

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



12NCAC 10B .0603 EVALUATION FOR TRAINING WAIVER

Public Hearing

May 10, 2022 @ 9:00am
1700 Tryon Park Drive
Raleigh, NC 27610

Instructions for Oral and Written Comments

The public comment period begins on April 18th and ends on June 17, 2022. Public comments shall be in writing and shall be directed to:

Sirena Jones
North Carolina Department of Justice
Sheriffs' Education and Training Standards Division
Post Office Box 629
Raleigh, NC 27602-0629

"Public Comment" is defined by NCGS 150B-21.3A(a)(5) as a written objection to all of part of a rule. Additionally, pursuant to NCGS 150B-21.3A(c)(2), in order for the Rules Review Commission to determine whether the public comment has merit, the public comment must address the specific substance of the rule and address any of the standards of Commission review, as set forth in NCGS 150B-21.9(a).

*****If approved, this change would become effective August 1, 2022*****

Procedure for Subjecting a Proposed Rule to Legislative Review:

If an objection is not resolved prior to the adoption of the rule, a person may also submit written objections to the Rules Review Commission. If the Rules Review Commission receives written and signed objections in accordance with G.S. 150B-21.3(b2) from 10 or more persons clearly requesting review by the legislature and the Rules Review Commission approves the rule, the rule will become effective as provided in G.S. 150B-21.3(b1). The Commission will receive written objections until 5:00 p.m. on the day following the day the Commission approves the rule. The Commission will receive those objections by mail, delivery service, hand delivery, or facsimile transmission. If you have any further questions concerning the submission of objections to the Commission, please call a Commission staff attorney at 919-431-3000.

****Statutory Authority for Proposed Rules Changes by the Sheriffs' Commission is found in
NCGS 17E****

12 NCAC 10B .0603 is proposed to be amended as follows:

12 NCAC 10B .0603 EVALUATION FOR TRAINING WAIVER

(a) ~~Only applicants~~ Applicants for detention officer certification with prior detention or correctional officer experience who have been employed and certified as a detention or correctional officer may seek a training waiver evaluation pursuant to this ~~Rule-Section~~.

(b) The Division shall use the following to evaluate a detention officer's training and experience to grant a waiver:

- (1) Persons who separated from a detention officer position during the probationary period after completion of a commission-certified detention officer training course and who have been separated from a detention officer position for more than one year shall complete a subsequent commission-certified detention officer training course in its entirety and pass the State Comprehensive Examination within the 12 month probationary period as set forth in Rule .0602(a) of this Section.
- (2) Persons who separated from a detention officer position during their probationary period after completion of a commission-certified detention officer training course and who have been separated from a detention officer position for one year or less shall serve the remainder of the initial probationary period in accordance with G.S. 17E-7(b), but need not complete an additional training program.
- (3) Persons who separated from a detention officer position during the probationary period without completion of a detention officer training course or whose certification was suspended pursuant to Rule .0204(b)(1) of this Subchapter and who have remained separated or suspended for over one year shall complete a commission-certified detention officer training course in its entirety and pass the State Comprehensive Examination, and shall be allowed a 12 month probationary period as prescribed in Rule .0602(a) of this Section.
- (4) Persons holding General Detention Officer Certification who completed a commission-certified detention officer training course and who separated from a detention officer position for more than one year shall complete a subsequent commission-certified detention officer training course in its entirety and pass the State Comprehensive Examination within the 12 month probationary period as prescribed in Rule .0602(a) of this Section.
- (5) Persons holding Grandfather Detention Officer Certification who separate from a detention officer position and remain separated from a detention officer position for more than one year shall complete a commission-certified detention officer training program in its entirety and pass the State Comprehensive Examination within the 12 month probationary period as prescribed in Rule .0602(a) of this Section.
- (6) Persons transferring to a sheriff's office from another law enforcement agency who hold a detention officer certification issued by the North Carolina Criminal Justice Education and Training Standards Commission are subject to evaluation of their prior training and experience on an individual basis. The Division shall review the training received against the training required by Rule .0601 of this

Section and determine whether that training is comparable to the requirements set out in Rule .0601 based upon topics covered and determine what additional training, if any is required under Rule .0601.

(c) The Division shall use the following ~~to evaluate~~ evaluation ~~a correction officer who holds a general certification as a correctional officer training and experience~~ to grant a waiver if the individual has general certification as a correctional officer issued by the North Carolina Criminal Justice Education and Training Standards Commission;

- (1) completed training as a correctional officer between January 1, 1981 and August 1, 2002;
- (2) transfer to a sheriff's office or a district confinement facility in a detention officer position; and
- (3) have had less than a one year break in service shall:
 - (A) serve a 12-month probationary period as set forth in Rule .0602(a) of this Section; and
 - (B) take and successfully complete the state examination in its entirety during that probationary period after completing the following topic areas in a commission-certified detention officer certification course:

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|---|----------|
| Orientation | 3 hours |
| Legal Aspects of Management & Supervision | 14 hours |
| Medical Care in the Jail | 6 hours |
| Investigative Process in the Jail | 8 hours |
| Criminal Justice System | 2 hours |
| Introduction to Rules and Regulations Governing Jails | 2 hours |
| Subject Control Techniques | 32 hours |
| TOTAL HOURS | 67 hours |

(d) The Division shall use the following ~~to evaluate~~ evaluation ~~a correction officer who holds a general certification as a correctional officer training and experience~~ to grant a waiver if the individual has general certification as a correctional officer issued by the North Carolina Criminal Justice Education and Training Standards Commission who:

- (1) completed training as a correctional officer after August 1, 2002;
- (2) transfer to a sheriff's office or a district confinement facility in a detention officer position; and
- (3) have had less than a one year break in service shall:
 - (A) submit documentation of the training completed as a correctional officer. The Division shall review the training received against the training required by Rule .0601 of this Section and determine whether that training is comparable to the requirements set out in Rule .0601 based upon topics covered and determine what additional training, if any is required under Rule .0601. The Division shall notify the employing agency of the resulting training requirements; and

- (B) take and successfully complete the state examination in its entirety during the probationary period after completing the required training in a commission-certified Detention Officer Certification Course.

(e) Applicants for detention officer certification who hold probationary or general deputy sheriff certification with the North Carolina Sheriffs' Education and Training Standards Commission shall be granted a training waiver pursuant to this Section provided the individual:

- (1) has successfully completed the NC Basic Law Enforcement Training Course; and
(2) has had no break in service as a deputy sheriff exceeding one year

(f) Applicants eligible for a waiver under this Section shall:

- (1) serve a 12-month probationary period as a detention officer, as set forth in Rule .0602(a) of this Section; and
(2) take and successfully complete the state examination in its entirety during that probationary period after completing the following topic areas in a Commission-certified detention officer certification course:

| | |
|--|-----------------|
| <u>Course Orientation</u> | <u>3 hours</u> |
| <u>Ethics</u> | <u>3 hours</u> |
| <u>Fire Emergencies</u> | <u>4 hours</u> |
| <u>Aspects of Mental Illness</u> | <u>6 hours</u> |
| <u>Review and Testing</u> | <u>6 hours</u> |
| <u>Legal Aspects of Management and Supervision</u> | <u>14 hours</u> |
| <u>Contraband/Searches</u> | <u>6 hours</u> |
| <u>Medical Care in the Jail</u> | <u>6 hours</u> |
| <u>Patrol and Security Function of the Jail</u> | <u>5 hours</u> |
| <u>Key and Tool Control</u> | <u>2 hours</u> |
| <u>Supervision and Management of Inmates</u> | <u>5 hours</u> |
| <u>Suicides and Crisis Management</u> | <u>5 hours</u> |
| <u>Introduction to Rules and Regulations</u> | <u>2 hours</u> |
| <u>Stress</u> | <u>3 hours</u> |
| <u>Prison Rape Elimination Act</u> | <u>2 hours</u> |
| <u>TOTAL HOURS</u> | <u>72 hours</u> |

(g) Applicants for detention officer certification who hold probationary or general deputy sheriff certification with the North Carolina Sheriffs' Education and Training Standards Commission may enroll in a bifurcated Detention Officer Certification Course provided the individual:

- (1) has successfully completed the NC Basic Law Enforcement Training Course; and
(2) has had no break in service as a deputy sheriff exceeding one year

(h) Applicants eligible for a waiver under this Section shall:

(1) serve a 12-month probationary period as a detention officer, as set forth in Rule .0602(a) of this Section; and
(2) take and successfully complete the state examination in its entirety during that probationary period after
completing the following topic areas in a bifurcated Detention Officer Certification Course:

| | |
|--|-----------------|
| <u>Course Orientation</u> | <u>3 hours</u> |
| <u>Ethics</u> | <u>3 hours</u> |
| <u>Fire Emergencies</u> | <u>3 hours</u> |
| <u>Aspects of Mental Illness</u> | <u>6 hours</u> |
| <u>Review and Testing</u> | <u>8 hours</u> |
| <u>Legal Aspects of Management and Supervision</u> | <u>14 hours</u> |
| <u>Legal Authority of a Detention Officer</u> | <u>4 hours</u> |
| <u>Contraband/Searches</u> | <u>6 hours</u> |
| <u>Medical Care in the Jail</u> | <u>6 hours</u> |
| <u>Patrol and Security Function of the Jail</u> | <u>5 hours</u> |
| <u>Key and Tool Control</u> | <u>2 hours</u> |
| <u>Supervision and Management of Inmates</u> | <u>5 hours</u> |
| <u>Suicides and Crisis Management</u> | <u>5 hours</u> |
| <u>Introduction to Rules and Regulations</u> | <u>2 hours</u> |
| <u>Stress</u> | <u>3 hours</u> |
| <u>Prison Rape Elimination Act</u> | <u>2 hours</u> |
| <u>TOTAL HOURS</u> | <u>78 hours</u> |

History Note: Authority G.S. 17E-4; 17E-7;
Eff. January 1, 1989;
Amended Eff. February 1, 2014; August 1, 2011; January 1, 2006; August 1, 2002; August 1, 1998;
February 1, 1998; January 1, 1996; January 1, 1993; January 1, 1992; January 1, 1991;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 6,
2018.
Amended Eff. August 1, 2022;

