

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: Sheriffs' Education and Training Standards Commission

RULE CITATION: 12 NCAC 10B .0603

**DEADLINE FOR RECEIPT: November 10, 2023**

***PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.***

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

*Page 2, Line 6: Add a comma after "if any".*

*Page 2, Paragraph (c): There are subject-verb agreement issues. i.e. "individuals that (3) is an applicant..."*

*Page 2, Line 30: What kind of waiver?*

*Page 2, Line 33: Add "have" prior to "completed".*

*Page 3, Line 16: I do not believe that the semicolon is proper. It should be a comma.*

*Page 3, Lines 28-37 and Page 4, Lines 1-27, Parts (A) and (B): These are formatted incorrectly. They should be indented further.*

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

William W. Peaslee  
Commission Counsel

Date submitted to agency: October 27, 2023

1 12 NCAC 10B .0603 is amended with changes as published in 38:02 NCR 87-90:

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 Rule .0404 of this Subchapter** who completed a commission-certified Detention Officer  
28 Certification Course and who separated from a detention officer position for more than one year  
29 shall complete a subsequent commission-certified Detention Officer Certification Course in its  
30 entirety and pass the State Comprehensive Examination within the 12 month probationary period as  
31 prescribed in Rule .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.

1 (6) Persons transferring to a sheriff's office from another law enforcement agency who hold a detention  
2 officer certification issued by the North Carolina Criminal Justice Education and Training Standards  
3 Commission are subject to evaluation of their prior training and experience on an individual basis.  
4 The Division shall review the training received against the training required by Rule .0601 of this  
5 Section and determine whether that training is comparable to the requirements set out in Rule .0601  
6 based upon topics covered and determine what additional training, if any is required under Rule  
7 .0601.

8 (c) The Division shall grant a training waiver to individuals that:

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

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

22	Orientation	3 hours
23	Legal Aspects of Management & Supervision	14 hours
24	Medical Care in the Jail	6 hours
25	Investigative Process in the Jail	8 hours
26	Criminal Justice System	2 hours
27	Introduction to Rules and Regulations Governing Jails	2 hours
28	Subject Control Techniques	32 hours
29	TOTAL HOURS	67 hours

30 (d) The Division shall grant a waiver to individuals that:

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

1 Detention officers that are granted a training waiver under this section shall serve a 12-month probationary  
2 period as set forth in Rule .0602(a) of this Section and provide the record of completion of the Basic  
3 Correctional Officer Training Course as defined in 12 NCAC 09G .0411. The Division shall review the  
4 course curriculum of the correctional officer training received against the training required by Rule .0601 of  
5 this Section and determine whether that training is comparable to the requirements set out in Rule .0601 of  
6 this Section. Based upon topics covered in the basic correctional officer training course, and the Division  
7 shall determine if additional training is required to ensure the applicant has received training comparable to  
8 that specified in Rule .0601 of this Section. The Division shall notify the employing agency of the resulting  
9 training requirements, if any, and the officer shall take and successfully complete the State Comprehensive  
10 Examination as set forth in ~~12 NCAC 10B .0606~~ Rule .0606 of this Section in its entirety during the  
11 probationary period after completing any training as determined to be necessary by the training evaluation  
12 referenced in this section, in a commission-certified Detention Officer Certification Course.

13 (e) Applicants for detention officer certification who hold probationary justice officer certification as a deputy  
14 pursuant to ~~12 NCAC 10B .0402~~ Rule .0402 of this Subchapter or general justice officer certification as a deputy  
15 pursuant to ~~12 NCAC 10B .0404~~ Rule .0404 of this Subchapter, with the North Carolina Sheriffs' Education and  
16 Training Standards Commission; or a law enforcement officer that has probationary law enforcement officer  
17 certification, pursuant to 12 NCAC 09C .0303 or general law enforcement officer certification, pursuant to 12 NCAC  
18 09C .0304, issued by the Criminal Justice Education and Training Standards Commission, shall be granted a training  
19 waiver pursuant to this Section provided the individual:

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

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

30	Course Orientation	3 hours
31	Ethics	3 hours
32	Fire Emergencies	4 hours
33	Aspects of Mental Illness	6 hours
34	Review and Testing	7 hours
35	Legal Aspects of Management and Supervision	14 hours
36	Contraband/Searches	6 hours
37	Medical Care in the Jail	6 hours

1	Patrol and Security Function of the Jail	5 hours
2	Key and Tool Control	2 hours
3	Supervision and Management of Inmates	5 hours
4	Suicides and Crisis Management	5 hours
5	Introduction to Rules and Regulations	2 hours
6	Stress	3 hours
7	Prison Rape Elimination Act	2 hours
8	TOTAL HOURS	73 hours

9 or

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

12	<u>Course Orientation</u>	<u>3 hours</u>
13	<u>Ethics</u>	<u>3 hours</u>
14	<u>Fire Emergencies</u>	<u>4 hours</u>
15	<u>Aspects of Mental Illness</u>	<u>6 hours</u>
16	<u>Review and Testing</u>	<u>7 hours</u>
17	<u>Legal Aspects of Management and Supervision</u>	<u>14 hours</u>
18	<u>Contraband/Searches</u>	<u>6 hours</u>
19	<u>Medical Care in the Jail</u>	<u>6 hours</u>
20	<u>Patrol and Security Function of the Jail</u>	<u>5 hours</u>
21	<u>Key and Tool Control</u>	<u>2 hours</u>
22	<u>Supervision and Management of Inmates</u>	<u>5 hours</u>
23	<u>Suicides and Crisis Management</u>	<u>5 hours</u>
24	<u>Introduction to Rules and Regulations</u>	<u>2 hours</u>
25	<u>Stress</u>	<u>3 hours</u>
26	<u>Prison Rape Elimination Act</u>	<u>2 hours</u>
27	<u>TOTAL HOURS</u>	<u>73 hours</u>

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

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

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

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

4 ~~[(4)](1)~~ Each applicant shall complete form F-1, Medical History Statement, and pass the medical exam as  
5 required by ~~[12 NCAC 10B .0304.]~~ Rule .0304 of this Subchapter.

6 ~~[(5)](2)~~ Each executive officer or officers of the institution or agency sponsoring a truncated Detention  
7 Officer Certification Course shall comply with the provisions of ~~[12 NCAC 10B .0703]~~ Rule .0703 of this  
8 Subchapter except for ~~[subsection .0703(c)(3)(D), as the truncated course does not require instruction in~~  
9 ~~Subject Control Techniques because this is already provided in Basic Law Enforcement Training.]~~  
10 Subsection .0703(c)(3)(D).

11 ~~[(6)](3)~~ Each school director shall submit to the Commission a Pre-Delivery Report of Training Course  
12 Presentation (Form F-7A) in compliance with ~~[12 NCAC 10B .0704(8).]~~ Rule .0704(6) of this Subchapter.

13 ~~[(7)](4)~~ Each school director shall not more than 10 days after receiving from the Commission's  
14 representative the Report of Examination Scores, submit to the Commission a Post-Delivery Report of  
15 Training Course Presentation (Form 7-B) in compliance with ~~[12 NCAC 10B .0704(16).]~~ Rule .0704(13) of  
16 this Subchapter.

17 ~~[(8)](5)~~ The delivering institution or agency must be certified to deliver the Detention Officer Certification  
18 Course under ~~[12 NCAC 10B .0802.]~~ Rule .0802 of this Subchapter.

19 ~~[(9)](6)~~ Each presentation of the truncated Detention Officer Certification Course shall be reported to the  
20 Commission in compliance with ~~[12 NCAC 10B .0803.]~~ Rule .0803 of this Subchapter.

21 ~~[(40)](7)~~ All instructors, school directors, executive officers, or lecturers involved in teaching and  
22 administering a truncated Detention Officer Certification Course shall hold the same certifications and  
23 qualifications required of instructors, school directors, executive officers, or lecturers in the full Detention  
24 Officer Certification Course.

25 (g) Forms:

26 (1) Form F-7A and F-7A-T, Pre-Delivery Report of Training Course Presentation, is completed by the  
27 institution or agency delivering Detention Officer and Telecommunicator Training Courses and  
28 consists of information on the course delivery location, school director, class schedule, anticipated  
29 date of the State Comprehensive Exam, and any planned instructional hours exceeding the minimum  
30 requirements. Form F-7A is utilized for Detention Officer courses and Form F-7A-T is utilized for  
31 Telecommunicator courses.

32 (2) Form F-7B and F-7B-T, Post-Delivery Report of Training Course Presentation, is completed by the  
33 institution or agency delivering Detention Officer and Telecommunicator Training Courses and  
34 consists of information on any substitutions of instructors as originally reported on the Pre-Delivery  
35 Report, any trainees who were not recommended for the state exam due to withdrawal or  
36 deficiencies, and the students who participated in and completed the course. Form F-7B is utilized  
37 for Detention Officer courses and Form F-7B-T is utilized for Telecommunicator courses.

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*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. ~~November 1, 2023;~~ December 1, 2023; December 1, 2022.*