

1 12 NCAC 10B .0301 IS AMMENDED AS PUBLISHED WITH CHANGES IN VOLUME 32, ISSUE 02,
2 PAGES 65-70 OF THE NORTH CAROLINA PUBLIC REGISTER, AS FOLLOWS:

3
4 SECTION .0300 – MINIMUM STANDARDS ~~FPR FOR~~ EMPLOYMENT AND CERTIFICATION AS A
5 JUSTICE OFFICER
6

7 12 NCAC 10B .0301 MINIMUM STANDARDS FOR JUSTICE OFFICERS

8 (a) Every Justice Officer employed or certified in North Carolina shall:

- 9 (1) be a citizen of the United States;
- 10 (2) be at least 21 years of ~~age~~; age for all deputies and detention officers and be at least 18 years of age for
11 all telecommunicators;
- 12 (3) be a high school graduate, or the equivalent (GED);
- 13 (4) have been fingerprinted by the employing agency;
- 14 (5) have had a medical examination as set out in required by 12 NCAC 10B .0304;
- 15 (6) have produced a negative result on a drug screen administered according to the following
16 specifications:
- 17 (A) the drug screen shall be a urine test consisting of an initial screening test using an
18 immunoassay method and a confirmatory test on an initial positive result using a gas
19 chromatography/mass spectrometry (GC/MS) or other reliable initial and confirmatory tests
20 as may be authorized or mandated by the Department of Health and Human Services for
21 Federal Workplace Drug Testing Programs [<http://workplace.samhsa.gov/>];
- 22 (B) a chain of custody shall be maintained on the specimen from collection to the eventual
23 discarding of the specimen;
- 24 (C) the drugs whose use shall be tested for shall include cannabis, cocaine, phencyclidine (PCP),
25 opiates opiates, and amphetamines or their metabolites; however, individual agencies may
26 specify other drugs to be tested;
- 27 (D) the test threshold values established by the Department of Health and Human Services for
28 Federal Workplace Drug Testing Programs are hereby incorporated by reference, and shall
29 include any later amendments and editions of the referenced materials, including subsequent
30 amendments and editions. Copies of this information may be obtained from the National
31 Institute on Drug Abuse, 5600 Fisher Lane, Rockville, Maryland 20857
32 [<http://www.drugabuse.gov/>] at no cost at the time of adoption of this Rule; cost;
- 33 (E) the test results shall be dated no more than 60 days before employment or appointment,
34 whichever is earlier;
- 35 (F) the laboratory conducting the test must shall be certified for federal workplace drug testing
36 programs, and must shall adhere to applicable federal rules, regulations regulations, and

1 guidelines pertaining to the handling, testing, ~~storage~~ storage, and preservation of samples;
2 and

3 (G) ~~every agency head shall make arrangements for the services of a medical review officer~~
4 ~~(MRO) for the purpose of review of drug tests reported by the laboratory and such officer~~
5 ~~each drug test laboratory report shall be reviewed by a medical review officer (MRO), who~~
6 shall be a licensed physician;

7 (7) make the following notifications:

8 (A) within five business days, notify the Standards Division and the appointing department head
9 in writing of all criminal offenses with which the officer is charged. This shall include all
10 criminal offenses except minor traffic offenses. A minor traffic offense ~~is means~~ any offense
11 under G.S. 20 or similar laws of other jurisdictions; except those Chapter 20 offenses defined
12 as either a Class A or B Misdemeanor ~~as set out~~ in 12 NCAC 10B .0103(10). The initial
13 notification required must specify the nature of the offense, the date of offense, and the
14 arresting agency. Within five business days, notify the Standards Division of all Domestic
15 Violence Orders (G.S. 50B) and Civil No Contact Orders (G.S. 50C) ~~which that~~ are issued by
16 a judicial official against the justice officer and ~~which that~~ provide an opportunity for both
17 parties to be present;

18 (B) within 20 days of the date the case was disposed, notify the appointing department head of
19 the adjudication of these criminal charges, Domestic Violence Orders ~~(G.S. 50B)~~ (G.S. 50B),
20 and Civil No Contact Orders (G.S. 50C). The department head, provided he or she has
21 knowledge of the officer's ~~charge(s), charges,~~ Domestic Violence Orders ~~(G.S. 50B)~~ (G.S.
22 50B), and Civil No Contact Orders (G.S. 50C), shall also notify the Division within 30 days
23 of the date the case or order was disposed of in court.

24 (C) within 30 days of the date the case was disposed, notify the Standards Division of the
25 adjudication of these criminal charges, Domestic Violence Orders ~~(G.S. 50B)~~ (G.S. 50B),
26 and Civil No Contact Orders (G.S. 50C);

27 (D) the required notifications of adjudication ~~must shall~~ specify the nature of the offense, the
28 court in which the case was ~~handled handled,~~ and the date of ~~disposition,~~ disposition and
29 ~~must shall~~ include a certified copy of the final disposition from the Clerk of Court in the
30 county of adjudication;

31 (E) receipt by the Standards Division of timely notification of the initial offenses charged and of
32 adjudication of those offenses, from either the officer or the department head, ~~is shall be~~
33 sufficient notice for compliance with this Subparagraph;

34 (8) be of good moral character as defined in: *In re Willis*, 288 N.C. 1, 215 S.E.2d 771 (1975), *appeal*
35 *dismissed* 423 U.S. 976 (1975); *State v. Harris*, 216 N.C. 746, 6 S.E.2d 854 (1940); *In re Legg*, 325
36 N.C. 658, 386 S.E.2d 174 (1989); *In re Applicants for License*, 143 N.C. 1, 55 S.E. 635 (1906); *In re*

1 *Dillingham*, 188 N.C. 162, 124 S.E. 130 (1924); *State v. Benbow*, 309 N.C. 538, 308 S.E.2d 647
2 (1983); ~~and their progeny; and later court decisions that cite these cases as authority;~~

3 (9) have a background investigation conducted by the employing agency, ~~to include~~ including a personal
4 interview prior to employment as ~~set out in~~ required by Rules .0305 and .0306 of this Section;

5 (10) not have committed or been convicted of a crime or crimes ~~as~~ specified in 12 NCAC 10B .0307.

6 (b) The requirements of this Rule shall apply to all applications for certification and shall also ~~be applicable~~ apply at all
7 times during which the justice officer is certified by the Commission.

8
9 *History Note:* Authority G.S. 17E-7;

10 Eff. January 1, 1989;

11 Amended Eff. January 1, 2018; February 1, 2014; January 1, 2006; January 1, 2005; August 1, 2002;

12 January 1, 1996; January 1, 1994; January 1, 1993; January 1, 1992; July 1, 1990; January 1, 1990.

13

1 12 NCAC 10B .0304 IS AMMENDED AS PUBLISHED WITH CHANGES IN VOLUME 32, ISSUE 02,
2 PAGES 65-70 OF THE NORTH CAROLINA PUBLIC REGISTER, AS FOLLOWS:

3
4 12 NCAC 10B .0304 MEDICAL EXAMINATION

5 (a) Each applicant for certification or enrollee in a Commission-certified basic training course shall complete, ~~sign~~ sign,
6 and date the Commission's Medical History Statement Form (F-1) and shall be examined by either a physician, surgeon,
7 ~~physician's assistant or nurse practitioner~~ physician's assistant, nurse practitioner, or other licensed independent
8 practitioner who is licensed in North Carolina or who is authorized to practice medicine in accordance with the rules and
9 regulations of the United States Armed Forces to help determine ~~his/her~~ his or her fitness ~~in carrying to carry~~ out the
10 physical requirements of the position of justice officer. Effective January 1, 2018, Telecommunicators who have not
11 previously held certification with this Commission, but who have been continuously employed by an entity other than a
12 Sheriff's Office, and, Office, and who have previously provided a valid Medical History Statement (F-1) and Medical
13 Examination Report (F-2) for admission into a Commission accredited Telecommunicator Certification Course shall not
14 be required to submit additional F-1 and F-2 forms for the purpose of obtaining certification.

15 (b) Prior to conducting the examination, the physician, surgeon, ~~physician's assistant or nurse practitioner~~ physician's
16 assistant, nurse practitioner, or other licensed independent practitioner shall:

- 17 (1) read the "Medical Screening Guidelines Implementation Manual for Certification of Justice Officers"
18 in the State of North Carolina as published by the North Carolina Department of Justice. Copies of
19 this publication may be obtained at no cost ~~at the time of the adoption of this Rule~~ by contacting the
20 North Carolina Department of Justice, Sheriffs' Standards Division, PO Box 629, Raleigh, North
21 Carolina 27602; ~~and~~
- 22 (2) read, sign, and date the Medical History Statement Form (F-1); and
- 23 (3) read the F-2A Form attached to the Medical Examination Report Form (F-2).

24 (c) The examining physician, surgeon, ~~physician's assistant or nurse practitioner~~ physician's assistant, nurse practitioner,
25 or other licensed independent practitioner shall record the results of the examination on the Medical Examination Report
26 Form (F-2) and shall sign and date the form.

27 (d) The Medical Examination Report Form (F-2) and the Medical History Statement Form (F-1) shall be valid one year
28 ~~from~~ after the date the examination was conducted and ~~are~~ shall be completed prior to:

- 29 (1) the applicant's beginning the Detention Officer Certification Course, the Basic Law Enforcement
30 Training Course, or the Telecommunicator Certification Course; and
- 31 (2) the applicant's applying to the Commission for Certification.

32 ~~Note: Although not presently required, it is recommended by the Commission that each candidate for the position of~~
33 ~~justice officer be examined by a licensed psychiatrist or clinical psychologist, or be administered a psychological~~
34 ~~evaluation test battery, to determine his/her suitability to perform the essential job functions of a justice officer.~~

35
36 *History Note:* Authority G.S. 17E-7;
37 Eff. January 1, 1989;

1
2
3
4

Amended Eff. January 1, 1996; January 1, 1993; January 1, 1991; January 1, 1990;
Temporary Amendment Eff. March 1, 1998;
Amended Eff. January 1, 2018; January 1, 2009; August 1, 2002; April 1, 2001; August 1, 1998.

1 **12 NCAC 10B .0713 IS AMMENDED WITH CHANGES AS PUBLISHED IN VOLUME 32, ISSUE 02, PAGES**
2 **65-70 OF THE NORTH CAROLINA PUBLIC REGISTER, AS FOLLOWS:**

3
4 **12 NCAC 10B .0713 ADMISSION OF TRAINEES**

5 (a) The school director shall not admit any individual as a trainee in any commission-certified basic training course who
6 is not a citizen of the United States.

7 (b) The school ~~may shall~~ not admit any individual younger than 21 years of age as a trainee in ~~any commission-certified~~
8 ~~basic training course~~ the Detention Officer Certification Course and may shall not admit any individual younger than 18
9 years of age as a trainee in the Telecommunicator Certification Course without the prior written approval of the Director
10 of the Standards Division. The Director shall approve those individuals who will turn 21 years of age ~~during the~~
11 ~~Detention Officer Certification Course course, but prior to the end ending date;~~ of the Detention Officer Certification
12 Course and, those individuals who will turn 18 years of age [during] prior to the end of the Telecommunicator
13 Certification Course, [but prior to the ending date.] Course.

14 (c) The school ~~may shall~~ not admit any individual who has not provided documentation that he or she meets the
15 educational requirement ~~as~~ set out in 12 NCAC 10B .0302.

16 (d) The school shall give priority admission in commission-certified basic training courses to individuals holding full-
17 time employment with criminal justice agencies.

18 (e) The school shall administer the reading component of a standardized test that reports a grade level for each trainee
19 participating in either the Telecommunicator or Detention Officer Certification Course. The specific ~~type of~~ test
20 instrument shall be determined by the school director and shall be administered within the first week of the Course. The
21 grade level results ~~on for~~ each trainee shall be submitted to the Commission on each trainee's Report of Student Course
22 Completion.

23 (f) The school shall not admit any individual as a trainee in a presentation of the Detention Officer Certification Course
24 or the Telecommunicator Certification Course unless ~~as a prerequisite~~ the individual has provided to the ~~certified school~~
25 ~~director~~ School Director a Medical Examination Report Form (F-2) and the Medical History Statement Form (F-1) in
26 compliance with 12 NCAC 10B .0304. The Medical Examination Report Form (F-2) and the Medical History Statement
27 Form (F-1) required by the North Carolina Criminal Justice Education and Training Standards Commission shall be
28 recognized by the Commission for the purpose of complying with this Rule.

29 (g) The school shall not admit any individual trainee in commission-certified basic training courses unless ~~as a~~
30 ~~prerequisite~~ the individual has provided the ~~certified~~ School Director a certified criminal record check for local and state
31 records ~~for the time period~~ where the trainee has resided within the past 10 years and where the trainee attended high
32 school. An Administrative Office of the Courts criminal record check or a comparable out-of-state criminal record check
33 ~~will shall~~ satisfy this requirement. If an individual trainee has received a probationary certificate from the Commission at
34 the time of enrollment, this records check requirement ~~is shall be~~ waived.

35 (h) The school shall not admit any individual as a trainee in commission-certified basic training courses who has been
36 convicted of the following:

- 37 (1) a felony;

- 1 (2) a crime for which the punishment could have been imprisonment for more than two years;
- 2 (3) a crime or unlawful act defined as a "Class B Misdemeanor" within the five year period prior to the
- 3 date of appointment;
- 4 (4) four or more crimes or unlawful acts as defined as "Class B Misdemeanors" regardless of the date of
- 5 conviction;
- 6 (5) four or more crimes or unlawful acts defined as "Class A Misdemeanors" except the trainee may be
- 7 enrolled if the last conviction occurred more than two years prior to the date of enrollment; or
- 8 (6) a combination of four or more "Class A Misdemeanors" or "Class B Misdemeanors" regardless of the
- 9 date of conviction.

10 (i) Individuals charged with crimes ~~as~~ specified in this Paragraph that were dismissed or the person was found not guilty
 11 may be admitted into the commission-certified basic training ~~courses~~ ~~courses~~, but completion will not ensure that
 12 certification as a justice officer through the Commission will be issued. Every individual who is admitted as a trainee in
 13 a presentation of the ~~Commission-certified~~ Basic Law Enforcement Training Course ~~commission-certified basic training~~
 14 ~~courses~~ shall notify the School Director of all criminal offenses ~~which~~ ~~that~~ the trainee is arrested ~~for or~~ ~~for~~, charged with,
 15 pleads no contest to, pleads guilty ~~to~~ ~~to~~, or is found guilty of, and ~~shall~~ notify the School Director of all Domestic
 16 Violence Orders (G.S. 50B) and Civil No Contact Orders (50C) ~~which~~ ~~that~~ are issued by a judicial official that provide
 17 an opportunity for both parties to be ~~present. This shall include~~ ~~present, including~~ all criminal offenses except minor
 18 traffic offenses. A minor traffic offense is defined for purposes of this Paragraph as any offense under G.S. 20 or similar
 19 laws of other jurisdictions except those Chapter 20 offenses published in the Class B Misdemeanor Manual. Other traffic
 20 offenses under laws of other jurisdictions ~~which~~ ~~that~~ shall be reported to the School Director include ~~either first or~~
 21 ~~subsequent offenses of~~ driving while impaired if the maximum allowable punishment is for a term of more than six
 22 months but not more than two ~~years,~~ ~~years~~ and driving while license permanently revoked or permanently suspended.
 23 The notifications required under this Paragraph ~~must~~ ~~shall~~ be in ~~writing,~~ ~~writing and~~ ~~must~~ ~~shall~~ specify the nature of the
 24 offense, the court in which the case was handled, the date of the arrest or criminal charge, the date of issuance of the
 25 Domestic Violence Order (G.S. 50B) or Civil No Contact Order (G.S. 50C), and the final disposition and the date thereof.
 26 The notifications required under this Paragraph ~~must~~ ~~shall~~ be received by the School Director within 30 days of the date
 27 the case was disposed of in court. The requirements of this Paragraph ~~are applicable~~ ~~shall apply~~ at all times during which
 28 the trainee is enrolled in a Basic Law Enforcement Training Course. The requirements of this Paragraph ~~are~~ ~~shall be~~ in
 29 addition to the notifications required under 12 NCAC 10B .0301 and 12 NCAC 09B .0101(8).

30
 31 *History Note:* Authority G.S. 17C-4; 17E-7;
 32 Eff. April 1, 2001;
 33 Amended Eff. January 1, 2018; January 1, 2013; January 1, 2007; January 1, 2005.