

## **PSYCHOLOGICAL SCREENING REQUIREMENT**

In response to North Carolina Session Law 2021-138, Senate Bill 300, requiring a psychological screening exam, the Sheriffs' Commission has approved an amendment to **12 NCAC 10B .0301 MINIMUM STANDARDS FOR JUSTICE OFFICERS**. This requirement becomes effective 1/1/2022.

In an effort to clarify the requirements of this rule, the Sheriffs' Standards Division provides the following:

- This requirement applies to justice officers (deputies, detention officers and telecommunicators) seeking initial/first-time Probationary Certification with the Sheriffs' Commission with an appointment or oath date on 1/1/2022 or later.
- Justice officers appointed or sworn prior to 1/1/2022 are not subject to this minimum standard requirement.
- It is the agency's responsibility to ensure the psychological screening has been completed prior to the deputy, detention officer or telecommunicator performing any duties of his or her position.
- Certified officers who laterally transfer from one agency to another agency with General Certification are not required to provide a psychological screening. This includes officers who transfer from a police department to a sheriff's office. Officers who transfer with Probationary Certification shall provide a psychological screening examination report.
- An officer holding certification through an agency who was appointed prior to 1/1/2022 and who is subsequently sworn or appointed in a dual position with that agency (ie, a certified detention officer who is later sworn as a deputy sheriff) is not required to undergo a psychological screening examination.
- Officers for whom there has been a lapse in certification requiring them to repeat the basic training requirement (this includes BLET "challengers") and who subsequently reapply for Probationary Certification shall be required to undergo a psychological screening examination.
- The screening process is determined by the licensed psychologist performing the examination. Currently there is no Commission form on which to document this examination. Therefore as part of the application process, employing agencies must submit a copy of the report provided by the licensed psychologist to the Standards Division in order to verify compliance with the statutory requirement to the Standards Division. This report is valid for a period of one (1) year.
- The examination must include a face to face, in person interview conducted by a licensed psychologist to determine the applicant's suitability to properly fulfill their responsibility as a justice officer. If a face to face, in-person examination is not practicable, the face-to-face evaluation can be virtual as long as both the audio and video allow for a professional clinical evaluation in a clinical environment.
- These are minimum standards for certification. Your office may at any time choose to adopt more stringent standards in regards to this or other Commission requirements.

## **12 NCAC 10B .0301 MINIMUM STANDARDS FOR JUSTICE OFFICERS.**

(a) Every Justice Officer employed or certified in North Carolina shall:

- (6) have been administered a psychological screening examination as described by G.S. 17E-7. This psychological screening shall be valid for a period of one year prior to the justice's officer's initial appointment and applies to any justice officer seeking initial or probationary certification effective January 1, 2022 or later.

### **Excerpt from North Carolina Session Law 2021-138, Senate Bill 300**

SECTION 7.(d) G.S. 17E-7(c) reads as rewritten: "(c) In addition to the requirements of subsection (b) of this section, the Commission, by rules and regulations, may fix other qualifications for the employment and retention of justice officers including minimum age, education, physical and mental standards, citizenship, good moral character, experience, and such other matters as relate to the competence and reliability of persons to assume and discharge the responsibilities of the office, and the office. The Commission shall prescribe the means for presenting evidence of fulfillment of these requirements. The Commission shall require the administration of a psychological screening examination, including a face-to-face, in-person interview conducted by a licensed psychologist, to determine the justice officer's psychological suitability to properly fulfill the responsibilities of the justice officer. If face-to-face, in-person is not practicable, the face-to-face evaluation can be virtual as long as both the audio and video allow for a professional clinical evaluation in a clinical environment. The psychological screening examination shall be given (i) prior to the initial certification or (ii) prior to the criminal justice officer performing any action requiring certification by the Commission