

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



## **12 NCAC 10B .0603 EVALUATION FOR TRAINING WAIVER**

### **Public Hearing**

August 22, 2023 @ 9:00am  
1700 Tryon Park Drive  
Raleigh, NC 27610

### **Instructions for Oral and Written Comments**

The public comment period begins on August 1, 2023 and ends at 5:00 p.m. on September 15, 2023. Public comments shall be in writing and shall be directed to:

Melissa Bowman  
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 or 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 November 1, 2023\*\*\***

### **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\*\*\**

1 12 NCAC 10B .0603 is proposed for amendment as follows:

2  
3 **12 NCAC 10B .0603 EVALUATION FOR TRAINING WAIVER**

4 (a) Applicants for detention officer certification with prior detention or correctional officer experience who have been  
5 employed and certified as a detention or correctional officer may seek a training waiver evaluation pursuant to this  
6 Section.

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

- 9 (1) Persons who separated from a detention officer position during the probationary period after  
10 completion of a commission-certified Detention Officer Certification Course and who have been  
11 separated from a detention officer position for more than one year shall complete a subsequent  
12 commission-certified Detention Officer Certification Course in its entirety and pass the State  
13 Comprehensive Examination within the 12 month probationary period as set forth in Rule .0602(a)  
14 of this Section.
- 15 (2) Persons who separated from a detention officer position during their probationary period after  
16 completion of a commission-certified Detention Officer Certification Course and who have been  
17 separated from a detention officer position for one year or less shall serve the remainder of the initial  
18 probationary period in accordance with G.S. 17E-7(b), but need not complete an additional training  
19 program.
- 20 (3) Persons who separated from a detention officer position during the probationary period without  
21 completion of a commission-certified Detention Officer Certification Course, or whose certification  
22 was suspended pursuant to Rule .0204(b)(1) of this Subchapter and who have remained separated  
23 or suspended for over one year shall complete a commission-certified Detention Officer  
24 Certification Course in its entirety and pass the State Comprehensive Examination, and shall be  
25 allowed a 12 month probationary period as prescribed in Rule .0602(a) of this Section.
- 26 (4) Persons holding General Justice Officer Certification as a detention officer pursuant to 12 NCAC  
27 10B .0404 who completed a commission-certified Detention Officer Certification Course and who  
28 separated from a detention officer position for more than one year shall complete a subsequent  
29 commission-certified Detention Officer Certification Course in its entirety and pass the State  
30 Comprehensive Examination within the 12 month probationary period as prescribed in Rule  
31 .0602(a) of this Section.
- 32 (5) Persons holding Grandfather Detention Officer Certification pursuant to G.S. 17E-7(a), who  
33 separate from a detention officer position and remain separated from a detention officer position for  
34 more than one year shall complete a commission-certified Detention Officer Certification Course in  
35 its entirety and pass the State Comprehensive Examination within the 12 month probationary period  
36 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 grant a training waiver to individuals that:

- (1) hold general certification as a correctional officer from the North Carolina Criminal Justice Education and Training Standards Commission under 12 NCAC 09G .0304;
- (2) completed training as a correctional officer between January 1, 1981 and August 1, 2002;
- (3) is an applicant for justice officer certification as a detention officer ~~certification~~ through a sheriff's office or a district confinement facility; and
- (4) does not have a break in service exceeding one year from the time of last employment as a correctional officer to the time of being appointed as a detention officer.

Applicants that are granted a training waiver under this section shall serve a 12-month probationary period as set forth in Rule .0602(a) of this Section. During this probationary period, they must take and successfully complete the State Comprehensive Examination in its entirety as set forth in 12 NCAC 10B .0606 after completing the following topic areas in a commission-certified Detention Officer Certification Course:

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 grant a waiver to individuals that:

- (1) hold general certification as a correctional officer issued by the North Carolina Criminal Justice Education and Training Standards Commission under 12 NCAC 09G .0304;
- (2) completed training as a correctional officer after August 1, 2002;
- (3) are applicants for detention officer certification through a sheriff's office or a district confinement facility; and
- (4) does not have a break in service exceeding one year from the time of last employment as a correctional officer to the time of being appointed as a detention officer.

Detention officers that are granted a training waiver under this section shall serve a 12-month probationary period as set forth in Rule .0602(a) of this Section and provide the record of completion of the Basic

1 Correctional Officer Training Course as defined in 12 NCAC 09G .0411. The Division shall review the  
2 course curriculum of the correctional officer training received against the training required by Rule .0601 of  
3 this Section and determine whether that training is comparable to the requirements set out in Rule .0601 of  
4 this Section. Based upon topics covered in the basic correctional officer training course, and the Division  
5 shall determine if additional training is required to ensure the applicant has received training comparable to  
6 that specified in Rule .0601 of this Section. The Division shall notify the employing agency of the resulting  
7 training requirements, if any, and the officer shall take and successfully complete the State Comprehensive  
8 Examination as set forth in 12 NCAC 10B .0606 in its entirety during the probationary period after  
9 completing any training as determined to be necessary by the training evaluation referenced in this section,  
10 in a commission-certified Detention Officer Certification Course.

11 (e) Applicants for detention officer certification who hold probationary justice officer certification as a deputy  
12 pursuant to 12 NCAC 10B .0402 or general justice officer certification as a deputy pursuant to 12 NCAC 10B .0404,  
13 with the North Carolina Sheriffs' Education and Training Standards Commission; or a law enforcement officer that  
14 has probationary law enforcement officer certification, pursuant to 12 NCAC 09C .0303 or general law enforcement  
15 officer certification, pursuant to 12 NCAC 09C .0304, issued by the Criminal Justice Education and Training Standards  
16 Commission, shall be granted a training waiver pursuant to this Section provided the individual:

- 17 (1) has successfully completed the NC Basic Law Enforcement Training Course as outlined in 12  
18 NCAC 09B .0205;
- 19 (2) has had no break in service as a deputy sheriff or law enforcement officer exceeding one year.
- 20 (3) serves a 12-month probationary period as a detention officer, as set forth in Rule .0602(a) of this  
21 Section; and
- 22 (4) takes and successfully complete the State Comprehensive Examination for the Detention Officer  
23 Certification Course in its entirety as set forth in 12 NCAC 10B .0606 during that probationary  
24 period; and period after:

25 ~~(5)(A)~~ completes completing the following topic areas in a full delivery of a commission-certified  
26 Detention Officer Certification Course:

27	Course Orientation	3 hours
28	Ethics	3 hours
29	Fire Emergencies	4 hours
30	Aspects of Mental Illness	6 hours
31	Review and Testing	7 hours
32	Legal Aspects of Management and Supervision	14 hours
33	Contraband/Searches	6 hours
34	Medical Care in the Jail	6 hours
35	Patrol and Security Function of the Jail	5 hours
36	Key and Tool Control	2 hours
37	Supervision and Management of Inmates	5 hours

Suicides and Crisis Management	5 hours
Introduction to Rules and Regulations	2 hours
Stress	3 hours
Prison Rape Elimination Act	2 hours
TOTAL HOURS	73 hours

or

(B) completing a commission certified truncated delivery of the Detention Officer Certification Course that covers the following topic areas:

<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>7 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>73 hours</u>

(f) A truncated delivery of the Detention Officer Certification Course that only teaches blocks as specified in Paragraph (e) of this Rule is hereby authorized and shall comply with the following requirements:

(1) The "Detention Officer Certification Training Manual," including subsequent amendments and editions, shall be used as the basic curriculum for the specified topics covered in the truncated delivery.

(2) The "Truncated Detention Officer Certification Course Management Guide" published by the North Carolina Justice Academy is hereby incorporated by reference, including subsequent amendments and editions, and shall be used by school directors in planning, implementing, and delivering the truncated basic detention officer training.

(3) The standards and requirements established by the "Truncated Detention Officer Certification Course Management Guide" shall be adhered to by the school director. The Justice Academy shall issue to each certified school director a copy of the guide at the time of certification at no cost to the certified school.

1       (4)     Each applicant shall complete form F-1, Medical History Statement, and pass the medical exam as  
2       required by 12 NCAC 10B .0304.

3       (5)     Each executive officer or officers of the institution or agency sponsoring a truncated Detention  
4       Officer Certification Course shall comply with the provisions of 12 NCAC 10B .0703 except for subsection  
5       .0703(c)(3)(D), as the truncated course does not require instruction in Subject Control Techniques because  
6       this is already provided in Basic Law Enforcement Training.

7       (6)     Each school director shall submit to the Commission a Pre-Delivery Report of Training Course  
8       Presentation (Form F-7A) in compliance with 12 NCAC 10B .0704(8).

9       (7)     Each school director shall not more than ten days after receiving from the Commission's  
10      representative the Report of Examination Scores, submit to the Commission a Post-Delivery Report of  
11      Training Course Presentation (Form 7-B) in compliance with 12 NCAC 10B .0704(16).

12      (8)     The delivering institution or agency must be certified to deliver the Detention Officer Certification  
13      Course under 12 NCAC 10B .0802.

14      (9)     Each presentation of the truncated Detention Officer Certification Course shall be reported to the  
15      Commission in compliance with 12 NCAC 10B .0803.

16      (10)    All instructors, school directors, executive officers, or lecturers involved in teaching and  
17      administering a truncated Detention Officer Certification Course shall hold the same certifications and  
18      qualifications required of instructors, school directors, executive officers, or lecturers in the full Detention  
19      Officer Certification Course.

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

22                *Eff. January 1, 1989;*

23                *Amended Eff. February 1, 2014; August 1, 2011; January 1, 2006; August 1, 2002; August 1, 1998;*

24                *February 1, 1998; January 1, 1996; January 1, 1993; January 1, 1992; January 1, 1991;*

25                *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 6,*  
26                *2018;*

27                *Amended Eff. November 1, 2023; December 1, 2022.*  
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