

NOTICE OF TEXT [Authority G.S. 150B-21.2(c)]

OAH	USE	ONLY

VOLUME:

ISSUE:

CHECK APPROPRIATE BOX:
X Notice with a scheduled hearing Notice without a scheduled hearing Republication of text. Complete the following cite for the volume, issue, and date of previous publication, as well as blocks 1 - 5 and 8 - 14. If a hearing is scheduled, complete block 6. Previous publication of text was published in Volume: Issue:
1. Rule-Making Agency: NC Sheriffs' Education and Training Standards Commission
2. Agency obtained G.S. 150B-19.1 certification:
X OSBM certified on: 9/11/2013
RRC certified on: Pending
☐ Not Required
3. Agency website postings:
Text of proposed rule posted at: http://ncdoj.gov/About-DOJ/Law-Enforcement-Training-and-Standards/Sheriffs-
Education-and-Training-Standards/All-Commission-Forms-and-Publications.aspx
 Explanation and reason for proposed rule posted at: Same as above
Federal Certification posted at: N/A
Instructions for oral and written comments posted at: Same as above Same as above Sa
Fiscal Note if prepared posted at: Same as above – links to http://www.osbm.state.nc.us/files/pdf files/p00309112013.pdf
4. Proposed Action Check the appropriate box(es) and list <u>rule citation(s)</u> beside proposed action:
X ADOPTION: 12 NCAC 10B .1901
X AMENDMENT: 12 NCAC 10B .0301, .0502, .0601, .0603, .0605, .1004, .1005, .1204, .1205, .1604, .1605 and .2005
☐ REPEAL:
5. Proposed effective date: February 1, 2014
6. Is a public hearing planned? X Yes No
If yes: Public Hearing date: 12/3/2013
Public Hearing time: 10am
Public Hearing Location: 1700 Tryon Park Drive, Raleigh NC
7. If no public hearing is scheduled, provide instructions on how to demand a public hearing:

8. Explain Reason For Proposed Rule(s): 12 NCAC 10B .0301 Revision corrects a missing word in paragraph (a)(8); 12 NCAC 10B .0502 Revision corrects cite in paragraph (c) regarding rules promulgated by the Criminal Justice Commission regarding Basic Law Enforcement Training (BLET) that are incorporated by reference to section .0200, which includes rule 12 NCAC 09B .0205, and removes language which is repetitive of that Commission's rules; 12 NCAC 10B .0601 and .0603 Revision to adjust hours of instruction in the Detention Officer Certification Course (DOCC). Total hours of instruction is increased by 4 hours. In addition, the cost of the training materials has changed; 12 NCAC 10B .1901 Revision to allow military transferees and their spouses to obtain certifications. Reason For Proposed Rule(s) cont.: 12 NCAC 10B .0605 Revision to allow DOCC students with deficiencies a longer period of time to correct the deficiency; 12 NCAC 10B .1004; .1005; .1204; .1205; .1604; .1605 Revision reinstates formulas for awarding professional certificates based on a combination of having earned college degrees, years of experience and training points; 12 NCAC 10B .2005 The revisions set out what will be required for in-service training in 2014. 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. 9. The person to whom written comments may be submitted on the proposed rule: Name: Julia A. Lohman Address: PO Box 629, 1700 Tryon Par Dr., Ral NC 27602 Phone (optional): 919-77-98213 Fax (optional): E-Mail (optional): jlohman@ncdoj.gov 10. Comment Period Ends: 12/2/2013 11. Fiscal impact (check all that apply). If this form contains rules that have different fiscal impacts, list the rule citations beside the appropriate impact. X State funds affected Environmental permitting of DOT affected Analysis submitted to Board of Transportation X Local funds affected X Substantial economic impact (≥\$1,000,000) No fiscal note required by G.S. 150B-21.4 13. The Agency formally proposed the text of this rule(s) on 12. Rule-making Coordinator: Julia A. Lohman Date: 6/5/2013 14. Signature of Agency Head* or Rule-making Coordinator: Address: PO Box 629 1700 Tryon Park Dr Ral, NC 27602

X Local funds affected
X Substantial economic impact (≥\$1,000,000)
No fiscal note required by G.S. 150B-21.4

12. Rule-making Coordinator: Julia A. Lohman

13. The Agency formally proposed the text of this rule(s) on
Date: 6/5/2013

14. Signature of Agency Head* or Rule-making Coordinator:

15. The Agency formally proposed the text of this rule(s) on
Date: 6/5/2013

16. Signature of Agency Head* or Rule-making Coordinator:

17. The Agency formally proposed the text of this rule(s) on
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19. The Agency form

1	12 NCAC 10B	.0301 IS	PROPOSED TO BE AMENDED AS FOLLOWS:
2			
3	12 NCAC 10B.	0301	MINIMUM STANDARDS FOR JUSTICE OFFICERS
4	(a) Every Justice	e Officer	employed or certified in North Carolina shall:
5	(1)	be a ci	tizen of the United States;
6	(2)	be at le	east 21 years of age;
7	(3)	be a hi	gh school graduate, or the equivalent (GED);
8	(4)	have b	een fingerprinted by the employing agency;
9	(5)	have h	ad a medical examination as set out in 12 NCAC 10B .0204; by a licensed physician;
10	(6)	have	produced a negative result on a drug screen administered according to the following
11		specific	eations:
12		(A)	the drug screen shall be a urine test consisting of an initial screening test using an
13			immunoassay method and a confirmatory test on an initial positive result using a gas
14			chromatography/mass spectrometry (GC/MS) or other reliable initial and confirmatory
15			tests as may, from time to time, be authorized or mandated by the Department of Health
16			and Human Services for Federal Workplace Drug Testing Programs; and
17		(B)	a chain of custody shall be maintained on the specimen from collection to the eventual
18			discarding of the specimen; and
19		(C)	the drugs whose use shall be tested for shall include at least cannabis, cocaine,
20			phencyclidine (PCP), opiates and amphetamines or their metabolites; and
21		(D)	the test threshold values established by the Department of Health and Human Services
22			for Federal Workplace Drug Testing Programs [http://workplace.samhsa.gov/] are hereby
23			incorporated by reference, and shall automatically include any later amendments and
24			editions of the referenced materials. Copies of this information may be obtained from the
25			National Institute on Drug Abuse, 5600 Fisher Lane, Rockville, Maryland 20857
26			[http://www.drugabuse.gov/] at no cost at the time of adoption of this Rule; and

1		(E)	the test <u>results must be no</u> conducted shall be not more than 60 days old, calculated from
2			the time when the laboratory reports the results to the date of before employment or
3			certification, whichever is earlier; employment; and
4		(F)	the laboratory conducting the test must be certified for federal workplace drug testing
5			programs, and must adhere to applicable federal rules, regulations and guidelines
6			pertaining to the handling, testing, storage and preservation of samples, except that
7			individual agencies may specify other drugs to be tested for in addition to those drugs set
8			out in Part (C) of this Subparagraph; and
9		(G)	every agency head shall make arrangements for the services of a medical review officer
LO			(MRO) for the purpose of review of drug tests reported by the laboratory and such officer
11			shall be a licensed physician;
L2	(7)	make t	the following notifications:
13		(<u>A</u>)	within five working days notify the Standards Division and the appointing department
14			head in writing of all criminal offenses with which the officer is charged and all
15			Domestic Violence Orders (50B) and Civil No Contact Orders (50C) which are issued by
16			a judicial official against the justice officer and which provide an opportunity for both
17			parties to be present, present; and This shall include all criminal offenses except minor
18			traffic offenses. A minor traffic offense is any offense under G.S. 20 or similar laws of
19			other jurisdictions; except those Chapter 20 offenses defined as either a Class A or B
20			Misdemeanor as set out in 12 NCAC .0103(10). The initial notification required must
21			specify the nature of the offense, the date of offense, and the arresting agency.
22		(B)	(i) within 20 days of the date the case was disposed notify shall also give notification, in
23			writing, to the appointing department head following of the adjudication of these criminal
24			charges and charges, Domestic Violence Orders (50B). (50B) and Civil No Contact
25			Orders (50C). The department head, provided he has knowledge of the officer's charge(s),
26			Civil No Contact Orders (50C) and Domestic Violence Orders (50B) shall also notify the
27			Division within 30 days of the date the case or order was disposed of in court. This shall
28			include-all-criminal-offenses-except-minor-traffic-offenses. A minor traffic offense is

1		defined for purposes of this Subparagraph as any offense under G.S. 20 or similar laws of
2		other jurisdictions; except those Chapter 20 offenses published in the Class B
3		Misdemeanor Manual. The initial notification required must specify the nature of the
4		offense, the date of offense, and the arresting agency.
5		(ii) within 30 days of the date the case was disposed notify the Standards Division of the
6		adjudication of these criminal charges, Domestic Violence Orders (50B) and Civil No
7		Contact Orders (50C).
8		(iii) The required notifications of adjudication required must specify the nature of the
9		offense, the court in which the case was handled and the date of disposition, and must
10		include a certified copy of the final disposition from the Clerk of Court in the county of
11		adjudication. The notifications of adjudication must be received by the Standards
12		Division within 30 days of the date the case was disposed of in court. Officers required
13		to notify the Standards Division under this Subparagraph shall also make the same
14		notification to their employing or appointing department head within 20 days of the date
15		the case was disposed of in court. The department head, provided he has knowledge of
16		the officer's charge(s), Civil No Contact Orders (50C) and Domestic Violence Orders
17		(50B) shall also notify the Division within 30 days of the date the case or order was
18		disposed of in court.
19		(C) Receipt by the Standards Division of timely notification of the initial offenses charged
20		and of adjudication of those offenses, from either the officer or the department head, is
21		sufficient notice for compliance with this Subparagraph;
22	(8)	be of good moral character as defined in: In re Willis, 299 N.C. 1, 215 S.E.2d 771 appear
23		dismissed 423 U.S. 976 (1975); State (1975); State v. Harris, 216 N.C. 746, 6 S.E.2d 854 (1940)
24		In re Legg, 325 N.C. 658, 386 S.E.2d 174 (1989); In re Applicants for License, 143 N.C. 1, 55
25		S.E. 635 (1906); In re Dillingham, 188 N.C. 162, 124 S.E. 130 (1924); State v. Benbow, 309 N.C.
26		538, 308 S.E.2d 647 (1983); and their progeny;
27	(9)	have a background investigation conducted by the employing agency, to include a personal
28		interview prior to employment;

1	(10)	not have committed or been convicted of a crime or crimes as specified in 12 NCAC 10B .0307.
2	(b) The requiren	nents of this Rule shall apply to all applications for certification and shall also be applicable at al
3	times during whi	ch the justice officer is certified by the Commission.
4		
5	History Note:	Authority G.S. 17E-7; 95-230: 95-231: 95-232: 95-233: 95-234: 95-235;
6		Eff. January 1, 1989;
7		Amended Eff. February 1, 2014; January 1, 2006; January 1, 2005; August 1, 2002; January 1
8		1996; January 1, 1994; January 1, 1993; January 1, 1992; July 1, 1990; January 1, 1990.

12 NCAC 10B .0502 IS PROPOSED TO BE AMENDED AS FOLLOWS: 1 2 BASIC LAW ENFORCEMENT TRAINING COURSE FOR DEPUTIES 3 12 NCAC 10B .0502 (a) The basic training course for deputy sheriffs consists of instruction designed to provide the trainee with the skills 4 and knowledge to perform those tasks essential to function in law enforcement. 5 (b) The course entitled "Basic Law Enforcement Training" shall consist of a minimum of 620 hours of instruction 6 and shall include the following identified topical areas and minimum instructional hours for each: 7 (1) LEGAL UNIT 8 (A) Motor Vehicle Laws 20 hours 9 (B) Preparing for Court and Testifying in Court 12 hours 10 (C) Elements of Criminal Law 24 hours 11 (D) Juvenile Laws and Procedures 10 hours 12 (E) Arrest, Search and Seizure/Constitutional Law 28 hours 13 (F) ABC Laws and Procedures 4 hours 14 UNIT TOTAL 98 hours 15 PATROL DUTIES UNIT 16 (A) Techniques of Traffic Law Enforcement 24 hours 17 (B) Explosives and Hazardous Materials Emergencies 12 hours 18 (C) Traffic Accident Investigation 19 (D) In-Custody Transportation 8 hours 20 (E) Crowd Management 12 hours 21 (F) Patrol Techniques 26 hours 22 (G) Law Enforcement Communication and Information Systems 23 4 hours (H) Anti-Terrorism 24 (I) Rapid Deployment 8 hours 25 UNIT TOTAL 122 hours 26

(A) Dealing with Victims and the Public 10 hours

LAW ENFORCEMENT COMMUNICATION UNIT

27

1	(B) Domestic Violence Response	12 hours
2	(C) Ethics for Professional Law Enforcement	4 hours
3	(D) Individuals with Mental Illness and Mental Retardation	8 hours
4	(E) Crime Prevention Techniques	6 hours
5	(F) Communication Skills for Law Enforcement Officers	8-hours
6	UNIT-TOTAL	48 hours
7	(4) INVESTIGATION-UNIT	
8	(A) Fingerprinting and Photographing Arrestee	6 hours
9	(B) Field Note-taking and Report Writing	12 hours
10	(C) Criminal Investigation	34 hours
11	(D) Interviews: Field and In-Custody	16 hours
12	(E) Controlled-Substances	12 hours
13	(F) Human Trafficking	2 hours
14	UNIT-TOTAL	82 hours
15	(5) PRACTICAL APPLICATION UNIT	
16	(A) First Responder	32 hours
17	(B) Firearms	48 hours
18	(C) Law Enforcement Driver Training	40 hours
19	(D) Physical Fitness (classroom instruction)	8 hours
20	(E) Fitness Assessment and Testing	12 hours
21	(F) Physical Exercise 1 hour daily, 3 days a week	34 hours
22	(G) Subject Control Arrest Techniques	40 hours
23	UNIT TOTAL	214 hours
24	(6)——SHERIFF-SPECIFIC UNIT	
25	(A) Civil Process	24 hours
26	(B) Sheriffs' Responsibilities: Detention Duties	4 hours
27	(C) Sheriffs' Responsibilities: Court Duties	6 hours
28	UNIT TOTAL	34 hours

1	(7) COURSE ORIENTATION 2 hours				
2	(8) TESTING 20 hours				
3	TOTAL COURSE HOURS 620 HOURS				
4	(e) The "Basic Law Enforcement Training Manual" as published by the North Carolina Justice Academy shall be				
5	used as the as basic curriculum for this Basic Law Enforcement Training Course. Copies of this manual may be				
6	obtained at cost by contacting the North Carolina Justice Academy, Post Office Box 99, Salemburg, North Carolina				
7	28385-0099.				
8	(d) The Commission shall designate the developer of the Basic Law Enforcement Training Course curricula and				
9	such designation shall be deemed by the Commission as approval for the developer to conduct pilot Basic Law				
LO	Enforcement Training Courses. Individuals who successfully complete such a pilot Basic Law Enforcement				
11	Training Course offering shall be deemed to have successfully complied with and satisfied the minimum training				
12	requirement.				
13	(e) (b) The rules governing Minimum Standards for Completion of Training, codified as Title 12, Subchapter 09B,				
L4	Section <u>.0400</u> of the North Carolina Administrative <u>Code</u>				
L5	$[http://reports.oah.state.nc.us/ncac.asp?folderName=\Title\%2012\%20-\%20Justice\Chapter\%2009\%20-Matter.edu.edu.edu.edu.edu.edu.edu.edu.edu.edu$				
16	$\%20Criminal\%20Justice\%20Education\%20and\%20Training\%20Standards \\ SubChapter\%20B\&lookUpError=12\%20BackupE$				
17	20NCAC%2009B%20.0200] Code, and previously adopted by the North Carolina Criminal Justice Education and				
18	Training Standards Commission, are hereby incorporated by reference, and shall, automatically include any later				
19	amendments and editions of the incorporated matter to apply to actions of the North Carolina Sheriffs' Education				
20	and Training Standards Commission. Copies of the incorporated materials may be obtained at no cost from the				
21	Criminal Justice Standards Division, North Carolina Department of Justice, 114 West Edenton Street, Post Office				
22	Drawer 149, Raleigh, North Carolina 27602.				
23					
24	History Note: Authority G.S. 17E-4(a);				
25	Eff. January 1, 1989;				
26	Amended Eff. February 1, 2014; August 1, 2011; January 1, 2010; January 1, 2006; August 1,				
27	2000; January 1, 1996; January 1, 1995; February 1, 1991; January 1, 1990.				

1 12 NCAC 10B .0601 IS PROPOSED TO BE AMENDED AS FOLLOWS:

2

28

3 12 NCAC 10B .0601 DETENTION OFFICER CERTIFICATION COURSE

- 4 (a) This Section establishes the current standard by which Sheriffs' Office and district confinement personnel shall
- 5 receive detention officer training. The Detention Officer Certification Course shall consist of a minimum of 168
- 6 hours of instruction designed to provide the trainee with the skills and knowledge necessary to perform those tasks
- 7 considered essential to the administration and operation of a confinement facility.
- 8 (b) Each Detention Officer Certification Course shall include the following identified topic areas and approximate
- 9 minimum instructional hours for each area:

				- 4
11		(A)	Orientation	3 hours
12		(B)	Criminal Justice Systems	2 hours
13		(C)	Legal Aspects of Management and Supervision	14 hours
14		(D)	Introduction to Rules and Regulations	2 hours
15		(E)	Ethics	3 hours
16		UNIT	TOTAL	24 Hours
17	(2)	PHYS	ICAL UNIT	
18		(A)	Contraband/Searches	6 hours
19		(B)	Patrol and Security Function of the Jail	5 hours
20		(C)	Key and Tool Control	2 hours
21		(D)	Investigative Process in the Jail	8 hours
22		(E)	Transportation of Inmates	7 hours
23		UNIT '	TOTAL	28 Hours
24	(3)	PRAC	CTICAL APPLICATION UNIT	
25		(A)	Processing Inmates	7 <u>8</u> hours
26		(B)	Supervision and Management of Inmates	5 hours
27		(C)	Suicides and Crisis Management	5 hours

Aspects of Mental Illness

(D)

6 hours

1		(E)	Fire Emergencies	4 hours	
2		(F)	Notetaking and Report Writing	$5 \underline{6}$ hours	
3		(G)	Communication Skills	5 hours	
4		UNIT	ГОТАL	37 <u>39</u> hours	
5	(4)	MEDI	CAL UNIT		
6		(A)	First Aid and CPR	$10 \ \underline{8} \text{ hours}$	
7		(B)	Medical Care in the Jail	6 hours	
8		(C)	Stress	3 hours	
9		(D)	Subject Control Techniques	28 <u>32</u> hours	
10		(E)	Physical Fitness for Detention Officers	22 hours	
11		UNIT	TOTAL	69 <u>71</u> hours	
12	(5)	REVI	EW AND TESTING	7 hours	
13	(6)	STATI	E EXAM	3 hours	
14		TOTA	L HOURS	468 <u>172</u> HOURS	
15	(c) Consistent v	with the	curriculum development policy of the Commission as published in the	e "Detention Officer	
16	Certification Co	ourse Ma	nagement Guide", the Commission shall designate the developer of the	ne Detention Officer	
17	Certification Co	ourse cui	rricula and such designation shall be deemed by the Commission	as approval for the	
18	developer to conduct pilot Detention Officer Certification Courses. Individuals who complete such a pilot Detention				
19	Officer Certification Course offering shall be deemed to have complied with and satisfied the minimum training				
20	requirement.				
21	(d) The "Detention Officer Certification Training Manual" as published by the North Carolina Justice Academy				
22	shall be used as	the basic	c curriculum for the Detention Officer Certification Course. Copies of	this manual may be	
23	obtained by con	tacting th	ne North Carolina Justice Academy, Post Office Box 99, Salemburg, No	orth Carolina 28385-	
24	0099. The cost of this manual is forty dollars (\$40.00) manual, CD, indexes and binder is \$51.75 at the time of				
25	adoption of this Rule.				
26	(e) The "Detention Officer Certification Course Management Guide" as published by the North Carolina Justice				
27	Academy is hereby incorporated by reference and shall automatically include any later amendments, or editions of				
28	the incorporated matter to be used by school directors in planning, implementing and delivering basic detention				

officer training. The standards and requirements established by the "Detention Officer Certification Course 1 Management Guide" must be adhered to by the school director. Each certified school director shall be issued a copy 2 3 of the guide at the time of certification at no cost to the certified school. 4 5 History Note: Authority G.S. 17E-4(a); 6 Eff. January 1, 1989; 7 Amended Eff. February 1, 2014; August 1, 2011; October 1, 2009; January 1, 2006; August 2, 8 2002; August 1, 2000; August 1, 1998; February 1, 1998; January 1, 1996; June 1, 1992; January 9 1, 1992; January 1, 1991. 10

12 NCAC 10B .0603 IS PROPOSED TO BE AMENDED AS FOLLOWS:

12 NCAC 10B .0603 EVALUATION FOR TRAINING WAIVER

- Applicants for certification with prior detention or correctional officer experience shall have been employed and certified
 as a detention or correctional officer in order to be considered for a training evaluation under this Rule. The following
 rules shall be used by division staff in evaluating a detention officer's training and experience to determine eligibility for a
 waiver of training: experience:
 - (1) Persons who have separated from a detention officer position during the probationary period after having completed 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 described in 12 NCAC 10B .0602(a).
 - (2) Persons who separated from a detention officer position during their probationary period after having completed 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 having completed a detention officer training course or whose certification was suspended pursuant to 12 NCAC 10B .0204(b)(1) 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 12 NCAC 10B .0602(a).
 - (4) Persons holding General Detention Officer Certification who have completed a commission-certified detention officer training course and who have 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 12 NCAC 10B .0602(a).

1 (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 2 a commission-certified detention officer training program in its entirety and pass the State 3 Comprehensive Examination within the 12 month probationary period as prescribed in 12 NCAC 10B 4 5 .0602(a). 6 (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 8 Division staff shall determine the amount of training, which is comparable to that received by detention officers pursuant to 12 NCAC 10B .0601(b), required of these applicants. 10 Persons holding general certification as a correctional officer issued by the North Carolina Criminal (7)11 12 Justice Education and Training Standards Commission and who: completed training as a correctional officer between January 1, 1981 and August 1, 2002; 13 (a) transfer to a sheriff's office or a district confinement facility in a detention officer position; 14 (b) 15 and have had less than a one year break in service, or no break in service, shall serve a 12-month 16 (c) probationary period as prescribed in 12 NCAC 10B .0602(a) and shall complete the 17 following topic areas in a commission-certified detention officer certification course and take 18 19 the state examination in its entirety during that probationary period: 3 hours (i) Orientation 20 Legal Aspects of Management & Supervision 14 hours 21 (ii) Medical Care in the Jail 6 hours 22 (iii) 8 hours (iv) Investigative Process in the Jail 23 2 hours 24 (v) Criminal Justice System 25 (vi) Introduction to Rules and Regulations Governing Jails 2 hours 28 32 hours (vii) Subject Control Techniques 26 TOTAL HOURS (63) (68) hours 27

1	(8)	(a) Persons holding general certification as a correctional officer issued by the North Carolina
2		Criminal Justice Education and Training Standards Commission and who:
3		(a) (i) completed training as a correctional officer after August 1, 2002;
4		(b) (ii) transfer to a sheriff's office or a district confinement facility in a detention officer position;
5		and
6		(e) (iii) have had less than a one year break in service, or no break in service, shall serve a 12-month
7		probationary period as prescribed in 12 NCAC 10B .0602(a); .0602(a).
8		(b) These persons may apply for a waiver to the Division by submitting documentation of the training
9		completed as a correctional officer.
10		(c) Division staff shall compare the completed correctional officer training to the existing Detention
11		Officer Certification Course and determine whether any of the Detention Officer Certification Course
12		blocks of instruction can be waived. Granting of a waiver is based on a showing of completion of
13		comparable training. The Division shall notify the employing agency of the resulting training
14		requirements. The detention officer and shall complete the required training in a commission-certified
15		Detention Officer Certification Course and take the state examination in its entirety during the
16		probationary period.
17		
18	History Note:	Authority G.S. 17E-4; 17E-7;
19		Eff. January 1, 1989;
20		Amended Eff. February 1, 2014; August 1, 2011; January 1, 2006; August 1, 2002; August 1, 1998;
21		February 1, 1998; January 1, 1996; January 1, 1993; January 1, 1992; January 1, 1991.

12 NCAC 10B .0605 IS PROPOSED TO BE AMENDED AS FOLLOWS:

2		
3	12 NCAC 10B .0	605 COMPLETION OF DETENTION OFFICER CERTIFICATION COURSE
4	(a) Each delivery	of an accredited "Detention Officer Certification Course" is considered to be a unit as set forth in
5	12 NCAC 10B .00	601. Each trainee shall attend and satisfactorily complete a full course during a scheduled delivery
6	The school direct	or may develop supplemental rules as set forth in 12 NCAC 10B .0704(a)(7), but may not add
7	substantive course	es, or change or expand the substance of the courses set forth in 12 NCAC 10B .0601. This Rule
8	does not prevent	the instruction on local agency rules or standards but such instruction shall not be considered or
9	endorsed by the C	Commission for purposes of certification. The Director may issue prior written authorization for a
10	specified trainee's	limited enrollment in a subsequent delivery of the same course where the school director provides
11	evidence that:	
12	(1)	The trainee attended and satisfactorily completed specified class hours and topics of the
13		"Detention Officer Certification Course" but through extended absence occasioned by illness
14		accident, or emergency was absent for more than 10 percent of the total class hours of the course
15		offering; or
16	(2)	The trainee was granted excused absences by the school director that did not exceed ten percen
17		of the total class hours for the course offering and the school director could not schedule
18		appropriate make-up work during the current course offering as specified in 12 NCAC 10E
19		.0601(c); .0604(c) due to valid reasons; or
20	(3)	The trainee participated in an offering of the "Detention Officer Certification Course" but had ar
21		identified deficiency in essential knowledge or skill in either one, two or three, but no more than
22		three, of the specified topic areas incorporated in the course content as prescribed under 12 NCAC
23		10B .0601(b).
24	(b) An authoriza	tion of limited enrollment in a subsequent course delivery may not be used by the Director unless
25	in addition to the	evidence required by Paragraph (a) of this Rule:
26	(1)	The trainee submits a written request to the Director, justifying the limited enrollment and
27		certifying that the trainee's participation shall be accomplished pursuant to Paragraph (c) of this

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Rule; and

1	(2)	The school director of the previous school offering sublints to the director a certification of the
2		particular topics and class hours attended and satisfactorily completed by the trainee during the
3		original enrollment.
4	(c) An authoriza	ation of limited enrollment in a subsequent course delivery permits the trainee to attend an offering
5	of the "Detentio	n Officer Certification Course" commencing within 120 180 calendar days from the last date of
6	trainee participa	tion in prior course delivery, but only if the trainee's enrollment with active course participation can
7	be accomplished	within the period of the trainee's probationary certification:
8	(1)	The trainee need only attend and satisfactorily complete only those portions of the course which
9		were missed or identified by the school director as areas of trainee deficiency in the proper course
10		participation.
11	(2)	Following proper enrollment in the subsequent course offering, scheduled class attendance and
12		active participation with satisfactory achievement in the course, the trainee would shall be eligible
13		for administration of the State Comprehensive Examination by the Commission and possible
14		certification of successful course completion.
15	(3)	A trainee shall be enrolled as a limited enrollee in only one subsequent course offering within the
16		120 180 calendar days from the last date of trainee participation in prior course delivery. A trainee
17		who fails to complete those limited portions of the course after one retest shall enroll in an entire
18		delivery of the Detention Officer Certification Course.
19	(d) A trainee w	ho is deficient in four or more subject-matter or topical areas at the conclusion of the course delivery
20	shall complete a	subsequent program in its entirety.
21		
22	History Note:	Authority G.S. 17E-4; 17E-7;
23		Eff. January 1, 1989;
24		Amended Eff. February 1, 2014; August 1, 1998; January 1, 1996; January 1, 1993; January 1,
25		1992; January 1, 1991.

12 NCAC 10B .1004 IS PROPOSED TO BE AMENDED AS FOLLOWS:

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12 NCAC 10B .1004 INTERMEDIATE LAW ENFORCEMENT CERTIFICATE

4 (a) In addition to the qualifications set forth in Rule .1002, applicants for the Intermediate Law Enforcement

5 Certificate shall possess or be eligible to possess the Basic Law Enforcement Certificate and shall have acquired the

following combination of educational points, points or degrees, law enforcement training and years of law

7 enforcement training experience:

Years of Law Enforcement Experience	8	6	4
Minimum Law Enforcement Training Points	20	35	50
Minimum Total Education and Training Points	39	69	99

8

Educational	None	None	None	Associate	Bachelor
Degrees					
Years of Law	-		=	-	-
Enforcement	8	<u>6</u>	<u>4</u>	<u>4</u>	2
Experience					
Minimum Law		~	-	~	-
Enforcement	20	<u>35</u>	<u>50</u>	24	23
Training Points					
Minimum Total			-		se.
Education and	39	<u>69</u>	99	24	23
Training Points					

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(b) Educational points claimed shall have been earned at a technical institute, technical college, community college, junior college, college or university accredited as such by the Department of Education of the state in which the institution is located, a national or regional accrediting body, or the state university of the state in which the institution is located. No credit shall be given for any correspondence correspondence, on-line or vocational courses unless credited towards a degree by an accredited institution.

(c) No more than 160 hours of training obtained by completing the commission-mandated basic law enforcement training course shall be credited toward training points.
History Note: Authority G.S. 17E-4;
Eff. January 1, 1989;
Amended Eff. February 1, 2014; January 1, 2013; August 1, 2002; August 1, 1998; January 1,

1996; January 1, 1992.

12 NCAC 10B .1005 IS PROPOSED TO BE AMENDED AS FOLLOWS:

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12 NCAC 10B .1005 ADVANCED LAW ENFORCEMENT CERTIFICATE

4 (a) In addition to the qualifications set forth in Rule .1002, applicants for the Advanced Law Enforcement

Certificate shall possess or be eligible to possess the Intermediate Law Enforcement Certificate and shall have

acquired the following combination of educational points, points or degrees, law enforcement training points and

7 years of law enforcement experience:

Years of Law Enforcement Experience	12	9
Minimum Law Enforcement Training Points	35	50
Minimum Total Education and Training Points	69	99

8

Educational	None	None	Associate	Bachelor	Doctoral,
<u>Degrees</u>					Professional
-					or Master
Years of Law	-	15	9	CD .	-
Enforcement	<u>12</u>	9	9	<u>6</u>	<u>4</u>
Experience					
Minimum Law	_	l w	-	-	, =.
Enforcement	<u>35</u>	<u>50</u>	<u>33</u>	<u>27</u>	<u>23</u>
Training Points					
Minimum Total	. 	-	-	-	J.
Education and	<u>69</u>	99	<u>33</u>	<u>27</u>	23
Training Points					

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(b) Educational points claimed shall have been earned at a technical institute, technical college, community college,

junior college, college or university accredited as such by the Department of Education of the state in which the

institution is located, a national or regional accrediting body, or the state university of the state in which the

institution is located. No credit shall be given for any correspondence correspondence, on-line or vocational courses 1 unless credited towards a degree by an accredited institution. 2 (c) No more than 160 hours of training obtained by completing the commission-mandated basic law enforcement 3 4 training course shall be credited toward training points. 5 6 History Note: Authority G.S. 17E-4; 7 Eff. January 1, 1989; Amended Eff. February 1, 2014; January 1, 2013; August 1, 2002; August 1, 1998; January 1, 9 1996; January 1, 1994; January 1, 1992.

12 NCAC 10B .1204 IS PROPOSED TO BE AMENDED AS FOLLOWS:

3 12 NCAC 10B .1204 INTERMEDIATE DETENTION OFFICER PROFESSIONAL CERTIFICATE

- 4 (a) In addition to the qualifications set forth in Rule .1202 of this Section, applicants for the Intermediate Detention
- 5 Officer Professional Certificate shall possess or be eligible to possess the Basic Detention Officer Professional
- 6 Certificate and shall have acquired the following combination of educational points, points or degrees, detention
- 7 officer or corrections training points and years of detention officer experience:

Years of Detention Officer Experience	8	6	4
Minimum Detention Officer Training Points	6	12	16
Minimum Total Education and Training Points	13	23	33

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	-	-	-	-2
	12	<u>16</u>	24	23
8	=	8	<u>.</u>	=
3	<u>23</u>	<u>33</u>	24	<u>23</u>
		<u>12</u>	12 16	- <u>- 24</u>

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- (b) Educational points claimed shall have been earned at a technical institute, technical college, community college, junior college, college or university accredited as such by the Department of Education of the state in which the institution is located, a national or regional accrediting body, or the state university of the state in which the institution is located. No credit shall be given for any correspondence correspondence, on-line or vocational courses
- 14 unless credited towards a degree by an accredited institution.

(c) No more than 80 hours of training obtained by completing the commission-mandated detention certification
 course shall be credited toward training points.
 History Note: Authority G.S. 17E-4;
 Eff. January 1, 1990;
 Amended Eff. February 1, 2014; January 1, 2013; August 1, 2002; August 1, 1998; January 1,

1996; January 1, 1992.

12 NCAC 10B .1205 IS PROPOSED TO BE AMENDED AS FOLLOWS:

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3 12 NCAC 10B .1205 ADVANCED DETENTION OFFICER PROFESSIONAL CERTIFICATE

- 4 (a) In addition to the qualifications set forth in Rule .1202 of this Section, applicants for the Advanced Detention
- 5 Officer Professional Certificate shall possess or be eligible to possess the Intermediate Detention Officer
- 6 Professional Certificate and shall have acquired the following combination of educational points, points or degrees,
- 7 detention officer or corrections training points and years of detention officer experience:

8

Years of Detention Officer Experience	12	9
Minimum Detention Officer Training Points	12	16
Minimum Total Education and Training Points	23	33

9

Educational Degrees	None	None	Associate	Bachelor	Doctoral,
					Professional
					or Master
Years of Detention Officer	Ξ.	-	29	-	-
Experience	<u>12</u>	9	9	<u>6</u>	4
Minimum Detention	-	*	-	15	÷
Officer Training Points	<u>12</u>	<u>16</u>	<u>27</u>	<u>26</u>	<u>26</u>
Minimum Total Education	Δ	-	-	-	-
and Training Points	23	33	<u>27</u>	<u>26</u>	<u>26</u>

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(b) Educational points claimed shall have been earned at a technical institute, technical college, community college, junior college, college or university accredited as such by the Department of Education of the state in which the institution is located, a national or regional accrediting body, or the state university of the state in which the institution is located. No credit shall be given for any correspondence correspondence, on-line or vocational courses

15 unless credited towards a degree by an accredited institution.

- (c) No more than 80 hours of training obtained by completing the commission-mandated detention certification 1 2 course shall be credited toward training points. 3 4 History Note: Authority G.S. 17E-4; 5 Eff. January 1, 1990; Amended Eff. February 1, 2014; January 1, 2013; August 1, 2002; August 1, 1998; January 1,
- 7 1996; January 1, 1994; January 1, 1992.

12 NCAC 10B .1604 IS PROPOSED TO BE AMENDED AS FOLLOWS:

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12 NCAC 10B .1604 INTERMEDIATE TELECOMMUNICATOR CERTIFICATE

4 (a) In addition to the qualifications set forth in Rule .1602 of this Section, applicants for the Intermediate
5 Telecommunicator Certificate shall possess or be eligible to possess the Basic Telecommunicator Certificate and
6 shall have acquired the following combination of educational points, points or degrees, telecommunicator training

7 points and years of telecommunicator training experience:

Years of Telecommunicator Experience	8	6	4
Minimum Telecommunicator Training Points	5	10	14
Minimum Total Education and Training Points	12	20	28

8

Educational	None	None	None	Associate	Bachelor
Degrees					
Years of	8	<u>6</u>	<u>4</u>	<u>4</u>	2
Telecommunicator					
Experience					
Minimum	<u>5</u>	<u>10</u>	<u>14</u>	<u>12</u>	<u>10</u>
Telecommunicator					
Training Points					
Minimum Total	<u>12</u>	<u>20</u>	<u>28</u>	<u>12</u>	<u>10</u>
Education and					
Training Points					

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- (b) Educational points claimed shall have been earned at a technical institute, technical college, community college, junior college, college or university accredited as such by the Department of Education of the state in which the institution is located, a national or regional accrediting body, or the state university of the state in which the institution is located. No credit shall be given for any eorrespondence correspondence, on-line or vocational courses unless credited towards a degree by an accredited institution.
- (c) No more than 40 hours of training obtained by completing the commission-mandated telecommunicator
 certification course shall be credited toward training points.

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    2 History Note: Authority G.S. 17E-4;
    3 Eff. April 1, 2001;
    4 Amended Eff. February 1, 2014; January 1, 2013; August 1, 2002.
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12 NCAC 10B .1605 IS PROPOSED TO BE AMENDED AS FOLLOWS:

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12 NCAC 10B .1605 ADVANCED TELECOMMUNICATOR CERTIFICATE

4 (a) In addition to the qualifications set forth in Rule .1602, applicants for the Advanced Telecommunicator

5 Certificate shall possess or be eligible to possess the Intermediate Telecommunicator Certificate and shall have

acquired the following combination of educational points, points or degrees, telecommunicator training points and

7 years of telecommunicator experience:

Years of Telecommunicator Experience	12	9
Minimum Telecommunicator Training Points	10	12
Minimum Total Education and Training Points	20	23

8

Educational	None	None	Associate	Bachelor	Doctoral,
<u>Degrees</u>					Professional
					or Master
Years of	<u>12</u>	9	9	<u>6</u>	4
Telecommunicator					
Experience					2
Minimum	<u>10</u>	<u>12</u>	<u>17</u>	<u>14</u>	<u>12</u>
Telecommunicator					
Training Points					
Minimum Total	<u>20</u>	23	<u>17</u>	<u>14</u>	<u>12</u>
Education and					
Training Points					

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(b) Educational points claimed shall have been earned at a technical institute, technical college, community college, junior college, college or university accredited as such by the Department of Education of the state in which the

institution is located, a national or regional accrediting body, or the state university of the state in which the

- 1 institution is located. No credit shall be given for any correspondence correspondence, on-line or vocational courses
- 2 unless credited towards a degree by an accredited institution.
- 3 (c) No more than 40 hours of training obtained by completing the commission-mandated telecommunicator
- 4 certification course shall be credited toward training points.

- 6 History Note: Authority G.S. 17E-4;
- 7 Eff. April 1, 2001;
- 8 Amended Eff. February 1, 2014; January 1, 2013; August 1, 2002.

1	SECTION .1900 - MILITARY TRAINED APPLICANT AND MILITARY SPOUSE
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3	12 NCAC 10B .1901 IS PROPOSED TO BE ADOPTED AS FOLLOWS:
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5	12 NCAC 10B .1901 MILITARY AND MILITARY SPOUSE TRANSFEREES
6	(a) Any person who meets the definitions of Military Trained Applicant or Military Spouse as set out in N.C.G.S.
7	93B-15.1 who apply to the Division for a determination as to whether any certification issued by the Commission
8	will be evaluated to determine what, if any, additional training is required. Specifically, the applicant will be
9	evaluated to determine if:
10	(1) the Military Trained Applicant:
11	(a) has been awarded military occupational specialty that is substantially equivalent to or
12	exceeds the training requirements required for certification or completed a military
13	program of training, completed testing or equivalent training;
14	(b) has engaged in the active practice of that occupational specialty for at least two of the
15	five years predefining the date of appointment;
16	(c) has not committed any act in any jurisdiction that would have constituted grounds for
17	refusal, suspension of revocation of a license to practice that occupation in this State at
18	the time the act was committed; and;
19	The Military Trained Applicant shall submit documentation verifying his or her qualified status.
20	(2) the Military Spouse:
21	(a) holds a current license, certification, or registration from another jurisdiction which:
22	(i) is substantially equivalent to exceeds the training requirements required for
23	certification;
24	(ii) is in good standing;
25	(iii) has not been disciplined by the agency that has the jurisdiction to issue the license,
26	certification, certification or permit;
27	(b) can demonstrate competency in the occupation by:
28	(i) having completed continuing education units;

1	(ii) or has engaged in the active practice of that occupational specialty for at least two of
2	the five years predefining the date of appointment;
3	(c) has not committed any act in any jurisdiction that would have constituted grounds for
4	refusal, suspension of revocation of a license to practice that occupation in this State at
5	the time the act was committed;
6	The Military Spouse shall submit documentation verifying his or her qualified status.
7	(b) The Commission shall waive a military spouse or military trained applicant's completion of Commission-
8	certified training course upon receiving documentary evidence from the employing agency that the individual has
9	satisfactorily completed equivalent training.
10	(c) Training received in the military or in states with laws governing or regulating law enforcement training shall, if
11	subject to such review, have been approved or certified by the appropriate agency of the state in which the training
12	was received.
13	(d) The Commission shall prescribe as a condition of certification, supplementary or remedial training deemed
14	necessary to equate previous training with current standards.
15	(e) Where certifications issued by the Commission normally require satisfactory performance on a written
16	examination, the Commission shall require such examinations for the certification sought as proof of equivalent
17	training; however, such examination is in addition to the required equivalent training and not in lieu of said training.
18 19 20 21	History Note: Authority G.S. 17E-4; 17E-7;93B-15.1 Eff. February 1, 2014.
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12 NCAC 10B .2005 IS PROPOSED TO BE AMENDED AS FOLLOWS:

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12 NCAC 10B .2005	MINIMUM TRAINING REQUIR	EMENTS
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- (a) A Sheriff or Department Head may use a lesson plan developed by the North Carolina Justice Academy, or may use a lesson plan for any of the topical areas developed by another entity. The Sheriff or Department Head may also use a lesson plan developed by a certified instructor, provided that the instructor develops the lesson plan in accordance with the Instructional Systems Development model as taught in Criminal Justice Instructor Training in 12 NCAC 09B .0209. Lesson plans are designed to be delivered in hourly increments; however, a person who completed the training in less than or more than the hourly increment will receive the number of credits that correspond to the number of hours (e.g., Legal Update designed to be delivered in four hours, will yield four credits). With the exception of Firearms Training and Requalification, successful Successful completion of training shall be demonstrated by passing tests as developed by the delivering agency or as written by the North Carolina Justice Academy. Firearms Training and Requalification shall be demonstrated qualification with a firearm as set out in Section .2100 of this Subchapter. A written test comprised of at least five questions per hour of training shall be developed by the delivering agency, or the agency may use the written test developed by the North Carolina Justice Academy, for each in-service training topic. A student shall pass each test by achieving 70 percent correct answers.
- (b) The 2012 Law Enforcement In-Service Training Program requires 24 hours of training in the following topical
 areas:
- 20 (1) Legal Update;
- 21 (2) Juvenile Minority Sensitivity Training: Interactions Skills in Building Rapport;
- 22 (3) Career Survival: Social Networking and Digital Communications;
- 23 (4) Firearms Training and Requalification for deputy sheriffs as set out in Section .2100 of this
 24 Subchapter;
- 25 (5) Awareness of Issues Surrounding Returning Military Personnel; and
- 26 (6) Any topic areas of the Sheriff's choosing.
- 27 (c) The 2012 Detention Officer In-Service Training Program requires 16 hours of training in the following topical
- 28 areas:

1	(1)	Inmate-Movement;
2	(2)	Career Survival for Detention Officers; Social Networking and Digital Communications; and
3	(3)——	Any topic areas of the Sheriff's or Department Head's choosing.
4	(d) The 2012 Te	lecommunicator In-Service Training Program requires 16 hours of training in the following topical
5	areas:	
6	(1)	Legal Update for Telecommunicators;
7	(2)	Career Survival for Telecommunicators; Social Networking and Digital Communications; and
8	(3)	Any topic areas of the Sheriff's or Department Head's choosing.
9	(b)(e) The 2013	Law Enforcement In-Service Training Program requires 24 credits of training and successful
10	completion in the	following topical areas:
11	(1)	Legal Update;
12	(2)	Juvenile Minority Sensitivity Training: Don't Press Send;
13	(3)	Domestic Violence: The Children are Watching;
14	(4)	Firearms Training and Requalification for deputy sheriffs as set out in Section .2100 of this
15		Subchapter; and
16	(5)	Any topic areas of the Sheriff's choosing.
17	(c)(f) The 2013	Detention Officer In-Service Training Program requires 16 credits of training and successful
18	completion in the	e following topical areas:
19	(1)	Inmate Sexual Assaults;
20	(2)	Detention Officer Legal Update;
21	(3)	Awareness of Issues Surrounding Returning Military Personnel; and
22	(4)	Any topic areas of the Sheriff's or Department Head's choosing.
23	(d)(g) The 2013	3 Telecommunicator In-Service Training Program requires 16 credits of training and successful
24	completion in the	e following topical areas:
25	(1)	Officer Involved Shootings;
26	(2)	Radio Demeanor and Broadcast Techniques; and
27	(3)	Any tonic areas of the Sheriff's or Department Head's choosing

1	(e) The 2014 Law Enforcement In-Service Training Program requires 24 credits of training and successful
2	completion in the following topical areas:
3	(1) Legal Update;
4	(2) Juvenile Minority Sensitivity Training: A Juvenile – What Now;
5	(3) Officer Safety: The First Five Minutes;
6	(4) Firearms Training and Requalification for deputy sheriffs as set out in Section .2100 of this
7	Subchapter; and
8	(5) Any topic areas of the Sheriff's choosing.
9	(f) The 2014 Detention Officer In-Service Training Program requires 16 credits of training and successful
10	completion in the following topical areas:
11	(1) Surviving In Custody Death;
12	(2) Detention Officer Intelligence Update;
13	(3) Hidden in Plain Sight: Contraband Concealment and Delivery; and
14	(4) Any topic areas of the Sheriff's or Department Head's choosing.
15	(g) The 2014 Telecommunicator In-Service Training Program requires 16 credits of training and successful
16	completion in the following topical areas:
17	(1) Hitting the Wall: Avoiding Complacency;
18	(2) Customer Service and the 911 Professional; and
19	(3) Any topic areas of the Sheriff's or Department Head's choosing.
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22	History Note: Authority G.S. 17E-4; 17E-7;
23	Eff. January 1, 2007;
24	Amended Eff. February 1, 2014; January 1, 2013; February 1, 2012; January 1, 2011; January
25	1, 2010; January 1, 2009; January 1, 2008.
26	