12 NCAC 10B .0603 is proposed for readoption with substantive changes as follows:

12 NCAC 10B .0603 EVALUATION FOR TRAINING WAIVER

(a) 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 Section.

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

(1) Persons who separated from a detention officer position during the probationary period after completion of a commission-certified Detention Officer Certification Course and who have been separated from a detention officer position for more than one year shall complete a subsequent commission-certified Detention Officer Certification 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 Certification 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 commission-certified Detention Officer Certification 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 Certification 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 Justice Officer Certification as a detention officer pursuant to Rule .0404 of this Subchapter who completed a commission-certified Detention Officer Certification Course and who separated from a detention officer position for more than one year but less than three years shall be recertified upon the completion of the previous year in-service training.

~~(4)~~ (5) Persons holding General Justice Officer Certification as a detention officer pursuant to Rule .0404 of this Subchapter who completed a commission-certified Detention Officer Certification Course and who separated from a detention officer position for more than ~~one year~~ three years shall complete a subsequent commission-certified Detention Officer Certification 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)~~ (6) Persons holding ~~Grandfather~~ grandfather Detention Officer Certification pursuant to G.S. 17E-7(a), 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 Certification 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.

~~(6)~~ (7) 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) are an applicant for justice officer certification as a detention officer through a sheriff's office or a district confinement facility; and

(4) do 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 Rule .0606 of this Section 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
Compliance and Control Tactics	40 hours
TOTAL HOURS	75 hours

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

(e) Applicants for detention officer certification who hold probationary justice officer certification as a deputy pursuant to Rule .0402 of this Subchapter or general justice officer certification as a deputy pursuant to Rule .0404 of this Subchapter, with the North Carolina Sheriffs' Education and Training Standards Commission, or a law enforcement officer that has probationary law enforcement officer certification, pursuant to 12 NCAC 09C .0303 or general law enforcement officer certification, pursuant to 12 NCAC 09C .0304, issued by the Criminal Justice 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 as outlined in 12 NCAC 09B .0205;

(2) has had no break in service as a deputy sheriff or law enforcement officer exceeding one year;

(3) serves a 12-month probationary period as a detention officer, as set forth in Rule .0602(a) of this Section; and

(4) takes and successfully completes the State Comprehensive Examination for the Detention Officer Certification Course in its entirety as set forth in Rule .0606 of this Section during that probationary period after:

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

Course Orientation	3 hours
Ethics	3 hours
Fire Emergencies	4 hours
Aspects of Mental Illness	6 hours
Review and Testing	7 hours
Legal Aspects of Management and Supervision	14 hours
Contraband/Searches	6 hours

Medical Care in the Jail	6 hours
Patrol and Security Function of the Jail	5 hours
Key and Tool Control	2 hours
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:

Course Orientation	3 hours
Ethics	3 hours
Fire Emergencies	4 hours
Aspects of Mental Illness	6 hours
Review and Testing	7 hours
Legal Aspects of Management and Supervision	14 hours
Contraband/Searches	6 hours
Medical Care in the Jail	6 hours
Patrol and Security Function of the Jail	5 hours
Key and Tool Control	2 hours
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

(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) Each applicant shall complete form F-1, Medical History Statement, and pass the medical exam as required by Rule .0304 of this Subchapter.

(2) Each executive officer or officers of the institution or agency sponsoring a truncated Detention Officer Certification Course shall comply with the provisions of Rule .0703 of this Subchapter except for Part .0703(c)(3)(D).

(3) Each school director shall submit to the Commission a Pre-Delivery Report of Training Course Presentation (Form F-7A) in compliance with Rule .0704(6) of this Subchapter.

(4) Each school director shall not more than 10 days after receiving from the Commission's representative the Report of Examination Scores, submit to the Commission a Post-Delivery Report of Training Course Presentation (Form 7-B) in compliance with Rule .0704(13) of this Subchapter.

(5) The delivering institution or agency must be certified to deliver the Detention Officer Certification Course under Rule .0802 of this Subchapter.

(6) Each presentation of the truncated Detention Officer Certification Course shall be reported to the Commission in compliance with Rule .0803 of this Subchapter.

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

History Note: *Authority G.S. 17E-4; 17E-7;*
Eff. January 1, 1989;
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