

Impact Analysis: Education and Training Standards for 2012

Agency:	Department of Justice
Contact:	Julie Lohman, 919 662-4370
Rule Title:	Education and Training Standards
State Impact:	Yes
Local Impact:	Yes
Substantial Economic Impact:	Yes
Small Business Impact:	No

Summary of the Proposed Regulation

Statutory authority for the rule change:
G.S. 17E-4 and 17E-7

The NC Sheriffs' Education and Training Standards Commission is charged with setting the minimum education and training standards for Deputy Sheriffs, Detention Officers, and Telecommunicators in this State. Deputy Sheriffs, Detention Officer and Telecommunicators each perform a vital role in ensuring that the 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.

Impact of Proposed Changes to 12 NCAC 10B .0908

- **Description:** Revision sets out that the requirements for an individual seeking a limited lecturer certification to teach the Fire Emergencies in the Jail block of instruction in the Detention Officer Certification Course.
- **Purpose:** This topic requires the instructor to be knowledgeable in the specific techniques for Fire Emergencies; and the proposed amendment is being made to increase the number of individuals who can qualify to teach this block of instruction.
- **Baseline:** Current rules specify that an individual may qualify for to teach the Fire Emergencies block of instruction if the person is a certified Fire Instructor.
- **Cost Estimates:** The modification to require a Level II or higher certification represents a clarification and no change in practice, so creates no impact. The amendment also would allow an individual to teach this block if the person holds Hazmat instructor certification. There is already an existing pool of (209) instructors holding Hazmat instructor certification instructors in both local agencies and at community colleges. The cost for one person to obtain Level II Fire Instructor certification is \$,1077, assuming an hour wage of \$16.83 and a

minimum of 64 hours of training. The cost for one person to obtain Hazmat Instructor certification is \$2,020, assuming an hourly wage of \$16.83 and a minimum of 120 hours of training. In 2010 a total of 57 Detention Officer Certification Courses were held, which required 57 instructors certified to teach the Fire Emergencies block of instruction. The existing 209 Hazmat Instructors are sufficient to address the training needs.

Impact of Proposed Changes to 12 NCAC 10B .2004

- Description: Revision sets out that the optional topic of Subject Control Arrest Techniques must be taught by a Subject Control Arrest Technique Instructor.
- Purpose: This topic requires the instructor to be knowledgeable in the specific techniques for Subject Control Arrest Techniques.
- Baseline: Current rule specifies what may qualify an individual to teach various in-service training topics, but does not include the topic of Subject Control Arrest Techniques: Equipment Retention. If this rule is not amended, then a person who only holds a General Instructor certification would be eligible to teach this topical area.
- Cost Estimates: The rule change to .2004 requires specific instructor certification to teach the Subject Control Arrest Techniques: Equipment Retention course. There is already an existing pool of instructors in both local agencies and at community colleges who are eligible to teach this course. This is also only an optional topic of instruction, so there is no mandate that a person go through the course; but if a Sheriff elects to have his officers to do so, then the instructor requirements would apply. The Subject Control Arrest Techniques instructor course is offered through the NC Justice Academy, so the training itself is free of charge, and the cost would only be the value of the time the instructor spent getting trained (computed at an average of \$16.83/ hr), the value of the time of those training the instructors (computed at an average of \$20/hr), and any travel costs (average mileage cost for students who actually attended the SCAT course in 2010 was \$190.00).

Impact of Proposed Changes to 12 NCAC 10B .2005

- Description: The revisions set out what will be required for in-service training in 2012. These in-service training programs began in 2005 with Deputies completing 4 hours of Domestic Violence; then since 2006 Deputies are required to complete 24 hrs of in-service. Since 2007 Detention Officers and Telecommunicators are required to complete 16 hours. In the year of 2012, Deputies must likewise complete 24 hours, and Detention Officers and Telecommunicators must complete 16 hours. The only changes are in the topical areas.
- Purpose: To improve performance, reduce errors and reduce the number of lawsuits, and protect the public health, safety and welfare by ensuring each officer

remains knowledgeable in their areas of enforcement, corrections, or communications.

- Baseline – Current rules only lay out the in-service training requirements through 2011. Without these rule changes there would be not requirements for 2012 with the exception of Firearms Qualification which is separately required in 12 NCAC 10B Section .2000. Firearms may be conducted at a minimum in 4 hours. Therefore the impact of these rules is cost related to the training requirements for Deputies, Detention Officers, and Telecommunicators.
- Cost Estimates – The rule change for training only affects 2012 so the cost are confined to this one year. As a result, there is no issue with the time value of money. 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. There is likely to be a worst case scenario as they assume local governments would conduct no applicable training without these requirements.
 - The Local cost estimate includes three types of public safety officer:
 - Deputy sheriffs are required to have a total of 24 hours of training in 2012, 20 hours of which is above the baseline. First, there is a cost of the time they must spend in training. The estimated average deputy sheriff salary and benefits is \$35,000 a year. In addition, they are estimated to work 2,080 hours a year. Therefore, 20 hours costs \$337. This represents the time the deputy sheriffs could have spent on law enforcement. Since there are approximately 7,650 full-time deputy sheriffs the cost is \$2.57M. In addition, there is a cost to conducting training. Assuming an instructor costs \$400 for 20 hours of training at a rate of \$20 per hour, and is needed for every 20 students (about 383 instructors), then the cost is \$153K.
 - Detention officers are required to have 16 hours of training in 2011. First, there is a cost of the time they must spend in training. The estimated average detention officer salary and benefits is \$35,000 a year. In addition, they are estimated to work 2,080 hours a year. Therefore, 16 hours costs \$269. This represents the time the detention officers could have spent on corrections functions. Since there are approximately 6,300 full-time detention officers the cost is \$1.70M. In addition, there is a cost to conducting training. Assuming an instructor costs \$320 for 16 hours of training, and is needed for every 20 students (315 instructors), then the cost is \$101K.
 - Telecommunicators are required to have 16 hours of training in 2011. First, there is a cost of the time they must spend in training. The estimated average telecommunicator salary and benefits is \$30,000 a year. In addition, they are estimated to work 2080 hours

a year. Therefore, 16 hours costs \$231. This represents the time the telecommunicators could have spent on communications functions. Since there are approximately 1,250 full-time telecommunicators the cost is \$288K. In addition, there is a cost to conducting training. Assuming an instructor costs \$320 for 16 hours of training, and is needed for every 20 students (63 instructors), then the cost is \$20K.

- 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 \$56K 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 \$33,621 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 \$134K for both the new position and the partial time spent by the positions. If benefits are assumed to be a third of salary the total cost state cost is about \$253K.

Benefit Estimates

There are many benefits that cannot be measured and one that was quantified.

- Qualitative Benefits: improved performance, reduction errors and resulting reduction of lawsuits, as well as better protection of the 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 current on changes in law, practical techniques, and other hot topics such as domestic violence, autism, terrorism, school violence, etc. This standard framework makes joint operation, communication, and dealing with the public easier.
- Quantitative Benefits: An additional benefit may be result in the retention of personnel in these positions. The 2003 Sheriffs' Commission and Governor's Crime Commission published the results of Recruitment and Retention Studies for each of these types of public safety officers. Educational incentives and training opportunities were found to be highly ranked as an effective technique for retaining these employees. Deputy Sheriffs, Detention Officers, and Telecommunicators, averaged about a 12% vacancy rate. If mandating in-service training reduces the vacancy rate to 10% the savings from reducing the amount of time a position is vacant and initial training to get a new employee up to speed (estimated at three months of salary), there would be a benefit of \$2.6M.

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 public safety officers no longer having the

opportunity to attend training beyond the basic courses. In addition, as an officer changes from one agency to another, there is no assurance that the officer has received the most current training on recent legal updates, practical techniques, and others areas. Centralized training would somewhat improve the benefits by allowing 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 constraints did not allow centralized training to be feasible.

Risk Analysis

There are no risks that are likely to increase the cost of the rule change. Training is decentralized. It is likely to be conducted with different levels of success as every training program will be different. These differences mean benefits will not be uniform across local offices. So there is a risk of benefit at a particular local office but probably not on average.

Summary Table

Rule	Costs	
12 NCAC 10B .0908		None
12 NCAC 10B .0204		None
12 NCAC 10B .2005	Deputy sheriff's time	\$2,575,000
	Detention Officer's time	\$1,696,000
	Telecommunicator's time	\$288,000
	Deputy sheriff training	\$153,000
	Detention Officer training	\$101,000
	Telecommunicator training	\$20,000
	Total local gov't costs	\$4,833,000
	State costs	\$253,000
	Total Costs*	\$5,086,000
	Benefits	
	Reduce errors, lawsuits	NA
	Improve Retention	\$2,600,000

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 sessions, only one position of the eleven requested were approved. If additional expansion funding is not provided by the General Assembly, these administrative functions will be absorbed within current operating budgets.

Appendix 1

12 NCAC 10 B .0908 IS PROPOSED TO BE AMENDED AS FOLLOWS.

12 NCAC 10B .0908 LIMITED LECTURER CERTIFICATION

(a) The Commission may issue a Limited Lecturer Certification to an applicant who has developed specific or special skills by virtue of specific or special training. Limited Lecturer Certification may be issued in the following topical areas:

- (1) First Aid and CPR;
- (2) Subject Control Techniques;
- (3) Fire Emergencies in the Jail;
- (4) Medical Care in the Jail;
- (5) Physical Fitness for Detention Officers.

(b) To be eligible for a Limited Lecturer Certificate for topic areas set forth in Rule .0908(a), the applicant must meet the qualifications as follows:

- (1) First Aid and CPR: first aid and CPR instructor with the American Red Cross, American Heart Association (AHA), American Safety and Health Institute (ASHI), or National Safety Council (NSC); or a licensed physician, Family Nurse Practitioner, Licensed Practical Nurse (LPN), Registered Nurse (RN), Physician's Assistant, or EMT;
- (2) Subject Control Techniques: certified by N.C. Criminal Justice Education and Training Standards Commission as Defensive Tactics Instructor and compliance with Rule .0903(c) of this Section;
- (3) Fire Emergencies in the Jail: Certified Fire Instructor (Level II or higher) through the North Carolina Department of Insurance Office of State Fire ~~Marshal~~, ~~Marshall~~, or a Specialized Instructor in the Explosive and Hazardous Material Emergencies topical area through the NC Criminal Justice Commission;
- (4) Medical Care in a Jail: A Licensed Physician, Family Nurse Practitioner, LPN, RN, or EMT, or Physician's Assistant;
- (5) Physical Fitness for Detention Officer: certified as a Physical Fitness Instructor by the North Carolina Criminal Justice Education and Training Standards Commission.

(c) In addition to the requirements set out in Paragraph (b) of this Rule, applicants for Limited Lecturer Certification must possess current certification to perform CPR and which was obtained through the applicant having shown proficiency both cognitively and through skills testing.

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

Eff. January 1, 1989;

Amended Eff. February 1, 2012; January 1, 2006; August 1, 2002; August 1, 2000; August 1, 1998; January 1, 1996; January 1, 1992; January 1, 1991; January 1, 1990.

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 must be taught by a Firearms Instructor certified in accordance with 12 NCAC 09B .0304(e);
 - (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); and

- (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).
- (vii) Active Shooter: Practical Refresher must be taught by a Firearms Instructor certified in accordance with 12 NCAC 09B .0304(e).

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. Such competence 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.

- (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. 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.

~~(b) The 2010 Law Enforcement In-Service Training Program requires 24 hours of training in the following topical areas:~~

- ~~(1) Legal Update;~~
- ~~(2) Juvenile Minority Sensitivity Training: Race Matters;~~
- ~~(3) Career Survival: Positive Ways to be Successful;~~

~~(4) Firearms Training and Requalification for deputy sheriffs as set out in Section .2100 of this Subchapter; and~~

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

~~(e) The 2010 Detention Officer In-Service Training Program requires 16 hours of training in the following topical areas:~~

~~(1) Cryptology and Contraband via Mail;~~

~~(2) Legal Update for Detention Officers;~~

~~(3) Career Survival for Detention Officers; and~~

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

~~(d) The 2010 Telecommunicator In-Service Training Program requires 16 hours of training in the following topical areas:~~

~~(1) Amber and Silver Alerts;~~

~~(2) Call Taking Procedures in Emergency Services;~~

~~(3) Critical Incident Stress Management; and~~

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

~~(e)~~ (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.

~~(f)~~ (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.

~~(g)~~ (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.

(e) 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 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.

(f) The 2011 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;

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

(g) The 2011 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;

(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.