committed or been convicted of a Class B misdemeanor dated within five years of the date of appointment.

Cost Estimates: None

Benefit Estimates: In cases where the Commission may grant leniency under this amendment, the individual seeking certification and the local employer may experience a cost benefit. For the individual, the benefit would be able to continue to work. For the local employer, the benefit is that the position

does not have to be re-filled. It is estimated that the direct and indirect costs of turnover among professional, skilled employees amount, on average, to 70 percent of the employee's annual salary (see Impact of Proposed Changes to 12 NCAC 10B .2005 and .2007 below for more details on salary data, assumptions, and calculations).

Based on prior experience, the Commission expects no more than a few grants of leniency each year. The weighted average salary (excluding benefits) of the public safety personnel covered by this provision is approximately \$37,600. Given an assumption of three grants of leniency each year and a per vacancy turnover benefit equal to seventy percent of an employee's average salary (excluding benefits), the turnover-related benefit to local governments associated with this rule would be approximately \$78,000 in 2013.

Impact of Proposed Changes to 12 NCAC 10B .0206

Description: Revision clarifies that summary suspensions or denials can be issued for all justice officers or criminal justice officers who fail to complete in-service training as required.

Purpose: To make rule consistent with provisions of 12 NCAC 10B Section .2000.

Baseline: 12 NCAC 10B Section .2000 authorizes suspensions or denials of certification; however this rule still only referred to deputy sheriff and detention officers.

Cost Estimates: None. This is a technical change to be consistent with past rule changes.

Impact of Proposed Changes to 12 NCAC 10B .0702

Description: Revision amends the physical address for the Division

Purpose: The Division moved to a new location.

Baseline: N/A

Cost Estimates: None.

Impact of Proposed Changes to 12 NCAC 10B .0713

Description: Revision requires the school offering the commission-certified basic training courses to have the trainee provide documentation that he/she meets the educational requirement that is already in place for obtaining certification from the Commission.

Purpose: To ensure that trainees enrolled in basic training courses can meet the educational requirement required for certification.

Baseline: The educational requirement is already set out in 12 NCAC 10B .0302; however, it is currently required to be documented when the individual applies for certification under the Commission.

Individuals can enroll in basic training prior to applying for certification.

Cost Estimates: None.

Benefits Estimates: In cases where the individual does not meet the educational requirement, enrollment in basic training would not be permitted until he/she can do so. This avoids costs to the individual by having paid tuition for training, when ultimately, the person cannot become certified.

The North Carolina Community College System indicates that tuition is \$175 for occupational courses over 50 hours and \$120 for courses between 25-50 hours.¹ The detention basic course is 162 hours and the telecommunicator course is 47 hours. We have experienced no more than five people per year who have been admitted into these courses and who do not meet the educational requirement. If four of those five had been in the detention course (consistent with the overall ratio of detention officers and telecommunicators), the total cost to individuals would be \$820.

Impact of Proposed Changes to 12 NCAC 10B .1002; 1004; .1005; .1202; .1204; .1205; .1602; .1604; .1605

Description: Revision removes formula for awarding professional certificates based on a combination of having earned college degrees, years of experience and training points.

Purpose: To allow individuals to claim their college credits gained in the process of being enrolled and or having completed degree programs.

Baseline: Currently, if an individual possesses a certain level degree, then the formula for that degree must be used to evaluate eligibility for a professional certificate. The individual does not receive any additional credit for pursuing, but not yet having earned, a higher level degree. In addition, different types of degrees require different credits. A person holding a double major will have more credits than a person having a single major. By eliminating those formulas, this amendment will allow a person to claim full credit for their education.

Cost/Benefit Estimates: Some local employers base pay raises and promotions on the level of professional certificate that an individual holds. This amendment would make certificate-related promotion fairer, and the change would potentially make it easier for a person with college education – but without a degree – to obtain a certificate. This would lead to a cost for the employers, but a benefit for the employees. Based on previous applications, we expect this rule to affect only a few individuals per year. Data limitations make it difficult to determine whether the rule could affect a larger number of

¹ See North Carolina Community College System: Historical Continuing Education Tuition Rates, available at http://www.nccommunitycolleges.edu/Business_Finance/docs/Resources/Tuition%20and%20Fees/Historical%20on%20Ed%20Registration%20Fee%20Rate%20Summary.pdf

applicants.

Impact of Proposed Changes to 12 NCAC 10B .2004 and .2102

Description: Revisions set out that:

- the classroom portion regarding use of force may also be taught by a Professional Lecturer with a law degree;
- corrects the type of instructor who may teach the Active Shooter: Practical Refresher topic of instruction; and
- requires the instructors who will be teaching the required in-service training blocks of instruction to pass a test on the material to be taught before actually teaching;

Purpose: To require the instructor to be knowledgeable in the specific topics he/she will teach.

Baseline: Current rules specify:

- that only a firearms instructor may teach the classroom portion for firearms training;
- that only a firearms instructor is permitted to teach the Active Shooter topic of instruction;
- the types of instructors who are permitted to teach, but the rule does not require the instructors who teach in-service to show proficiency in the topic before actually teaching.

Cost Estimates:

- Allowing a Professional Lecturer who holds a law degree to teach the classroom portion regarding use of force should not have any impact as specialized instructors and professional lecturers are generally paid the same hourly rate. There may, however, be some benefits resulting from reduced time seeking qualified instructors.
- The instructor requirement for the Active Shooter block was an error and has not been enforced. Rather the current rule amendment is what has been required. The instructor costs for general instructors and firearms instructor are generally the same: so no cost from this change is expected.
- The requirement for instructors to pass tests on the instruction they seek to teach prior to teaching will entail an opportunity cost of time for those instructors. The primary employment for instructors is typically as a police officer, deputy sheriff, detention officer or telecommunicator and serve as instructors as part-time employment. Some may be employed full-time at community colleges. For every hour of instruction, there will be five test questions, estimating two minutes per question:
 - For the deputy sheriff in-service training, for which there is an expectation of 24 hours of instruction, this equates to 4 hours for testing. Based on an expected total of 383 instructors paid at an hourly rate of \$22.50, the opportunity cost of time for all deputy sheriff instructors would be approximately \$34,000.
 - For the detention officer in-service training, for which there is an expectation of 16 hours of instruction, this equates to 2.67 hours for testing. Based on an expected total of 315 instructors paid at an hourly rate of \$22.50, the opportunity cost of time for all

- detention officer instructors would be approximately \$19,000.
- For the telecommunicator in-service training, for which there is an expectation of 16 hours of instruction, this equates to 2.67 hours for testing. Based on an expected total of 63 instructors paid at an hourly rate of \$22.50, the opportunity cost of time for all telecommunicator instructors would be approximately \$4,000.
 - The estimated total instructor opportunity costs for testing is \$57,000.

Benefit Estimates: The primary benefits of the rule are to reduce the chances of students receiving, and later acting upon, faulty instruction and to potentially reduce liability risks for instructors.

Impact of Proposed Changes to 12 NCAC 10B .2103

Description: Revision to remove statutory citation regarding use of force and reference to firearms instructor.

Purpose: Rule sets out the training requirements for in-service firearms training. Detention officers who are authorized to carry firearms are already required to qualify with the weapon and complete use-of-force instruction by 12 NCAC 10B .2101 and .2104. The statutory citation referenced only applies to law enforcement, and the law regarding detention officers is found elsewhere. Since this rule sets out the requirements for both deputy sheriffs and detention officers, removal of the citation corrects the rule to ensure all references to required training explicitly include detention officers as well as deputy sheriffs. The reference to the specialized firearms instructor is being removed to be consistent with the amendment to .2004 and .2012 described above.

Baseline: N/A.

Cost Estimates: None.

Impact of Proposed Changes to 12 NCAC 10B .2003 and .2009

Description (.2003): Revision sets out by rule the requirements taught in the Coordinating In-Service Training Course for in-service training coordinators.

Purpose (.2003): Rule sets out the requirements and qualifications for in-service training coordinators.

Baseline (.2003): The rule already requires an individual seeking to become an in-service training coordinator to attend the Coordinating In-Service Training Course. The course teaches the responsibilities for those coordinators. This change is merely to specify in the rule those responsibilities that are already taught in the course.

Description (.2009): Adoption of rule to clearly set out what is expected during the delivery of in-service training.

Purpose (.2009): To ensure the training provider delivers and documents training delivery in accordance

with the expectations of the Commission.

Baseline (.2009): Although this rule is consistent with guidance given to those providing the in-service training since 2006, the baseline for the proposed rule presumes that existing guidance is unenforceable and thus considers all associated administrative duties as costs associated with the proposed rule. These training-delivery requirements apply not only to the In-Service Training Coordinators, but also to the Community Colleges that provide in-service training.

Cost Estimates (.2003 & .2009): The Commission polled a sample of In-Service Training Coordinators to determine the percentage of time spent performing these administrative duties. The average percentage was 36% or an average of 754 hours per year. Most of these coordinators are also deputy sheriffs, so using the deputy annual average salary of \$54,000 (\$26 hourly average), the average opportunity cost per coordinator is approximately \$19,400 (see Impact of Proposed Changes to 12 NCAC 10B .2005 and .2007 below for more details on salary data, assumptions, and calculations). There are a total of 72 coordinators, which puts the total opportunity cost for in-service training coordinators at \$1.4 million.

There are 58 community colleges in North Carolina that are eligible to provide in-service training. Colleges typically use individuals who are already designated as a school director for the Commission's basic training courses to also oversee in-service training. School directors are also instructors. The Commission polled a sample of colleges and agencies offering training to obtain an overall average hourly compensation rate for instructors. The average of the responses was \$22.50. The Commission polled several school directors, and the survey results indicate that they spend approximately 30% of their time performing these administrative duties. Based on a work-hour expectation of 2,080 hours per year, we estimate that school directors spend 624 hours per year performing administrative duties, at an average cost to each college of more than \$14,000. Extrapolating this average to all 58 colleges yields a total opportunity cost to the State of more than \$800,000.

Impact of Proposed Changes to 12 NCAC 10B .2005 and .2007

Description (.2005): The revisions set out what will be required for in-service training in 2013. These in-service training programs began in 2005 with deputies completing 4 hours of domestic violence training. Since 2006 deputies have been required to complete 24 hours of in-service training. Since 2007 detention officers and telecommunicators have been required to complete 16 hours. In 2013, deputies must likewise complete approximately 24 hours, and detention officers and telecommunicators must complete 16 hours.

The in-service requirement is no longer to be based upon hours of instruction received, but based upon the person completing the training and showing proficiency in the topics by passing tests. Curricula are generally designed to be delivered to groups of 20 students, with periodic classroom breaks. When classrooms consist of fewer students, there is generally less classroom discussion, and effective delivery of the material may be achieved in shorter periods of time. What matters to the Commission is that the individuals learn from the training. Therefore, the Commission is proposing to replace the hourly

requirement with a testing requirement. However for purposes of estimating costs, the number of hours a topic is generally expected to take has been used.

Purpose (.2005): To improve performance, reduce errors and reduce the number of lawsuits, and protect public health, safety and welfare by ensuring each officer remains knowledgeable in the relevant subject areas of enforcement, corrections, or communications.

Description (.2007): Revision sets out the reporting requirement for in-service training for the year 2013. Purpose (.2007): To ensure individuals who are under an obligation to complete in-service training have done so.

Baseline for .2005 and .2007: Current rules only lay out the in-service training requirements through 2012. Without these rule changes there would be no requirements for 2013, with the exception of Firearms Qualification, which is separately required in 12 NCAC 10B Section .2000. Firearms training may be conducted, at a minimum, in 4 hours. Therefore the impact of these rules is the cost related to the training requirements for deputies, detention officers, and telecommunicators.

Cost Estimates: The rule change for training only affects 2013: so the costs are confined to this one year. There is a cost impact to local governments and, to a lesser extent, the State. The local government costs are for training and the time that employees will be taken away from doing their jobs. The assumed baseline is that local governments would conduct no applicable training without these requirements.

Local cost estimate (includes three types of justice officer²):

In-Service Training Costs:

- Deputy sheriffs are required to have a total of 24 credits of training in 2013, 20 credits of which is above the baseline. First, there is a cost of the time they must spend in training. The estimated average salary and benefits for a deputy sheriff is \$54,000 per year. In addition, they are estimated to work 2,080 hours a year. Therefore, the opportunity cost of 20 hours spent in training is approximately \$520. This represents the time the deputy sheriffs could have spent on law enforcement. There are approximately 7,650 full-time deputy sheriffs, putting the total estimated opportunity cost at nearly \$4.0 million. In addition, there is a cost to conducting training. The Commission polled a sample of colleges and agencies offering training to obtain an overall average hourly compensation rate for instructors: \$22.50. Therefore, an instructor costs \$450 for 20 hours of training and is needed for every 20 students (about 383 instructors) at an annual cost of approximately \$170,000.
- Detention officers are required to have 16 credits of training in 2013. First, there is a cost of the time they must spend in training. The estimated average salary and benefits for a detention

² All average salaries are based on data from the 2012 County Salaries Index of the UNC School of Government, with the value of benefits estimated as 34% of annual salary based on OSBM data. Salary data available online at <http://www.sog.unc.edu/node/518>.

officer is \$48,000 a year. In addition, they are estimated to work 2,080 hours a year. Therefore, the opportunity cost of 16 hours spent in training is approximately \$370. This represents the time the detention officers could have spent on corrections functions. There are approximately 6,300 full-time detention officers, putting the total estimated opportunity cost at more than \$2.3 million. In addition, there is a cost to conducting training. An instructor costs an estimated \$360 for 16 hours of training and is needed for every 20 students (315 instructors), putting the annual cost at \$110,000.

- Telecommunicators are required to have 16 credits of training in 2013. First, there is a cost of the time they must spend in training. The estimated average salary and benefits for a telecommunicator is \$43,000 a year. In addition, they are estimated to work 2080 hours a year. Therefore, the opportunity costs of 16 hours spent in training is approximately \$330. This represents the time the telecommunicators could have spent on communications functions. There are approximately 1,250 full-time telecommunicators, putting the total estimated opportunity cost at more than \$410,000. In addition, there is a cost to conducting training. An instructor costs an estimated \$360 for 16 hours of training and is needed for every 20 students (63 instructors), putting the annual cost at \$23,000.

The total estimated opportunity cost of training for local justice officers is \$6.7 million, and the total estimated cost of instruction is \$310,000.

Retesting Costs

An In-Service IMPACT Study Report, prepared by the North Carolina Justice Academy Research Office, found that 3.8% of individuals taking in-service training failed the initial end-of-training delivery test. Each in-service test will have five test questions for each hour of instruction. Each test question is expected to take two minutes to complete.

- For the deputy sheriff in-service training, this equates to 4 hours for testing. Based on the historical failure rate of 3.8%, we estimate that 291 deputies may need to retest, for a total of 1,163 hours of retesting. At an average hourly total compensation rate of \$26, total opportunity costs for deputies needing to retest would be approximately \$30,000.
- For the detention officer in-service training, this equates to 2.67 hours for testing. Based on the historical failure rate of 3.8%, we estimate that 239 detention officers may need to retest, for a total of 638 hours of retesting. At an average hourly total compensation rate of \$23, total opportunity costs for detention officers needing to retest would be approximately \$15,000.
- For the telecommunicator in-service training, this equates to 2.67 hours for testing. Based on the historical failure rate of 3.8%, we estimate that 48 telecommunicators may need to retest, for a total of 128 hours of retesting. At an average hourly total compensation rate of approximately \$21, total opportunity costs for telecommunicator needing to retest would be approximately \$2,600.

Total opportunity cost for re- testing is \$47,600.

State cost estimate

Duties for administering the in-service training program are split between 5 existing positions in this Division at DOJ. The total annual salary cost to this Division, excluding benefits, is estimated at \$56,000 for the partial time spent by the positions.

Much of the work for developing the training program occurs at the NC Justice Academy. The Justice Academy received one Program Assistant funded at nearly \$34,000 during a previous legislative session. However, work there will continue to be split between the new position and 14 other positions. The total annual salary cost is \$134,000 for both the new Program Assistant position and the partial time spent by the other 14 positions.

Including the value of State-provided benefits, which are estimated to be an average of 34 percent of annual salary based on OSBM data, the total State cost is \$255,000.

Benefit Estimates:

Unquantified Benefits

Improved performance, reduction errors and resulting reduction of lawsuits, as well as better protection of public health, safety and welfare. Requiring in-service training in specified topical areas statewide ensures each officer – regardless of where he/she is employed – remains knowledgeable about changes in law, practical techniques, and other relevant topics such as domestic violence, autism, terrorism, school violence, etc. This standard framework makes joint operation, communication, and dealing with the public easier.

Quantified Benefits

An additional benefit expected benefit is a decrease in staff turnover and turnover-related costs. The 2003 Sheriffs' Commission and Governor's Crime Commission published the results of Recruitment and Retention Studies³ for each of these types of justice officers. Educational incentives and training opportunities were found to be highly ranked as an effective technique for retaining these employees. The turnover rate for deputy sheriffs, detention officers, and telecommunicators averaged 13 percent, 21 percent, and 16 percent, respectively, according to the above 2003 study.

"The Effect of Workplace Education on Earnings, Turnover, and Job Performance," a study authored by Alan Krueger and Cecilia Rouse,⁴ provides an estimate that one particular on-the-job training program may have reduced employee turnover rates by 7 percentage points at a private service-providing company. If extending mandatory in-service training prevents staff turnover from rising at even a fraction of the impact measured by the training program in the Krueger-Rouse study, evidence suggests that the direct and indirect savings would be substantial.

³ Electronic copies of the Recruitment and Retention studies are available upon request from the Sheriffs' Standards Division of the Department of Justice (Phone: (919) 779-8213)

⁴ Krueger, Alan B. and Rouse, Cecilia E., New Evidence on Workplace Education (August 1994). NBER Working Paper No. w4831. Available at SSRN: <http://ssrn.com/abstract=226529>

A 2000 study by Michele Graef and Erick Hill found that many studies of employee turnover estimated the cost of replacing skilled professional employees to be between 70 percent and 200 percent of the employee’s average salary.⁵ An unpublished, early-2000s study by the Louisiana State University Staff Senate found that the direct and indirect turnover costs for protective services personnel amounted to roughly \$25,000 per vacancy (nearly \$32,000 in 2012 dollars).⁶ The conservative end of the studies reviewed by Graef and Hill (70 percent of annual salary, excluding benefits) yield turnover cost estimates of \$28,000 per vacancy for deputy sheriffs, \$25,000 for detention officers, and \$22,500 for telecommunicators. The estimated benefits from reducing turnover (see table below) are based on these per vacancy cost estimates.

Estimated Local Benefits from Training-Related Reductions in Employee Turnover

	Total Full-Time for 2012 Number	1 Percent of Total Employees	Estimated Benefits of Reducing Turnover		
			1 percentage point	2 percentage points*	4 percentage points
Deputy Sheriff	7,650	77	\$2.2 million	\$4.3 million	\$8.6 million
Detention Officer	6,300	63	\$1.6 million	\$3.2 million	\$6.3 million
Telecommunicator	1,250	13	\$290,000	\$590,000	\$1.2 million
Total	15,200	153	\$4.0 million	\$8.0 million	\$16 million

** The Commission believes that a reduction in two percentage points is the most plausible assumption.*

Note: Estimated benefits of reducing turnover based on cost per vacancy of 70 percent of a professional employee’s annual salary (see text above for details).

A reduction in turnover of 1-4 percentage points resulting from the proposed in-service training, significantly less than the reduction suggested by the previously cited Krueger-Rouse study, would generate benefits of approximately \$4 million to \$16 million in 2013. Based on the combined evidence of the Krueger-Rouse study and the results of the 2003 recruitment and retention surveys, the Commission believes that a 2-percentage-point reduction in turnover resulting from mandating in-service training is a plausible, conservative estimate.

Impact of Proposed Changes to 12 NCAC 10B .2006

Description: Revision requires a local or state police officer certified under the Criminal Justice

⁵ Graef, Michele I. and Erick L Hill. (2000). “Costing Child Protective Services Staff Turnover.” *Child Welfare*, Sept/Oct,79 (5): 517.

⁶ Cited by Gilean Smith in “Love thy employee or make the cut? You decide,” Examiner.com. February 28, 2011. <http://www.examiner.com/article/love-thy-employees-or-make-the-cut-you-decide>

Commission to make up any missed in-service training upon transferring to a deputy position.

Purpose: To improve performance, reduce errors and reduce the number of lawsuits, and protect public health, safety and welfare by ensuring each deputy remains knowledgeable in his/her area of enforcement.

Baseline: There is currently no requirement for a local or state police officer who fails to complete in-service training, and then later transfers to a deputy position, to make up any required in-service training.

Cost Estimates: Approximately 720 individuals transfer from one agency to another on an annual basis. No comprehensive attendance records for in-service training among justice officers in North Carolina exist, but a 2005 study by the independent monitor of the Metropolitan Police Department of Washington, D.C., indicated that attendance rates for in-service training among police officers was approximately 75 percent.⁷ For this estimate, we have presumed that all of the transfers were local or state police who transfer to a deputy position and that the transfers failed to complete 25 percent of the 24 credits (i.e. six credits) of required in-service training.

- First, there is a cost of the time the transfers must spend in training. The estimated average deputy sheriff salary and benefits is approximately \$54,000 a year (roughly \$26 per hour). Thus, the opportunity cost associated with an average of six hours of training per transfer would be \$156, for a total opportunity cost of approximately \$112,000 . This represents the time the deputy sheriffs could have spent on law enforcement.
- In addition, there is a cost to conducting training. Assuming 1) an instructor costs \$135 for six hours of training at a rate of \$22.50 per hour, 2) that all transfers missed at least one in-service training course, and 3) make-up training is conducted one-on-one, then the estimated instruction cost would be approximately \$97,000.

Benefits Estimate: The benefits to requiring individuals transferring from one agency to another to make up in-service training would be similar to the unquantified benefits described above in the Impact of Proposed Changes to 12 NCAC 10B .2005 and .2007. It is unclear whether the assumptions underlying the quantified turnover-reduction benefits for mandatory in-service training would apply equally to transfers.

Alternatives

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

⁷ Office of the Independent Monitor. *Thirteenth Quarterly Report of the Independent Monitor for the Metropolitan Police Department*, July 28, 2005. Available at <http://www.clearinghouse.net/chDocs/public/PN-DC-0001-0017.pdf>

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.

Risk Analysis

Although the cost and benefit estimates in this fiscal note are based on plausible assumptions, in several cases, alternative plausible assumptions result in significant changes to the cost and benefit estimates.

In the case of the benefits of mandated training, we used a conservative assumption of a two percentage-point reduction in turnover based on an academic study indicating a turnover reduction of seven percentage points from a private-sector in-service training program. If the actual impact of the Commission's mandated in-service training were to reduce turnover by one percentage point, the associated benefits would be \$4.0million instead of \$8.0million. If the actual impact were to reduce turnover by four percentage points, the associated benefits would be \$16.1 million.

Similarly, there are alternative plausible assumptions regarding turnover costs. We estimated the benefits of turnover-related training benefits based on the assumption that turnover costs per vacancy equal approximately 70 percent of a professional employee's salary. If turnover costs per vacancy are only 50 percent of an employee's salary, then the benefits from reducing turnover would be \$5.7 million in 2013 instead of \$8.0 million given a two-percentage-point reduction in turnover among justice officers. At a per vacancy cost of 100 percent of an employee's salary, the benefits from reducing turnover would be more than \$11 million.

Conclusion

Please note that all noted costs represent opportunity costs and may not represent new cash outlays required by state or local agencies. The overwhelming majority of these local sheriffs, detention officers and related positions impacted by these rule changes are salaried employees. The time they spend on these training requirements is time they are not spending on patrol or on their primary law enforcement duties. However, this additional training can ensure that these employees are more efficient and productive employees after training is completed. The Department of Justice has requested expansion funding to address the administrative costs associated with this training. During the last legislative session, only one position of the eleven requested was approved. If additional expansion funding is not provided by the General Assembly, these administrative functions will be absorbed within current operating budgets.

Benefits	2013
<i>Local Government Benefits</i>	
Reduced direct and indirect costs associated with justice officer turnover due to training (.2005 & .2007)	\$8.0 million
Reduced turnover costs due to additional discretion for leniency (.0205)	\$78,000
<i>Private Benefits</i>	
Reduced tuition costs for individuals educationally ineligible for basic training courses (.0703)	\$820
Improved public safety office performance, improved coordination, and reduced errors by justice officers (.2005 & .2007)	Significant unquantified benefit to public
Costs	
<i>Local Government Costs</i>	
Opportunity costs of justice officers' time spent conducting in-service training (including retests) (.2005 & .2007)	\$6.7 million
Direct costs associated with hiring instructors for in-service training (including retests) (.2005 & .2007)	\$310,000
Opportunity costs of justice officers' time spent making up in-service training (.2006)	\$112,000
Direct costs associated with hiring instructors for officers making up missed in-service training	\$97,000
Opportunity costs of In-Service Training Coordinators associated with administrative tasks (.2003 & .2009)	\$1.4 million
Opportunity costs associated with requiring instructors to take and pass tests before instructing on the topic they seek to teach (.2004 & .2102)	\$53,000
<i>State Government Costs</i>	
Opportunity costs of community college school directors associated with administrative tasks (.2003 & .2009)	\$800,000
Opportunity costs of NC Justice Academy and other Department of Justice Staff associated with administrative tasks (.2003 & .2009)	\$255,000

Note: Minor unquantified benefits not included in the above table.

12 NCAC 10B .0101 IS PROPOSED TO BE AMENDED AS FOLLOWS:

12 NCAC 10B .0101 LOCATION

The N.C. Sheriffs' Education and Training Standards Commission is established within the Department of Justice and is located ~~in the Sam J. Ervin, Jr. Justice Building at 114 Edenton Street~~ at 1700 Tryon Park Drive in Raleigh, North Carolina. The mailing address is:

North Carolina Sheriffs' Education and Training Standards Commission

Post Office Box 629

Raleigh, North Carolina 27602

Telephone ~~(919) 716-6460~~ (919) 779-8213

History Note: *Authority G.S. 17E-6;*

Eff. January 1, 1989;

Amended Eff. January 1, 2013; August 1, 1998.

12 NCAC 10B .0205 IS PROPOSED TO BE AMENDED AS FOLLOWS:

12 NCAC 10B .0205 PERIOD OF SUSPENSION: REVOCATION: OR DENIAL

When the Commission suspends, revokes, or denies the certification of a justice officer, the period of sanction shall be:

- (1) permanent where the cause of sanction is:
 - (a) commission or conviction of a felony;
 - (b) commission or conviction of a crime for which authorized punishment included imprisonment for more than two years; or
 - (c) the second revocation, suspension, or denial of an officer's certification for any of the causes requiring a five-year period of revocation, suspension, or denial as set out in Item (2) of this Rule.

- (2) not less than five years where the cause of sanction is:
 - (a) commission or conviction of offenses as specified in 12 NCAC 10B .0204(d)(1);
 - (b) material misrepresentation of any information required for certification or accreditation from the Commission or the North Carolina Criminal Justice Education and Training Standards Commission;
 - (c) knowingly and designedly by any means of false pretense, deception, fraud, misrepresentation or cheating whatsoever, obtained or attempted to obtain credit, training or certification from the Commission or the North Carolina Criminal Justice Education and Training Standards Commission;
 - (d) knowingly and designedly by any means of false pretense, deception, fraud, misrepresentation or cheating whatsoever, aiding another in obtaining or attempting to obtain credit, training, or certification from the Commission or the North Carolina Criminal Justice Education and Training Standards Commission. This Sub-Item also applies to obtaining or attempting to obtain credit for in-service training as required by 12 NCAC 10B .1700, .1800, .2000, or.2100;
 - (e) failure to make either of the notifications as required by 12 NCAC 10B .0301(a)(7);

- (f) removal from office under the provisions of G.S. 128-16 or the provisions of G.S. 14-230; or
- (g) a positive result on a drug screen, or a refusal to submit to drug testing as required by the rules in this Chapter or the rules of the Criminal Justice Education and Training Standards Commission or has refused to submit to an in-service drug screen pursuant to the guidelines set forth in the Drug Screening Implementation Guide as required by the employing agency through which the officer is certified.

The Commission may either reduce or suspend the periods of sanction under this Item or substitute a period of probation in lieu of revocation, suspension or denial following an administrative hearing. This authority to reduce or suspend the period of sanction may be utilized by the Commission when extenuating circumstances brought out at the administrative hearing warrant such a reduction or suspension.

- (3) for an indefinite period, but continuing so long as the stated deficiency, infraction, or impairment continues to exist, where the cause of sanction is:
 - (a) failure to meet or satisfy relevant basic training requirements;
 - (b) failure to meet or maintain the minimum standards of employment or certification;
 - (c) failure to meet or satisfy the in-service training requirements as prescribed in 12 NCAC 10B .2000 or .2100 or 12 NCAC 09E .0100;
 - (d) commission or conviction of offenses as specified in 12 NCAC 10B .0204(d)(2), (3), (4) and (5); or
 - (e) denial, suspension, or revocation of certification pursuant to 12 NCAC 10B .0204(c)(5).

The Commission may either reduce or suspend the periods of sanction where revocation, denial or suspension of certification is based upon **the Subparagraphs set out in 12 NCAC .0204(d)** ~~.0204(d)(3), (d)(4), and (d)(5)~~ or substitute a period of probation in lieu of revocation, suspension or denial following an administrative hearing. This authority to reduce or suspend the period of sanction may be utilized by the Commission when extenuating circumstances brought out at the administrative hearing warrant such a reduction or suspension.

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

Eff. January 1, 1991;

Recodified from 12 NCAC 10B .0208 Eff. January 1, 1992;

*Amended Eff. **January 1, 2013**; January 1, 2009; January 1, 2008; January 1, 2007; January 1, 2006; March 1, 2005; January 1, 1995; January 1, 1994; January 1, 1993; January 1, 1992.*

12 NCAC 10B .0206 IS PROPOSED TO BE AMENDED AS FOLLOWS:

12 NCAC 10B .0206 SUMMARY SUSPENSIONS: OR DENIALS

(a) The Commission may summarily suspend or deny the certification of a justice officer or instructor when, in the opinion of the Commission, the public health, safety, or welfare requires this emergency action of summary suspension or denial. The Commission has determined that the following conditions specifically affect the public health, safety, or welfare and therefore it, by and through the Director, shall utilize summary suspension or denial following a full investigation of the matter when:

- (1) the applicant for certification or the certified justice officer has committed or been convicted of a violation of the criminal code which would require a permanent revocation or denial of certification;
- (2) the justice officer has failed to comply with the training requirements of 12 NCAC 10B .0500, .0600, and 1300;
- (3) the certified ~~deputy sheriff or detention~~ justice officer or criminal justice officer fails to satisfactorily complete the minimum in-service training requirements as prescribed in 12 NCAC 10B .2000 or .2100 or 12 NCAC 09E .0100;
- (4) the applicant for certification has refused to submit to the drug screen as required in 12 NCAC 10B .0301(6) or .0406(c)(3) or in connection with an application for or certification as a justice officer or a criminal justice officer as defined in 12 NCAC 09A .0103(6); or
- (5) the applicant for certification or the certified officer has produced a positive result on any drug screen reported to the Commission as specified in 12 NCAC 10B .0410 or reported to any commission, agency, or board established to certify, pursuant to said commission, agency, or boards' standards, a person as a justice officer or a criminal justice officer as defined in 12 NCAC 09A .0103(6), unless the positive result is due to a medically indicated cause.

(b) Without limiting the application of G.S. 17E, a person who has had his or her certification summarily suspended or denied may not exercise the authority or perform the duties of a justice officer during the period of suspension or denial.

History Note: Authority G.S. 17E-8; 17E-9; 150B-3(c);

Eff. January 1, 1992;

Amended Eff. January 1, 1993;

Temporary Amendment Eff. March 1, 1998;

*Amended Eff. **January 1, 2013**; January 1, 2008; March 1, 2005; April 1, 1999; August 1, 1998.*

12 NCAC 10B .0410 IS PROPOSED TO BE AMENDED AS FOLLOWS:

12 NCAC 10B .0410 AGENCY REPORTING OF DRUG SCREENING RESULTS

- (a) Each agency shall report in writing to the Division all refusals and all positive results of drug screening obtained from applicants and lateral transfers pursuant to 12 NCAC 10B .0301(6) ~~or .0406(b)(4)~~ unless the positive result has been explained to the satisfaction of the agency's medical review officer who shall be a licensed physician.
- (b) Each agency, if it conducts a drug screen for in-service officers, shall report positive results to the Division provided the drug screen conducted conforms to 12 NCAC 10B .0301(6)(a), (b), (c), (d) and (f).
- (c) For reporting purposes, a result will be considered "positive" only in the cases where the drug screen reveals the presence of an illegal drug at a level equal to or greater than the threshold value as established by the Department of Health and Human Services for Federal Workplace Drug Testing Programs and adopted by reference in 12 NCAC 10B .0301(6) of these Rules.

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

Eff. July 1, 1990;

Recodified from 12 NCAC 10B .0409 Eff. January 1, 1991.

Amended Eff. January 1, 2013.

12 NCAC 10B .0702 IS PROPOSED TO BE AMENDED AS FOLLOWS:

12 NCAC 10B .0702 ADMINISTRATION OF JUSTICE OFFICER SCHOOLS

The rules covering the administration of Criminal Justice Schools and training programs or courses of instruction, codified as Title 12, Subchapter 9B, Section .0200 of the North Carolina Administrative Code, effective and previously adopted by the North Carolina Criminal Justice Education And Training Standards Commission are hereby incorporated by reference and shall automatically include any later amendments and editions of the incorporated material to apply to actions of the North Carolina Sheriffs' Education and Training Standards Commission with the exception of the Detention Officer Certification Course and the Telecommunicator Certification Course. Copies of the incorporated materials may be obtained at no cost from the Criminal Justice Standards Division, North Carolina Department of Justice, ~~Sam J. Ervin, Jr. Justice Building at 114 Edenton Street,~~ **1700 Tryon Park Drive,** Post Office Drawer 149, Raleigh, North Carolina 27602.

History Note: *Authority G.S. 17E-4;*
Eff. January 1, 1989;
Amended Eff. January 1, 1996; January 1, 1990;
Temporary Amendment Eff. March 1, 1998;
*Amended Eff. **January 1, 2013;** August 1, 1998.*

12 NCAC 10B .0713 IS PROPOSED TO BE AMENDED AS FOLLOWS:

12 NCAC 10B .0713 ADMISSION OF TRAINEES

(a) The school director shall not admit any individual as a trainee in any commission-certified basic training course who is not a citizen of the United States.

(b) The school may not admit any individual younger than 21 years of age as a trainee in any commission-certified basic training course without the prior written approval of the Director of the Standards Division. The Director shall approve those individuals who will turn 21 years of age during the course, but prior to the ending date.

(c) The school may not admit any individual who has not provided documentation that he or she meets the educational requirement as set out in 12 NCAC 10B .0302.

~~(e)~~ **(d)** The school shall give priority admission in commission-certified basic training courses to individuals holding full-time employment with criminal justice agencies.

~~(d)~~ **(e)** The school shall administer the reading component of a standardized test which reports a grade level for each trainee participating in either the Telecommunicator or Detention Officer Certification Course. The specific type of test instrument shall be determined by the school director and shall be administered within the first week of the Course. The grade level results on each trainee shall be submitted to the Commission on each trainee's Report of Student Course Completion.

~~(e)~~ **(f)** The school shall not admit any individual as a trainee in a presentation of the Detention Officer Certification Course or the Telecommunicator Certification Course unless as a prerequisite the individual has provided to the certified school director a Medical Examination Report Form (F-2) and the Medical History Statement Form (F-1) in compliance with 12 NCAC 10B .0304. The Medical Examination Report Form (F-2) and the Medical History Statement Form (F-1) required by the North Carolina Criminal Justice Education and Training Standards Commission shall be recognized by the Commission for the purpose of complying with this Rule.

~~(f)~~ **(g)** The school shall not admit any individual trainee in commission-certified basic training courses unless as a prerequisite the individual has provided the certified School Director a certified criminal record check for local and state records for the time period where the trainee has resided within the past 10 years and where the trainee attended high school. An Administrative Office of the Courts criminal record check or a comparable out-of-state criminal record check will satisfy this requirement. If an individual trainee has received a probationary certificate from the Commission at the time of enrollment, this records check requirement is waived.

~~(g)~~ **(h)** The school shall not admit any individual as a trainee in commission-certified basic training courses who has been convicted of the following:

- (1) a felony; or
- (2) a crime for which the punishment could have been imprisonment for more than two years; or
- (3) a crime or unlawful act defined as a "Class B Misdemeanor" within the five year period prior to the date of appointment; or
- (4) four or more crimes or unlawful acts as defined as "Class B Misdemeanors" regardless of the date of conviction; or
- (5) four or more crimes or unlawful acts defined as "Class A Misdemeanors" except the trainee may be enrolled if the last conviction occurred more than two years prior to the date of enrollment; or
- (6) a combination of four or more "Class A Misdemeanors" or "Class B Misdemeanors" regardless of the date of conviction.

(h) Individuals charged with crimes as specified in this Paragraph, and such offenses were dismissed or the person was found not guilty, may be admitted into the commission-certified basic training courses but completion will not ensure that certification as a justice officer through the Commission will be issued. Every individual who is admitted as a trainee in a presentation of the Basic Law Enforcement Training Course commission-certified basic training courses shall notify the School Director of all criminal offenses which the trainee is arrested for or charged with, pleads no contest to, pleads guilty to or is found guilty of, and notify the School Director of all Domestic Violence Orders (G.S. 50B) and Civil No Contact Orders (50C) which are issued by a judicial official that provide an opportunity for both parties to be present. This shall include all criminal offenses except minor traffic offenses. A minor traffic offense is defined for purposes of this Paragraph as any offense under G.S. 20 or similar laws of other jurisdictions; except those Chapter 20 offenses published in the Class B Misdemeanor Manual. Other traffic offenses under laws of other jurisdictions which shall be reported to the School Director expressly include either first or subsequent offenses of driving while impaired if the maximum allowable punishment is for a term of more than six months but not more than two years, and driving while license permanently revoked or permanently suspended. The notifications required under this Paragraph must be in writing, must specify the nature of the offense, the court in which the case was handled, the date of the arrest or criminal charge, the date of issuance of the Domestic Violence Order (G.S. 50B), Civil No Contact Order (G.S. 50C) the final disposition, and the date thereof.

The notifications required under this Paragraph must be received by the School Director within 30 days of the date the case was disposed of in court. The requirements of this Paragraph shall be applicable at all times during which the trainee is enrolled in a Basic Law Enforcement Training Course. The requirements of this Paragraph are in addition to the notifications required under 12 NCAC 10B .0301 and 12 NCAC 09B .0101(8).

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

Eff. April 1, 2001;

*Amended Eff. **January 1, 2013;** January 1, 2007; January 1, 2005.*

12 NCAC 10B .0901 IS PROPOSED TO BE AMENDED AS FOLLOWS:

12 NCAC 10B .0901 CERT/INSTRUCTORS/BASIC LAW ENFORCEMENT TRAINING COURSE

The rules covering the certification of instructors, codified as Title 12, Subchapter 9B, Section .0300 of the North Carolina Administrative Code, and previously adopted by the North Carolina Criminal Justice Education and Training Standards Commission, are hereby incorporated by reference, and shall automatically include any later amendments and editions of the referenced materials, to apply to actions of the North Carolina Sheriffs' Education and Training Standards Commission with the exception of instructors for the Detention Officer Certification Course and Telecommunicator Certification Course. ~~Course.~~ Copies of the publication may be obtained from the Office of Administrative Hearings, Rules Division web-site <http://www.ncoah.com/rules>. ~~Hearings, Capehart-Crocker House, 424 North Blount Street, Raleigh, North Carolina 27601. The cost per copy is two dollars and fifty cents (\$2.50) for the first 10 pages and fifteen cents (\$0.15) for each page thereafter at the time of adoption of this Rule.~~

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

Eff. January 1, 1989;

Amended Eff. January 1, 2013; January 1, 1996; January 1, 1994; June 1, 1992; January 1, 1992.

12 NCAC 10B .1002 IS PROPOSED TO BE AMENDED AS FOLLOWS:

12 NCAC 10B .1002 GENERAL PROVISIONS

(a) In order to be eligible for one or more of the professional awards, a sheriff or deputy sheriff shall first meet the following preliminary qualifications:

- (1) be an elected or appointed sheriff or be a deputy sheriff who holds valid General or Grandfather Certification. A deputy sheriff serving under a probationary certification is not eligible for consideration. Any justice officer subject to suspension or revocation proceedings or under investigation for possible decertification action by the Commission or the North Carolina Criminal Justice Education and Training Standards Commission shall not be eligible for professional awards for the pendency of the proceeding;
- (2) the sheriff or deputy sheriff shall be familiar with and subscribe to the Law Enforcement Code of Ethics as promulgated by the International Association of Chiefs of Police;
- (3) if the applicant is a deputy sheriff, the deputy shall be a full-time sworn law enforcement officer of a North Carolina Sheriff's Office, as certified in writing by the sheriff; or be a full-time law enforcement officer of an agency who must be sworn by the sheriff in order to perform his duties as certified in writing by the Sheriff;
- (4) employees of a North Carolina Sheriff's Office who have previously held general or grandfather law enforcement officer certification but are presently, by virtue of promotion or transfer, serving in non-sworn positions not subject to certification are eligible to participate in the Professional Certificate Program. Eligibility for this exception requires continuous employment with the sheriff's office from the date of promotion or transfer from a sworn, certified position to the date of application for a professional certificate; and
- (5) only training or experience gained in an officer's area of expertise will be eligible for application to this program.

(b) Certificates shall be awarded based upon a formula which combines formal education, law enforcement training, and actual experience as a law enforcement officer. These professional certificates are appropriate for sworn sheriffs and full-time deputy sheriffs. Points are computed in the following manner:

- (1) each semester hour of college credit shall equal one education point and each quarter hour shall equal two-thirds of an education point. No correspondence or vocational courses shall be credited towards education points unless an accredited institution credits the course(s) towards a degree;
- (2) twenty classroom hours of commission-approved law enforcement training shall equal one training point; **and**
- (3) experience as a sworn law enforcement officer as defined in Rule .0103(17) of this Subchapter shall be acceptable for **consideration.** ~~consideration; and~~
- ~~(4) — applicants holding degrees shall not be awarded additional points for those degrees and must instead meet the training point requirements of this Section through completion of law enforcement training.~~

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

Eff. January 1, 1989;

*Amended Eff. **January 1, 2013;** January 1, 2006; August 1, 2000; August 1, 1998; February 1, 1998; January 1, 1992; January 1, 1991; January 1, 1990.*

12 NCAC 10B .1004 IS PROPOSED TO BE AMENDED AS FOLLOWS:

12 NCAC 10B .1004 INTERMEDIATE LAW ENFORCEMENT CERTIFICATE

(a) In addition to the qualifications set forth in Rule .1002, applicants for the Intermediate Law Enforcement Certificate shall possess or be eligible to possess the Basic Law Enforcement Certificate and shall have acquired the following combination of educational ~~points, points or degrees~~, law enforcement training and years of law enforcement training experience:

Educational Degrees	None	None	None	Associate	Bachelor
Years of Law Enforcement Experience	-	-	-	-	-
Minimum Law Enforcement Training Points	8	6	4	4	2
Minimum Total Education and Training Points	-	-	-	-	-
	20	35	50	24	23
	39	69	99	24	23

<u>Years of Law Enforcement Experience</u>	<u>8</u>	<u>6</u>	<u>4</u>
<u>Minimum Law Enforcement Training Points</u>	<u>20</u>	<u>35</u>	<u>50</u>
<u>Minimum Total Education and Training Points</u>	<u>39</u>	<u>69</u>	<u>99</u>

(b) Educational points claimed shall have been earned at a technical institute, technical college, community college, junior college, college or university accredited as such by the Department of Education of the state in which the

institution is located, a national or regional accrediting body, or the state university of the state in which the institution is located. No credit shall be given for any correspondence or vocational courses unless credited towards a degree by an accredited institution.

(c) No more than 160 hours of training obtained by completing the commission-mandated basic law enforcement training course shall be credited toward training points.

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

Eff. January 1, 1989;

*Amended Eff. **January 1, 2013;** August 1, 2002; August 1, 1998; January 1, 1996; January 1, 1992.*

12 NCAC 10B .1005 IS PROPOSED TO BE AMENDED AS FOLLOWS:

12 NCAC 10B .1005 ADVANCED LAW ENFORCEMENT CERTIFICATE

(a) In addition to the qualifications set forth in Rule .1002, applicants for the Advanced Law Enforcement Certificate shall possess or be eligible to possess the Intermediate Law Enforcement Certificate and shall have acquired the following combination of educational ~~points, points or degrees~~, law enforcement training points and years of law enforcement experience:

Educational	None	None	Associate	Bachelor	Doctoral,
Degrees					Professional
-					or Master
Years of Law	-	-	-	-	-
Enforcement	12	9	9	6	4
Experience					
Minimum Law	-	-	-	-	-
Enforcement	35	50	33	27	23
Training Points					
Minimum Total	-	-	-	-	-
Education and	69	99	33	27	23
Training Points					

<u>Years of Law Enforcement Experience</u>	<u>12</u>	<u>9</u>
<u>Minimum Law Enforcement Training Points</u>	<u>35</u>	<u>50</u>
<u>Minimum Total Education and Training Points</u>	<u>69</u>	<u>99</u>

(b) Educational points claimed shall have been earned at a technical institute, technical college, community college, junior college, college or university accredited as such by the Department of Education of the state in which the institution is located, a national or regional accrediting body, or the state university of the state in which the institution is located. No credit shall be given for any correspondence or vocational courses unless credited towards a degree by an accredited institution.

(c) No more than 160 hours of training obtained by completing the commission-mandated basic law enforcement training course shall be credited toward training points.

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

Eff. January 1, 1989;

*Amended Eff. **January 1, 2013**; August 1, 2002; August 1, 1998; January 1, 1996; January 1, 1994; January 1, 1992.*

12 NCAC 10B .1202 IS PROPOSED TO BE AMENDED AS FOLLOWS:

12 NCAC 10B .1202 GENERAL PROVISIONS

(a) In order to be eligible for one or more of the detention officer professional awards, a detention officer shall first meet the following preliminary qualifications:

- (1) Be a full-time detention officer who holds valid general or grandfather certification. A detention officer serving under a probationary certification is not eligible for consideration. Any detention officer subject to suspension or revocation proceedings or under investigation for possible decertification action by the Commission or the North Carolina Criminal Justice Education and Training Standards Commission shall not be eligible for any detention officer professional awards for the pendency of the proceeding.
- (2) Be familiar with and subscribe to the Law Enforcement Code of Ethics as promulgated by the International Association of Chiefs of Police to include any subsequent editions or modifications thereto. A copy of the Code of Ethics may be obtained at no cost from the Sheriffs' Standards Division, North Carolina Department of Justice, Post Office Box 629, Raleigh, North Carolina 27602-0629.
- (3) Employees of a North Carolina Sheriff's Office who have previously held general or grandfather detention officer certification but are presently, by virtue of promotion or transfer, serving in positions not subject to certification are eligible to participate in the Professional Certificate Program. Eligibility for this exception requires continuous employment with the sheriff's office from the date of promotion or transfer from a certified position to the date of application for a professional certificate.

(b) Only training and experience gained in an officer's area of expertise shall be eligible for application to this program.

(c) Certificates shall be awarded based upon a formula which combines formal education, training, and actual experience as a detention officer. Points are computed in the following manner:

- (1) Each semester hour of college credit shall equal one education point and each quarter hour shall equal two thirds of an education point. No correspondence or vocational courses shall be credited towards education points unless an accredited institution credits the course(s) towards a degree;

- (2) Twenty classroom hours of commission-approved training shall equal one training point; **and**
- (3) Experience as a member of a correctional or detention facility in North Carolina as defined in Rule .0103(13) of this Subchapter shall be acceptable for consideration;
- ~~(4) Applicants holding degrees shall not be awarded additional points for those degrees and must instead meet the training point requirements of this Section through completion of training in the field of jails or corrections.~~

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

Eff. January 1, 1990;

*Amended Eff. **January 1, 2013**; January 1, 2006; August 1, 1998; February 1, 1998; January 1, 1996; January 1, 1992.*

12 NCAC 10B .1204 IS PROPOSED TO BE AMENDED AS FOLLOWS:

12 NCAC 10B .1204 INTERMEDIATE DETENTION OFFICER PROFESSIONAL CERTIFICATE

(a) In addition to the qualifications set forth in Rule .1202 of this Section, applicants for the Intermediate Detention Officer Professional Certificate shall possess or be eligible to possess the Basic Detention Officer Professional Certificate and shall have acquired the following combination of educational ~~points, points or degrees~~, detention officer or corrections training points and years of detention officer experience:

Educational Degrees	None	None	None	Associate	Bachelor
Years of Detention Officer Experience	-	-	-	-	-
Minimum	-	-	-	-	-
Detention Officer Training Points	6	12	16	24	23
Minimum Total Education and Training Points	13	23	33	24	23

<u>Years of Detention Officer Experience</u>	<u>8</u>	<u>6</u>	<u>4</u>
<u>Minimum Detention Officer Training Points</u>	<u>6</u>	<u>12</u>	<u>16</u>
<u>Minimum Total Education and Training Points</u>	<u>13</u>	<u>23</u>	<u>33</u>

(b) Educational points claimed shall have been earned at a technical institute, technical college, community college, junior college, college or university accredited as such by the Department of Education of the state in which the institution is located, a national or regional accrediting body, or the state university of the state in which the

institution is located. No credit shall be given for any correspondence or vocational courses unless credited towards a degree by an accredited institution.

(c) No more than 80 hours of training obtained by completing the commission-mandated detention certification course shall be credited toward training points.

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

Eff. January 1, 1990;

*Amended Eff. **January 1, 2013**; August 1, 2002; August 1, 1998; January 1, 1996; January 1, 1992.*

12 NCAC 10B .1205 IS PROPOSED TO BE AMENDED AS FOLLOWS:

12 NCAC 10B .1205 ADVANCED DETENTION OFFICER PROFESSIONAL CERTIFICATE

(a) In addition to the qualifications set forth in Rule .1202 of this Section, applicants for the Advanced Detention Officer Professional Certificate shall possess or be eligible to possess the Intermediate Detention Officer Professional Certificate and shall have acquired the following combination of educational ~~points, points or degrees,~~ detention officer or corrections training points and years of detention officer experience:

Educational Degrees	None	None	Associate	Bachelor	Doctoral, Professional or Master
Years of Detention	-	-	-	-	-
Officer Experience	12	9	9	6	4
Minimum Detention	-	-	-	-	-
Officer Training Points	12	16	27	26	26
Minimum Total	-	-	-	-	-
Education and Training Points	23	33	27	26	26

<u>Years of Detention Officer Experience</u>	<u>12</u>	<u>9</u>
<u>Minimum Detention Officer Training Points</u>	<u>12</u>	<u>16</u>
<u>Minimum Total Education and Training Points</u>	<u>23</u>	<u>33</u>

(b) Educational points claimed shall have been earned at a technical institute, technical college, community college, junior college, college or university accredited as such by the Department of Education of the state in which the institution is located, a national or regional accrediting body, or the state university of the state in which the

institution is located. No credit shall be given for any correspondence or vocational courses unless credited towards a degree by an accredited institution.

(c) No more than 80 hours of training obtained by completing the commission-mandated detention certification course shall be credited toward training points.

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

Eff. January 1, 1990;

*Amended Eff. **January 1, 2013**; August 1, 2002; August 1, 1998; January 1, 1996; January 1, 1994; January 1, 1992.*

12 NCAC 10B .1602 IS PROPOSED TO BE AMENDED AS FOLLOWS:

12 NCAC 10B .1602 GENERAL PROVISIONS

(a) In order to be eligible for one or more of the telecommunicator professional awards, a telecommunicator shall first meet the following preliminary qualifications:

- (1) be a full-time telecommunicator who holds valid general or grandfather certification under the North Carolina Sheriffs' Education and Training Standards Commission. A telecommunicator serving under a probationary certification is not eligible for consideration;
- (2) be familiar with and subscribe to the Telecommunicator Code of Ethics as published by APCO and NENA to include any subsequent editions or modifications thereto. A copy of the Code of Ethics may be obtained at no cost from the Sheriffs' Standards Division, North Carolina Department of Justice, Post Office Box 629, Raleigh, North Carolina 27602-0629; and
- (3) employees of a North Carolina Sheriff's Office or other agency who have previously held general or grandfather telecommunicator certification under the North Carolina Sheriffs' Education and Training Standards Commission but are presently, by virtue of promotion or transfer, serving in positions not subject to certification are eligible to participate in the Professional Certificate Program. Eligibility for this exception requires continuous employment with the sheriff's office or agency from the date of promotion or transfer from a certified position to the date of application for a professional certificate.

(b) Only training and experience gained in a telecommunicator's area of expertise will be eligible for application to this program.

(c) Certificates shall be awarded based upon a formula which combines formal education, training, and actual experience as a telecommunicator. Points are computed in the following manner:

- (1) Each semester hour of college credit shall equal one point and each quarter hour shall equal two thirds of a point;
- (2) 20 classroom hours of commission-approved training shall equal one point; **and**
- (3) Only experience as a full-time telecommunicator certified through the Commission shall be acceptable for **consideration.** ~~consideration; and~~

~~(4) — Applicants holding degrees shall not be awarded additional points for those degrees and must instead meet the training point requirements of this Section through completion of training in the field of telecommunications.~~

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

Eff. April 1, 2001.

Amended Eff. January 1, 2013.

12 NCAC 10B .1604 IS PROPOSED TO BE AMENDED AS FOLLOWS:

12 NCAC 10B .1604 INTERMEDIATE TELECOMMUNICATOR CERTIFICATE

(a) In addition to the qualifications set forth in Rule .1602 of this Section, applicants for the Intermediate Telecommunicator Certificate shall possess or be eligible to possess the Basic Telecommunicator Certificate and shall have acquired the following combination of educational ~~points, points or degrees~~, telecommunicator training points and years of telecommunicator training experience:

Educational Degrees	None	None	None	Associate	Bachelor
Years of Telecommunicator Experience	8	6	4	4	2
Minimum Telecommunicator Training Points	5	10	14	12	10
Minimum Total Education and Training Points	12	20	28	12	10

<u>Years of Telecommunicator Experience</u>	<u>8</u>	<u>6</u>	<u>4</u>
<u>Minimum Telecommunicator Training Points</u>	<u>5</u>	<u>10</u>	<u>14</u>
<u>Minimum Total Education and Training Points</u>	<u>12</u>	<u>20</u>	<u>28</u>

(b) Educational points claimed shall have been earned at a technical institute, technical college, community college, junior college, college or university accredited as such by the Department of Education of the state in which the

institution is located, a national or regional accrediting body, or the state university of the state in which the institution is located. No credit shall be given for any correspondence or vocational courses unless credited towards a degree by an accredited institution.

(c) No more than 40 hours of training obtained by completing the commission-mandated telecommunicator certification course shall be credited toward training points.

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

Eff. April 1, 2001;

*Amended Eff. **January 1, 2013**; August 1, 2002.*

12 NCAC 10B .1605 IS PROPOSED TO BE AMENDED AS FOLLOWS:

12 NCAC 10B .1605 ADVANCED TELECOMMUNICATOR CERTIFICATE

(a) In addition to the qualifications set forth in Rule .1602, applicants for the Advanced Telecommunicator Certificate shall possess or be eligible to possess the Intermediate Telecommunicator Certificate and shall have acquired the following combination of educational points, ~~points or degrees~~, telecommunicator training points and years of telecommunicator experience:

Educational Degrees	None	None	Associate	Bachelor	Doctoral, Professional or Master
Years of Telecommunicator Experience	12	9	9	6	4
Minimum Telecommunicator Training Points	10	12	17	14	12
Minimum Total Education and Training Points	20	23	17	14	12

<u>Years of Telecommunicator Experience</u>	<u>12</u>	<u>9</u>
<u>Minimum Telecommunicator Training Points</u>	<u>10</u>	<u>12</u>
<u>Minimum Total Education and Training Points</u>	<u>20</u>	<u>23</u>

(b) Educational points claimed shall have been earned at a technical institute, technical college, community college, junior college, college or university accredited as such by the Department of Education of the state in which the institution is located, a national or regional accrediting body, or the state university of the state in which the institution is located. No credit shall be given for any correspondence or vocational courses unless credited towards a degree by an accredited institution.

(c) No more than 40 hours of training obtained by completing the commission-mandated telecommunicator certification course shall be credited toward training points.

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

Eff. April 1, 2001;

Amended Eff. August 1, 2002.

12 NCAC 10B .2003 IS PROPOSED TO BE AMENDED AS FOLLOWS:

12 NCAC 10B .2003 IN-SERVICE TRAINING COORDINATOR

(a) If a Sheriff or Department Head chooses to conduct its own in-service training, then the Sheriff or Department Head must also appoint an "In-Service Training Coordinator" who meets the following criteria:

- (1) Has four years of experience as a criminal justice officer or as an administrator or specialist in a field directly related to the criminal justice system;
- (2) Holds General Instructor certification; and
- (3) Has successfully participated in the "Coordinating In-Service Training" course presented by the NC Justice Academy for the purpose of familiarization with trainee and instructor evaluation.

The Sheriff or Department Head shall submit an application for such appointment to the Division for approval of this designation.

(b) An In-Service Training Coordinator shall:

- (1) **Administer the delivery of the course curriculum.**
- (2) **Select and schedule instructors.**
- (3) **Ensure that each instructor utilizes a lesson plan previously approved by the Sheriff or his/her designee.**
- (4) **Monitor, or designate a certified instructor to monitor the presentations of instructors during course deliveries and prepare a written evaluation on their performance and suitability for subsequent instructional assignments. The observations shall be of sufficient duration to ensure the instructor is using the Instructional System Development model, as taught in Criminal Justice Instructor Training set out in 12 NCAC 09B .0209, and that the delivery is objective based, documented by and consistent with a Commission-approved lesson plan.**
- (5) **Maintain records of all in-service training received by the agency's deputies, detention officers, and telecommunicators to include, at a minimum:**
 - a) **Course title**
 - b) **Delivery hours of course**

c) Course delivery dates

d) Names and addresses of instructors utilized for each topic

e) A roster of enrolled trainees documenting class attendance.

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

Eff. January 1, 2007; ~~2007~~.

Amended Eff. January 1, 2013.

12 NCAC 10B .2004 IS PROPOSED TO BE AMENDED AS FOLLOWS:

12 NCAC 10B .2004 INSTRUCTORS

The following requirements and responsibilities are hereby established for instructors who conduct a Commission-mandated In-Service Training Program:

- (1) The instructors shall:
 - (a) hold General Instructor Certification as issued by the North Carolina Criminal Justice Education and Training Standards Commission as set out in 12 NCAC 09B .0302, .0304, and .0306;
 - (b) hold Professional Lecturer Instructor certification issued by either the Commission as set out in either 12 NCAC 10B .0906 or .0916, or the Criminal Justice Education and Training Standards Commission as set out in 12 NCAC 09B .0306, or General Instructor Certification as issued by the North Carolina Criminal Justice Education and Training Standards Commission as set out in 12 NCAC 09B .0302, .0304, and .0306, when teaching a legal block of instruction;
 - (c) hold Professional Lecturer Instructor certification issued by the Criminal Justice Education and Training Standards Commission as set out in 12 NCAC 09B .0306, when teaching a medical or psychological block of instruction; or
 - (d) hold Specific Instructor Certification issued by the Criminal Justice Education and Training Standards Commission when teaching the lesson plans published by the NC Justice Academy as follows:
 - (i) Firearms **range qualification** must be taught by a Firearms Instructor certified in accordance with 12 NCAC 09B .0304(e). **The instructor who teaches the classroom instruction regarding use of force may be either a Professional Lecturer by virtue of possessing a law degree under this Commission or the North Carolina Criminal Justice Commission or a Specific Certification-Firearms issued by the North Carolina Criminal Justice Education and Training Standards Commission;**

- (ii) Weapons Retention and Disarming Techniques must be taught by Subject Control Arrest Techniques Instructor certified in accordance with 12 NCAC 09B .0304(e);
- (iii) Spontaneous Attack Defense and Subject Control/Arrest Techniques must be taught by a Subject Control Arrest Techniques Instructor certified in accordance with 12 NCAC 09B .0304(b);
- (iv) Handcuffing and Impact Weapons Refresher and Subject Control Arrest Techniques: Equipment Retention must be taught by a Subject Control Arrest Techniques Instructor certified in accordance with 12 NCAC 09B .0304(e);
- (v) Wellness and Stress Awareness and Health and Fitness for Detention Officers must be taught by a Physical Fitness Instructor certified in accordance with 12 NCAC 09B .0304(g);
- (vi) Law Enforcement Driver Training (classroom and practical) must be taught by a Specialized Law Enforcement Driver Training Instructor certified in accordance with 12 NCAC 09B .0304(f); and
- (vii) Active Shooter: Practical Refresher must be taught by a ~~Firearms Instructor certified in accordance with 12 NCAC 09B .0304(e).~~ **General Instructor as set out in subparagraph (1)(a) of this rule, who has also completed the North Carolina Justice Academy's "Rapid Deployment Instructor Training Course."**

In addition, each instructor certified by the Criminal Justice Commission to teach in a Commission-certified course shall remain competent in his/her specific or specialty areas. Competent includes remaining current in the instructor's area of expertise, which may be demonstrated by attending and successfully completing all instructor updates issued by the Commission.

(e) Instructors who teach a required in-service training course must achieve a passing grade on a course-specific test developed by the North Carolina Justice Academy or by the agency delivering the training. Instructors who teach a required in-service training course online, in

addition to meeting the above testing requirement, must also complete the in-service training for the course he or she will be teaching. Instructors who teach an in-service training course in a traditional classroom format will receive credit toward their own in-service training requirements, provided that they pass all required tests and have their instruction adequately documented once completed.

- (2) The use of guest participants is permitted provided they are subject to the direct on-site supervision of a commission-certified instructor.
- (3) The instructor shall deliver the training consistent with the specifications as established in the rules in this Section.
- (4) The instructor shall document the successful or unsuccessful completion of training for each person attending a training program and forward a record of their completion to each person's Sheriff or Department Head.

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

Eff. January 1, 2007;

*Amended Eff. **January 1, 2013;** February 1, 2012; January 1, 2011; March 1, 2010; January 1, 2009.*

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 may use 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 are designed to be delivered in approximate hourly increments; however, a person who completes the training in less than or more than the hourly increment will receive the number of credits that correspond to the number of hours (i.e. Legal Update designed to be delivered in 4 hours, will yield 4 credits). Successful completion of training will be demonstrated by passing tests as developed by the delivering agency or as written by the North Carolina Justice Academy.

~~(b) The 2011 Law Enforcement In-Service Training Program requires 24 hours of training in the following topical areas:~~

- ~~(1) — Legal Update;~~
- ~~(2) — Juvenile Minority Sensitivity Training: Interactions, Communications, and Understanding;~~
- ~~(3) — Career Survival: Leadership and Mentoring;~~
- ~~(4) — Firearms Training and Requalification for deputy sheriffs as set out in Section .2100 of this Subchapter;~~
- ~~(5) — Domestic Violence: Lesbian, Gay, Bi-Sexual and Transgender (LGBT) Relationships; and~~
- ~~(6) — Any topic areas of the Sheriff's choosing.~~

~~(c) The 2011 Detention Officer In-Service Training Program requires 16 hours of training in the following topical areas:~~

- ~~(1) — Legal Update for Detention Officers;~~
- ~~(2) — Career Survival for Detention Officers; Interpersonal Communications;~~
- ~~(3) — Communicable Diseases and Pandemics; and~~
- ~~(4) — Any topic areas of the Sheriff's or Department Head's choosing.~~

~~(d) The 2011 Telecommunicator In-Service Training Program requires 16 hours of training in the following topical areas:~~

- ~~(1) Elder Abuse Awareness and the Telecommunicator;~~
- ~~(2) Tactical Dispatch;~~
- ~~(3) Handling Difficult Callers; and~~
- ~~(4) Any topic areas of the Sheriff's or Department Head's choosing.~~

(a) (e) The 2012 Law Enforcement In-Service Training Program requires 24 hours of training in the following topical areas:

- (1) Legal Update;
- (2) Juvenile Minority Sensitivity Training: Interactions Skills in Building Rapport;
- (3) Career Survival: Social Networking and Digital Communications;
- (4) Firearms Training and Requalification for deputy sheriffs as set out in Section .2100 of this Subchapter;
- (5) Awareness of Issues Surrounding Returning Military Personnel; and
- (6) Any topic areas of the Sheriff's choosing.

(b) (f) The 2012 Detention Officer In-Service Training Program requires 16 hours of training in the following topical areas:

- (1) Inmate Movement;
- (2) Career Survival for Detention Officers; Social Networking and Digital Communications; and
- (3) Any topic areas of the Sheriff's or Department Head's choosing.

(c) (g) The 2012 Telecommunicator In-Service Training Program requires 16 hours of training in the following topical areas:

- (1) Legal Update for Telecommunicators;
- (2) Career Survival for Telecommunicators; Social Networking and Digital Communications; and
- (3) Any topic areas of the Sheriff's or Department Head's choosing.

(e) 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;

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

(f) The 2013 Detention Officer In-Service Training Program requires 16 credits of training 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

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

(g) The 2013 Telecommunicator In-Service Training Program requires 16 credits of training 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.

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

Eff. January 1, 2007;

Amended Eff. February 1, 2012; January 1, 2011; January 1, 2010; January 1, 2009; January 1, 2008.

12 NCAC 10B .2006 IS PROPOSED TO BE AMENDED AS FOLLOWS:

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

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

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

Eff. January 1, 2007;

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

12 NCAC 10B .2007 IS PROPOSED TO BE AMENDED AS FOLLOWS:

12 NCAC 10B .2007 SHERIFF/AGENCY HEAD RESPONSIBILITIES

Each Sheriff or Department Head shall ensure that the respectively required In-Service Training Program established by this Section is conducted. In addition, the Sheriff or Department Head shall:

- (1) report to the Division those deputy sheriffs, detention officers and telecommunicators who are inactive;
- (2) maintain a roster of each deputy sheriff, detention officer and telecommunicator who successfully completes the respectively required In-Service Training Program;
- ~~(3) report to the Division by January 15th, 2010:~~
 - ~~(a) those active telecommunicators who fail to complete the 2009 Telecommunicator Officer In-Service Training Program in accordance with 12 NCAC 10B .2005;~~
 - ~~(b) those active detention officers who fail to complete the 2009 Detention Officer In-Service Training Program in accordance with 12 NCAC 10B .2005; and~~
 - ~~(c) those active deputy sheriffs who fail to complete the 2009 Law Enforcement In-Service Training Program in accordance with 12 NCAC 10B .2005. The reporting shall be on a Commission form;~~
- ~~(4) report to the Division by January 15th, 2011:~~
 - ~~(a) those active telecommunicators who fail to complete the 2010 Telecommunicator Officer In-Service Training Program in accordance with 12 NCAC 10B .2005;~~
 - ~~(b) those active detention officers who fail to complete the 2010 Detention Officer In-Service Training Program in accordance with 12 NCAC 10B .2005; and~~
 - ~~(c) those active deputy sheriffs who fail to complete the 2010 Law Enforcement In-Service Training Program in accordance with 12 NCAC 10B .2005. The reporting shall be on a Commission form.~~
- (3) ~~(5)~~ report to the Division by January 15th, 2012:
 - (a) those active telecommunicators who fail to complete the 2011 Telecommunicator Officer In-Service Training Program in accordance with 12 NCAC 10B .2005;

- (b) those active detention officers who fail to complete the 2011 Detention Officer In-Service Training Program in accordance with 12 NCAC 10B .2005; and
- (c) those active deputy sheriffs who fail to complete the 2011 Law Enforcement In-Service Training Program in accordance with 12 NCAC 10B .2005. The reporting shall be on a Commission form.

(4) report to the Division by January 15th, 2013:

- (a) those active telecommunicators who fail to complete the 2012 Telecommunicator Officer In-Service Training Program in accordance with 12 NCAC 10B .2012;**
- (b) those active detention officers who fail to complete the 2012 Detention Officer In-Service Training Program in accordance with 12 NCAC 10B .2012; and**
- (c) those active deputy sheriffs who fail to complete the 2012 Law Enforcement In-Service Training Program in accordance with 12 NCAC 10B .2005. The reporting shall be on a Commission form;**

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

Eff. January 1, 2007;

*Amended Eff. **January 1, 2013;** January 1, 2011; January 1, 2010; January 1, 2009; January 1, 2008.*

12 NCAC 10B .2009 IS PROPOSED TO BE ADOPTED AS FOLLOWS:

12 NCAC 10B .2009 TRAINING DELIVERY

The training provider shall ensure that the:

- (1) training is documented by roster which includes: student names, date/time of training, instructional topic, hours taught, instructor's name and training provider. The training provide may also issue a certificate to the officer;
- (2) training is taught by a Commission certified instructor;
- (3) instructors use the lesson plans prepared by the NC Justice Academy, another entity or develop their own developed in accordance with the provisions of 12 NCAC .2005(a);
- (4) instructors provide each student with a copy of the student lesson plan during the course delivery;
and
- (5) a copy of the lesson plan(s) is maintained indefinitely by the training provider.

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

Eff. January 1, 2013.

12 NCAC 10B .2102 IS PROPOSED TO AMENDED AS FOLLOWS:

12 NCAC 10B .2102 INSTRUCTORS

The following requirements and responsibilities are hereby established for instructors who conduct the Deputy Sheriffs' and Detention Officers' In-Service Firearms Training and Requalification Program:

- (1) The instructor **who performs the range qualification** shall hold "Specific Instructor Certification-Firearms" issued by the North Carolina Criminal Justice Education and Training Standards Commission. **The instructor who teaches the classroom instruction regarding use of force may be either a Professional Lecturer by virtue of possessing a law degree under this Commission or the North Carolina Criminal Justice Commission or a "Specific Certification-Firearms" issued by the North Carolina Criminal Justice Education and Training Standards Commission;**
- (2) The instructor shall deliver the training consistent with the minimum specifications as established by 12 NCAC 10B .2103 and .2104; and shall be present at all times during which said training is being conducted to personally provide all supervision, classroom training, range training, and scoring for certification purposes;
- (3) The instructor shall document the successful or unsuccessful completion of training for each officer on a commission-approved Firearms Requalification Record Form and forward such form to each officer's sheriff;
- (4) The instructor shall submit to the sheriff copies of all courses of fire used for qualification of deputy sheriffs and detention officers in compliance with 12 NCAC 10B .2101(1).

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

Eff. January 1, 1989;

*Amended Eff. **January 1, 2013**; January 1, 1995; January 1, 1993; January 1, 1991;*

Temporary Amendment Eff. March 1, 1998;

Amended Eff. August 1, 1998.

12 NCAC 10B .2103 IS PROPOSED TO BE AMENDED AS FOLLOWS:

12 NCAC 10B .2103 MINIMUM TRAINING REQUIREMENTS

(a) In order to qualify for commission approval the In-Service Firearms Training and Requalification Program shall include, at a minimum, the following specified topics:

- (1) Use of Force:
 - (A) review the authority to use deadly force [~~G.S. 15A-401(d)(2)~~] Including relevant case law and materials.
- (2) Safety:
 - (A) Range rules and regulations;
 - (B) Handling of a firearm;
 - (C) Malfunctions.
- (3) Review of Basic Marksmanship Fundamentals:
 - (A) Grip, stance, breath control and trigger squeeze;
 - (B) Sight and alignment/sight picture;
 - (C) Nomenclature.
- (4) Operation and Maintenance of all authorized weapons.

(b) The Commission recommends that students be tested on the authority to use deadly force.

(c) The ~~Specialized Firearms~~ Instructor shall teach the same training objectives for the topical areas listed in this Rule as specified in the Specialized Firearms Instructor Training Manual published by the North Carolina Justice Academy which is hereby incorporated by reference and shall automatically include any later amendments and editions of the referenced materials as the approved source for the above mandated topical areas. Copies of this publication may be obtained from the North Carolina Justice Academy, Post Office Drawer 99, Salemburg, North Carolina 28385. There is no cost per manual at the time of adoption of this Rule.

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

Eff. January 1, 1989;

*Amended Eff. **January 1, 2013**; January 1, 1993.*