

## **SUBCHAPTER 01C - STATE LAW ENFORCEMENT ASSISTANCE DURING LABOR DISPUTE**

### **SECTION .0100 - APPLICATIONS FOR ASSISTANCE**

#### **14B NCAC 01C .0101 DELEGATION OF AUTHORITY BY THE GOVERNOR**

The Governor is given the duty to formulate rules, policies or guidelines as may be necessary to establish a plan under which temporary state law enforcement assistance will be provided to cities and counties when local law enforcement officers refuse to fulfill their law enforcement responsibilities or submit mass resignations. The Governor is also authorized to determine the number of officers to be assigned in a particular case, if any, and the length of time they are to be assigned. Delegation of the authority of the Governor to any state department is allowed. The Governor has delegated to the Secretary of the Department of Crime Control and Public Safety the authority to establish rules, policies or guidelines and to determine the number of officers to be assigned in each particular case and the length of time they are to be assigned.

*History Note: Authority G.S. 160A-288.1; 153A-212;  
Eff. December 1, 1979;  
Transferred from 14A NCAC 01C .0101 Eff. June 1, 2013;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 3, 2017.*

#### **14B NCAC 01C .0102 REQUIREMENTS OF REQUEST FOR ASSISTANCE**

Requests for assistance must be in writing and include the following information:

- (1) the local law enforcement agency involved;
- (2) the conduct engaged in by the local law enforcement officers, i.e. strike, slowdown, mass resignations, or other conduct which shows a refusal to fulfill their law enforcement responsibilities;
- (3) the signature(s) of the appropriate local official(s) specifying that the local governing body has legally approved such a request and agrees to abide by these Rules;
- (4) if the request is from a county governing board, the request must specify that the assistance was upon the advice of the sheriff of the county.

*History Note: Authority G.S. 160A-288.1; 153A-212;  
Eff. December 1, 1979;  
Transferred from 14A NCAC 01C .0103 Eff. June 1, 2013;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 3, 2017.*

#### **14B NCAC 01C .0103 SERVICE OF REQUEST FOR ASSISTANCE**

- (a) The request for assistance must be addressed and sent as follows: Request for Assistance, Secretary of the Department of Crime Control and Public Safety, P.O. Box 27687, Raleigh, N.C. 27611. The request should be mailed or sent by the most expeditious means possible.
- (b) If the situation requires immediate action, the secretary may be informed of the request by telephone and a copy of the written request delivered to any North Carolina State Highway Patrol Office for transmittal to the secretary. The highway patrol shall immediately notify the secretary of the receipt of such written request.

*History Note: Authority G.S. 160A-288.1; 153A-212;  
Eff. December 1, 1979;  
Transferred from 14A NCAC 01C .0104 Eff. June 1, 2013;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 3, 2017.*

### **SECTION .0200 - ASSIGNMENT OF STATE OFFICERS**

#### **14B NCAC 01C .0201 CRITERIA FOR ASSIGNMENT OF STATE OFFICERS**

- (a) Upon receipt of the written request for assistance or upon notification by the highway patrol of such receipt, the secretary, in his discretion and in consultation with state law enforcement officials, may temporarily assign state law

enforcement officers with state-wide authority to provide local law enforcement protection. The secretary in his discretion shall determine the state law enforcement agency or agencies who should assign state officers, the number of state officers assigned and the length of time of the assignment.

(b) The secretary shall always consider the health, safety and welfare of the population in the affected area when determining the number and duration of the assignment. The secretary may consider any of the following factors in determining the needs of the local population:

- (1) number of local law enforcement officers who refused to perform their duties or submitted mass resignations;
- (2) the apparent need for assistance;
- (3) the length of time the officers are likely to continue their present conduct;
- (4) the crime rate in the area;
- (5) the availability of other local law enforcement resources;
- (6) the availability of state law enforcement resources;
- (7) the type of law enforcement work engaged in by the local law enforcement officer;
- (8) the steps being taken by the local governing body to arrive at a solution to the problem;
- (9) any other factor which the secretary considers relevant to this determination.

*History Note:* Authority G.S. 160A-288.1; 153A-212;  
Eff. December 1, 1979;  
Transferred from 14A NCAC 01C .0201 Eff. June 1, 2013;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 3, 2017.

## **SECTION .0300 - DEPLOYMENT AND CONTROL OF STATE OFFICERS**

### **14B NCAC 01C .0301 STATE OFFICERS ARE EMPLOYEES OF THE STATE**

While providing assistance to a city or county, a state law enforcement officer shall be considered an employee of the state for all purposes, including compensation and fringe benefits.

*History Note:* Authority G.S. 160A-288.1; 153A-212;  
Eff. December 1, 1979;  
Transferred from 14A NCAC 01C .0301 Eff. June 1, 2013;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 3, 2017.

### **14B NCAC 01C .0302 ORDERS TO STATE OFFICERS**

While providing assistance to a city or county, a state officer shall be subject to the lawful operational commands of his superior state officers. The state officer will not be under the control of or subject to the orders of the local law enforcement officers or the local governing board.

*History Note:* Authority G.S. 160A-288.1; 153A-212;  
Eff. December 1, 1979;  
Transferred from 14A NCAC 01C .0302 Eff. June 1, 2013;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 3, 2017.

### **14B NCAC 01C .0303 DEPLOYMENT OF STATE OFFICERS**

The ranking representative of each state law enforcement agency providing assistance shall consult with city and county officials prior to deployment of the state officers under his command. The procedures for deploying and the method of deployment are decisions to be made by the state law enforcement agency providing assistance, subject to the orders of the secretary.

*History Note:* Authority G.S. 160A-288.1; 153A-212;  
Eff. December 1, 1979;  
Transferred from 14A NCAC 01C .0303 Eff. June 1, 2013;

*Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 3, 2017.*

**SECTION .0400 - COSTS**

**14B NCAC 01C .0401    AGREEMENT TO PAY COSTS**  
**14B NCAC 01C .0402    STATEMENT OF COSTS**

*History Note:    Authority G.S. 160A-288.1; 153A-212;  
                      Eff. December 1, 1979;  
                      Transferred from 14A NCAC 01C .0401, .0402 Eff. June 1, 2013;  
                      Repealed Eff. January 1, 2019.*