

1 **SECTION .0400 - MINIMUM STANDARDS FOR COMPLETION OF TRAINING**

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3 **12 NCAC 09B .0401 is amended as published in Vol. 30, Issue 3; page 276 with changes:**

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5 **12 NCAC 09B .0401 TIME REQUIREMENT FOR COMPLETION OF TRAINING**

6 (a) Each criminal justice officer, with the exception of law enforcement officers, holding probationary certification

7 shall complete, with passing scores, a Commission-accredited basic training course as prescribed in Rules .0225,

8 .0235, .0236, .0411 and .0412 of this Subchapter that includes training in the skills and knowledge necessary to

9 perform the duties of his or her office. The officer shall complete the course within one year from the date of his or

10 her original appointment, as determined by the date of the probationary certification.

11 (b) Each law enforcement officer shall have completed with passing scores the accredited basic training course as

12 prescribed in Rule .0205 of this Subchapter prior to obtaining probationary certification.

13 (c) If a trainee completes the basic training course as prescribed in Rule .0205 of this Subchapter prior to being

14 employed as a law enforcement officer, the trainee shall be duly appointed and sworn as a law enforcement officer

15 within one year of successfully passing the comprehensive written exam as specified in Rule .0406 of this

16 Subchapter for that basic training course to be recognized under these Rules.

17 (d) [If a trainee, while on active duty in the armed forces, completes the basic training course in its entirety as

18 prescribed in Rule .0205 of this Subchapter, the trainee shall be eligible for probationary certification, as prescribed

19 in Rule 9C .0303 of this Chapter within one year of separation from active duty status from the armed forces. The

20 trainee's eligibility for certification shall expire five years from the date the trainee achieves a passing score on the

21 BLET comprehensive written examination, unless otherwise provided by law.] An active duty member of the armed

22 forces who begins the basic training course as prescribed in Rule .0205 of this Section within five years prior to

23 separating from active duty status, and completes the basic training course in its entirety pursuant to Rule .0405 of

24 this Section and achieves a passing score on the comprehensive written examination pursuant to Rule .0406 of this

25 Section shall be eligible for probationary certification pursuant to 12 NCAC 09C .0303 for a period of 12 months

26 from the date the individual separates from active duty status in the armed forces.

27 ~~(d)~~(e) If local confinement supervisory and administrative personnel complete basic training prior to being

28 employed by a facility in a supervisory and administrative position that requires certification as prescribed in G.S.

29 153A-217 and G.S. 153A-218, the personnel shall be duly appointed to a local confinement facility supervisory and

30 administrative position within one year of the completion of training for the basic training course specified in 12

31 NCAC 09B .0205. This one year period shall begin with the date the applicant achieves a passing score on the

32 comprehensive written exam, as specified in Rule .0411 of this Section.

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34 *History Note:* *Authority G.S. 17C-2; 17C-6; 17C-10;*

35 *Eff. January 1, 1981;*

36 *Amended Eff. October 1, 2016; August 1, 2015; January 1, 2015; January 1, 1995; March 1,*

37 *1992; July 1, 1989; June 1, 1986.*

1 **12 NCAC 09B .0403 is amended as published in Vol. 30, Issue 3; pages 276-280 with changes:**

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3 **12 NCAC 09B .0403 EVALUATION FOR TRAINING WAIVER**

4 (a) The Standards Division staff shall evaluate each law enforcement officer's training and experience to determine
5 if equivalent training has been completed as specified in Rule .0402(a) of this Section. Applicants for certification
6 with prior law enforcement experience shall have been employed in a full-time, sworn law enforcement position in
7 order to be considered for training evaluation under this Rule. Applicants for certification with a combination of
8 full-time and part-time experience shall be evaluated on the basis of the full-time experience only. The following
9 criteria shall be used by Standards Division staff in evaluating a law enforcement officer's training and experience to
10 determine eligibility for a waiver of training requirements:

- 11 (1) Persons having completed a Commission-accredited basic training program and not having been
12 duly appointed and sworn as a law enforcement officer within one year of completion of the
13 program shall complete a subsequent Commission-accredited basic training program, as
14 prescribed in Rule .0405(a) of this Section, and achieve a passing score on the State
15 Comprehensive Examination prior to obtaining probationary law enforcement certification, unless
16 the Director determines that a delay in applying for certification was not due to neglect on the part
17 of the applicant, in which case the Director may accept a Commission-accredited basic training
18 program that is over one year old. The extension of the one year period shall not exceed 30 days
19 from the first year anniversary of the passing of the state comprehensive ~~examination;~~
20 examination.
- 21 (2) Out-of-state transferees shall be evaluated to determine the amount and quality of their training
22 and experience. Out-of-state transferees shall not have a break in service exceeding one year. At
23 a minimum, out-of-state transferees shall have two years' full-time, sworn law enforcement
24 experience and have completed a basic law enforcement training course accredited by the
25 transferring State. Prior to employment as a certified law enforcement officer, out-of-state
26 transferees ~~must shall~~ complete with a passing score the ~~employing appointing~~ agency's in-service
27 firearms training and qualification program as prescribed in 12 NCAC 09E .0106. At a minimum,
28 out-of-state transferees shall complete the Legal Unit in a Commission-accredited Basic Law
29 Enforcement Training Course as prescribed in Rule .0205(b)(1) of this Subchapter and shall
30 achieve a passing score on the State Comprehensive Examination ~~pursuant to Rule .0406(d) of this~~
31 Section within the 12 month probationary ~~period;~~ period.
- 32 (3) Persons who have completed a minimum 369-hour basic law enforcement training program
33 accredited by the Commission under guidelines administered beginning October 1, 1984 and have
34 been separated from a sworn position for over one year but less than three years who have had a
35 minimum of two years' experience as a full-time, sworn law enforcement officer in North Carolina
36 shall complete the Legal Unit in a Commission-accredited Basic Law Enforcement Training
37 Course as prescribed in Rule .0205(b)(1) of this Subchapter, and shall achieve a passing score on

1 the State Comprehensive Examination pursuant to Rule .0406(d) of this Section within the 12
 2 month probationary period. Prior to employment as a certified law enforcement officer, these
 3 persons shall complete with a passing score the employing appointing agency's in-service firearms
 4 training and qualification program as prescribed in 12 NCAC ~~09E~~; 09E .0106.

5 (4) Persons out of the law enforcement profession for over one year but less than three years who
 6 have had less than two years' experience as a full-time, sworn law enforcement officer in North
 7 Carolina shall complete a Commission-accredited basic training program, as prescribed in Rule
 8 .0405(a) of this Section, and shall achieve a passing score on the State Comprehensive
 9 Examination; Examination pursuant to Rule .0406(d) of this Section.

10 (5) Persons out of the law enforcement profession for over three years years, regardless of prior
 11 training or experience experience, shall complete a Commission-accredited basic training
 12 program, as prescribed in Rule .0405(a) of this Section, and shall achieve a passing score on the
 13 State Comprehensive Examination; Examination pursuant to Rule .0406(d) of this Section.

14 (6) Persons who separated from law enforcement employment during their probationary period after
 15 having completed a Commission-accredited basic training program and who have separated from a
 16 sworn law enforcement position for more than one year shall complete a subsequent Commission-
 17 accredited basic training program and shall achieve a passing score on the State Comprehensive
 18 Examination; Examination pursuant to Rule .0406(d) of this Section.

19 (7) Persons who separated from a sworn law enforcement position during their probationary period
 20 after having completed a Commission-accredited basic training program and who have separated
 21 from a sworn law enforcement position for less than one year shall serve a new 12 month
 22 probationary period as prescribed in Rule .0401(a) of this Section, but need not complete an
 23 additional training program; program.

24 (8) Persons who have completed a minimum 160-hour basic law enforcement training program
 25 accredited by the North Carolina Criminal Justice Training and Standards Council under
 26 guidelines administered beginning on July 1, 1973 and continuing through September 30, 1978
 27 and who have separated from a sworn law enforcement position for over one year but less than
 28 two years shall be required to complete the Legal Unit and the topical area entitled "Law
 29 Enforcement Driver Training" of a Commission-accredited Basic Law Enforcement Training
 30 Course as prescribed in Rule .0205(b)(1) and .0205(b)(5)(C) of this Subchapter and shall achieve a
 31 passing score on the State Comprehensive Examination pursuant to Rule .0406(d) of this Section
 32 within the 12 month probationary period; period.

33 (9) Persons who have completed a minimum 160-hour basic law enforcement training program
 34 accredited by the North Carolina Criminal Justice Training and Standards Council under
 35 guidelines administered beginning on July 1, 1973 and continuing through September 30, 1978
 36 and have been separated from a sworn law enforcement position for two or more years shall be
 37 required to complete a Commission-accredited basic training program, as prescribed in Rule .0405

of this ~~Section~~ Section, regardless of training and ~~experience~~ experience, and shall achieve a passing score on the State Comprehensive ~~Examination;~~ Examination pursuant to Rule .0406(d) of this Section.

- (10) Persons who have completed a minimum 240-hour basic law enforcement training program accredited by the Commission under guidelines administered beginning October 1, 1978 and continuing through September 30, 1984 and have been separated from a sworn position over one year but less than three years shall be required to complete the Legal Unit in a Commission-accredited Basic Law Enforcement Training Course as prescribed in Rule .0205(b)(1) of this Subchapter and shall achieve a passing score on the State Comprehensive Examination pursuant to Rule .0406(d) of this Section within the 12 month probationary ~~period;~~ period.
- (11) Persons previously holding law enforcement certification in accordance with G.S. 17C-10(a) who have been separated from a sworn law enforcement position for over one year and who have not previously completed a minimum basic training program accredited by either the North Carolina Criminal Justice Training and Standards Council or the Commission shall complete a Commission-accredited basic training program, as prescribed in Rule .0405 of this Section, and shall achieve a passing score on the State Comprehensive Examination pursuant to Rule .0406(d) of this Section prior to ~~employment;~~ employment.
- (12) Persons who have completed training as a federal law enforcement officer and are candidates for appointment as a sworn law enforcement officer in North Carolina shall be required to complete a Commission-accredited basic training program, as prescribed in Rule .0405 of this Section, and shall achieve a passing score on the State Comprehensive ~~Examination;~~ Examination pursuant to Rule .0406(d) of this Section.
- (13) Applicants with part-time experience who have a break in service in excess of one year shall complete a Commission-accredited basic training program, as prescribed in Rule .0405 of this Section, and shall achieve a passing score on the State Comprehensive Examination pursuant to Rule .0406(d) of this Section prior to ~~employment;~~ employment.
- (14) Applicants who hold or previously held certification issued by the North Carolina Sheriffs' Education and Training Standards Commission (Sheriffs' Commission) shall be subject to evaluation of their prior training and experience on an individual basis. The Standards Division staff shall determine the amount of training required of these applicants, based upon:
- (A) the active or inactive status held by the applicant;
 - (B) the amount of time served in an active status during the year immediately prior to application for certification by the Commission;
 - (C) the length of any break in the applicant's service; and
 - (D) whether the applicant has completed mandatory in-service training for each year his or her certification was held by the Sheriffs' Commission.

- 1 (15) Alcohol law enforcement agents who received basic alcohol law enforcement training prior to
 2 November 1, 1993 and transfer to another law enforcement agency in a sworn capacity shall be
 3 subject to evaluation of their prior training and experience on an individual basis. The Standards
 4 Division staff shall determine the amount of training required of these applicants, based upon the
 5 type of certification held by the applicant and the length of any break in the applicant's sworn, full-
 6 time service.
- 7 (16) Wildlife enforcement officers who separate from employment with the Wildlife Enforcement
 8 Division and transfer to another law enforcement agency in a sworn capacity shall be subject to
 9 evaluation of their prior training and experience on an individual basis. The Standards Division
 10 staff shall determine the amount of training required of these applicants, based upon the type of
 11 certification held by the applicant and the length of any break in the applicant's sworn, full-time
 12 service.
- 13 (17) Active duty, guard, or reserve military members failing to complete all of the required annual in-
 14 service training topics, as defined in 12 NCAC 09E .0105, ~~of this Chapter,~~ due to military
 15 obligations, are subject to the following training requirements as a condition for return to active
 16 criminal justice status. The agency head shall verify the person's completion of the appropriate
 17 training by submitting a statement, on Form F-9C, Return to Duty Request form. This form is
 18 located on the agency's website: <http://www.ncdoj.gov/getdoc/ac22954d-5e85-4a33-87af-308ba2248f54/F-9C-6-11.aspx>.
- 19
- 20 (A) ~~Active duty,~~ duty members of the armed forces eligible for probationary certification
 21 pursuant to Subparagraph (a)(18) of this Rule, and active duty, guard, or reserve military
 22 members holding probationary or general certification as a criminal justice officer who
 23 fail to complete all of the required annual in-service training topics due to military
 24 obligations for up to a period of three ~~years,~~ years shall complete the previous year's
 25 required in-service training topics, the current year's required in-service training topics,
 26 and complete with a passing score the appointing agency's in-service firearms training
 27 and qualification program as prescribed in 12 NCAC 09E .0106 prior to their return to
 28 active criminal justice status;
- 29 (B) Active, ~~guard~~ guard, or reserve military members holding probationary or general
 30 certification as a criminal justice officer who fail to complete all of the required annual
 31 in-service training topics due to military obligations for a period greater than three years
 32 shall complete the following topic areas within the following time frames:
- 33 (i) The person shall complete the previous year's required in-service training topics,
 34 the current year's required in-service training topics, and complete the
 35 appointing agency's in-service firearms training and qualification program as
 36 prescribed in 12 NCAC 09E .0106 prior to ~~their~~ return to active criminal justice
 37 status;

- 1 (ii) The person shall achieve a passing score on the practical skills testing for the
 2 First Responder, Law Enforcement Driver Training, and Subject Control Arrest
 3 Techniques topics enumerated in Rule .0205(b)(5) of this Subchapter prior to
 4 return to active criminal justice status. This practical skills testing may be
 5 completed either in a Commission-accredited Basic Law Enforcement Training
 6 course or under the instruction of a ~~Commission-certified~~ Commission-
 7 certified instructor for that particular skill. The person shall complete one
 8 physical fitness assessment in lieu of the Fitness Assessment and Testing topic.
 9 The person must also be examined by a physician ~~per as required by~~ Rule
 10 .0104(b) of this Subchapter; and
- 11 (iii) The person shall complete some of the topics in the legal unit of instruction in
 12 the Basic Law Enforcement Training course as set forth in Rule .0205(b)(1) of
 13 this Subchapter. The required topics include Motor Vehicle Law; Juvenile Laws
 14 and Procedures; Arrest, Search and Seizure/Constitutional Law; and ABC
 15 Alcohol Beverage Control (ABC) Laws and Procedures. The person shall
 16 achieve a passing score on the appropriate topic tests for each course delivery.
 17 The person may undertake each of these legal unit topics of instruction either in
 18 a Commission-accredited Basic Law Enforcement Training course or under the
 19 instruction of a ~~Commission-certified~~ Commission-certified instructor for that
 20 particular topic of instruction. The person shall have 12 months from the
 21 beginning of his or her return to active criminal justice status to complete each
 22 of the enumerated topics of instruction.

23 (18) An active duty member of the armed forces who completes the basic training course in its entirety
 24 as prescribed in Rule .0405 of this Section, and annually completes the mandatory in-service
 25 training topics ~~as prescribed~~ set forth in 12 NCAC 09E .0105, with the exception of the Firearms
 26 Qualification and Testing requirements contained in 12 NCAC 09E .0105(a)(1) for each year
 27 subsequent to the completion of the basic training course and achieves a passing score on the ~~state~~
 28 ~~comprehensive examination~~ State Comprehensive Examination as prescribed in Rule .0406 of this
 29 Section within five years prior to separating from active duty status, shall be eligible for
 30 probationary certification as prescribed in 12 NCAC 09C .0303 for a period of 12 months from the
 31 date he or she separates from active duty status in the armed forces. All mandatory in-service
 32 training topics as prescribed in 12 NCAC 09E .0105 ~~must~~ shall be completed by the individual
 33 prior to receiving probationary certification ~~as prescribed~~ set forth in 12 NCAC 09C .0303.

34 (b) In the event the applicant's prior training is not equivalent to the Commission's ~~standards,~~ standards set forth in
 35 Rule .0205 of this Subchapter, the Commission shall prescribe as a condition of certification supplementary or
 36 remedial training to equate previous training with ~~current standards,~~ standards set forth in Rule .0205 of this
 37 Subchapter.

1 (c) Where certifications issued by the Commission require satisfactory performance on a written examination **as**
 2 **part of the training**, the Commission shall require the examinations for the certification.

3 (d) In those instances not incorporated within this Rule or where an evaluation of the applicant's prior training and
 4 experience determines that required attendance in the entire Basic Law Enforcement Training Course would be
 5 **impractical, impractical pursuant to 12 NCAC 09C .0303(f)**, the Director of the Standards Division is authorized to
 6 exercise his or her discretion in determining the amount of training those persons shall complete during their
 7 probationary period.

8 (e) The following criteria shall be used by Standards Division staff in evaluating prior training and experience of
 9 local confinement personnel to determine eligibility for a waiver of training requirements:

10 (1) Persons who hold probationary, general, or grandfather certification as local confinement
 11 personnel and separate after having completed a Commission-accredited course as prescribed in
 12 Rule .0224 or .0225 of this Subchapter and have been separated for one year or more shall
 13 complete a subsequent Commission-accredited training course and achieve a passing score on the
 14 State Comprehensive Examination during the probationary period as prescribed in Rule .0401(a)
 15 of this Section;

16 (2) Persons who separated from a local confinement personnel position after having completed a
 17 Commission-accredited course as prescribed in Rule .0224 or .0225 of this Subchapter and who
 18 have been separated for less than one year shall serve a new 12 month probationary period, but
 19 need not complete an additional training program;

20 (3) Applicants who hold or previously held "Detention Officer Certification" issued by the North
 21 Carolina Sheriffs' Education and Training Standards Commission shall be subject to evaluation of
 22 their prior training and experience on an individual basis. No additional training shall be required
 23 where the applicant obtained certification and successfully completed the required 120 hour
 24 training course, and has not had a break in service in excess of one year; and

25 (4) Persons holding certification for local confinement facilities who transfer to a district or county
 26 confinement facility shall complete the course for district and county confinement facility
 27 personnel, as adopted by reference in Rule .0224 of this Subchapter, and achieve a passing score
 28 on the State Comprehensive Examination during the probationary period as prescribed in Rule
 29 **.0401(a) .0411(a)** of this Section.

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 31 *History Note:* Authority G.S. 17C-2; 17C-6; 17C-10; **93B-15.1**
 32 *Eff. January 1, 1981;*
 33 *Amended Eff. **October 1, 2016**; November 1, 2014; August 1, 2000; November 1, 1993; March 1,*
 34 *1992; July 1, 1989; February 1, 1987.*

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