SUBCHAPTER 10B - N.C. SHERIFFS' EDUCATION AND TRAINING STANDARDS COMMISSION

SECTION .0100 - COMMISSION ORGANIZATION AND PROCEDURES

12 NCAC 10B .0101 LOCATION

The staff supporting the N.C. Sheriffs' Education and Training Standards Commission is established within the Department of Justice and is located at 1700 Tryon Park Drive in Raleigh, North Carolina. The mailing address is:

North Carolina Sheriffs' Education and Training Standards Commission
P.O. Box 629
Raleigh, North Carolina 27602
Telephone (919) 779-8213

History Note: *Authority G.S. 17E-5; 17E-6;*
Eff. January 1, 1989;
Amended Eff. January 1, 2013; August 1, 1998;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 6, 2018;
Amended Eff. May 1, 2026.

12 NCAC 10B .0102 PURPOSE

History Note: *Authority G.S. 17E-4;*
Eff. January 1, 1989;
Repealed Eff. January 1, 1996.

12 NCAC 10B .0103 DEFINITI0NS

In addition to the definitions set forth in G.S. 17E-2, the following definitions apply throughout this Chapter, unless the context requires otherwise:

(1) "Appointment" as it applies to a deputy sheriff means the date the deputy's oath of office is administered; and as it applies to a detention officer means either the date the detention officer's oath of office was administered, if applicable, or the detention officer's actual date of employment as reported on the Report of Appointment (Form F-4) by the employing agency, whichever is earlier; and as it applies to a telecommunicator, the telecommunicator's actual date of employment as reported on the Report of Appointment (Form F-4T).

(2) "Commission" as it pertains to criminal offenses means a finding by the North Carolina Sheriffs' Education and Training Standards Commission or an administrative body, pursuant to the provisions of G.S. 150B, that a person performed the acts necessary to satisfy the elements of a specified criminal offense.

(3) "Convicted" or "Conviction" means for purposes of this Chapter, the entry of:
  (a) a plea of guilty;
  (b) a verdict or finding of guilt by a jury, judge, magistrate, or other adjudicating body, tribunal, or official, either civilian or military; or
  (c) a plea of no contest, nolo contendere, or the equivalent.

(4) "Department Head" means the chief administrator of any criminal justice agency or communications center. Department head includes the sheriff or a designee appointed in writing by the Department head.

(5) "Deputy Sheriff" means any person who has been duly appointed and sworn by the sheriff and who is authorized to exercise the powers of arrest in accordance with the laws of North Carolina.

(6) "Detention Officer" means any person performing responsibilities, either on a full-time, part-time, permanent or temporary basis, which includes the control, care, and supervision of any inmates incarcerated in a county jail or other confinement facility under the direct supervision and management of the sheriff. "Detention Officer" shall also mean the administrator and the other custodial personnel of district confinement facilities as defined in G.S. 153A-219.

(7) "Director" means the Director of the Sheriffs' Standards Division of the North Carolina Department of Justice.

(8) "Division" means the Sheriffs' Standards Division.

(9) "Dual Certification" means that a justice officer holds probationary, general, or grandfather certification in two or more of the following positions with the same agency:

(a) deputy sheriff;

(b) detention officer;

(c) telecommunicator.

(10) "Enrolled" means that an individual is currently participating in an on-going presentation of a commission-certified basic training course which has not been concluded on the day probationary certification expires.

(11) "Essential Job Functions" means those tasks deemed by the agency head to be necessary for the proper performance of a justice officer.

(12) "Felony" means any offense designated a felony by the laws, statutes, or ordinances of the jurisdiction in which the offense occurred.

(13) "General Powers of Arrest" means the authority to enforce the state or federal laws within the officer's territorial and subject matter jurisdiction to include the authority to arrest and cite offenders under the laws of the jurisdiction. These powers must be conferred on the officer by virtue of occupying a sworn law enforcement position. General powers of arrest means those powers, even though limited by subject matter jurisdiction, which may be exercised as a routine responsibility of the office. General powers of arrest does not mean those powers of arrest conferred by virtue of a special appointment or those granted as an incidental, as opposed to a primary, function of the office.

(14) "High School Graduation" means successful completion of all requirements for either public or non-public schools, including passing any required competency tests, established by the State Board of Education or other entity having jurisdiction where the student graduated at the time the student finished high school. A certificate or diploma reflecting the person accomplished some but not all graduation requirements is not sufficient. The high school must meet the compulsory attendance requirements in the jurisdiction in which the school is located.

(15) "In-Service Training Coordinator" means the person designated by the Department Head to administer the agency's in-service training program.

(16) "Lateral Transfer" means certification of a justice officer when the applicant for certification has previously held general or grandfather certification as a justice officer or a criminal justice officer as defined in G.S. 17C-2(3) excluding state correctional officers, state probation/parole officers, and state youth services officers, provided the applicant has been separated from a sworn law enforcement position for no more than one year, or has had no break in service.

(17) "Misdemeanor" means those criminal offenses not classified by the North Carolina General Statutes, the United States Code, the common law, or the courts as felonies. Misdemeanor offenses are classified by the Commission as follows:

(a) "Class A Misdemeanor" means:

(i) an act committed or omitted in violation of any common law, duly enacted ordinance or criminal statute of this state which is not classified as a Class B Misdemeanor pursuant to Sub-item (17)(b) of this Rule. Also specifically included herein as a Class A Misdemeanor is the offense of driving while impaired, if the offender was sentenced under punishment level three [G.S. 20-179(i)], level four [G.S. 20-179(j)], or level five [G.S. 20-179(k)]. All other traffic offenses under Chapter 20 (motor vehicles) are not classified as Class A Misdemeanors.

(ii) acts committed or omitted in North Carolina prior to October 1, 1994 in violation of any common law, duly enacted ordinance or criminal statute, of this state for which the maximum punishment allowable for the designated offense included imprisonment for a term of not more than six months. Also specifically included herein as a Class A Misdemeanor is the offense of driving while impaired, if the offender was sentenced under punishment level three [G.S. 20-179(i)], level four [G.S. 20-179(j)], or level five [G.S. 20-179(k)]. All other traffic offenses under Chapter 20 (motor vehicles) are not classified as Class A Misdemeanors.

(iii) any act committed or omitted in violation of any common law, duly enacted ordinance, criminal statute of any jurisdiction other than North Carolina, either civil or military, for which the maximum punishment allowable for the designated offense under the laws, statutes, or ordinances of the jurisdiction in which the offense occurred includes imprisonment for a term of not more than six months. Specifically excluded from this grouping of "Class A Misdemeanor" criminal offenses for jurisdictions other than North Carolina, are motor vehicle or traffic offenses designated as misdemeanors under the laws of other jurisdictions, or duly enacted ordinances of an authorized governmental entity with the exception of the offense of driving while impaired which is expressly included herein as a class A misdemeanor, if the offender could have been sentenced for a term of not more than six months.

(b) "Class B Misdemeanor" means:

(i) an act committed or omitted in violation of any common law, criminal statute, or criminal traffic code of this state which is classified as a Class B Misdemeanor as set forth in the "Class B Misdemeanor Manual" as published by the North Carolina Department of Justice and shall automatically include any later amendments and editions of the incorporated material as provided by G.S. 150B-21.6. Copies of the publication may be obtained from the North Carolina Department of Justice, Post Office Box 629, Raleigh, North Carolina 27602. There is no cost per manual at the time of adoption of this Rule.

(ii) acts committed or omitted in North Carolina prior to October 1, 1994 in violation of any common law, duly enacted ordinance, or criminal statute, of this state for which the maximum punishment allowable for the designated offense included imprisonment for a term of more than six months but not more than two years. Specifically excluded from the grouping of "Class B misdemeanors" committed or omitted in North Carolina prior to October 1, 1994 are motor vehicle or traffic offenses designated as being misdemeanors under G.S. 20 (motor vehicles), with the following exceptions: "Class B misdemeanors" committed or omitted in North Carolina prior to October 1, 1994 expressly include, either first or subsequent offenses of G.S. 20-138(a) or (b), G.S. 20-166 (duty to stop in the event of an accident), G.S. 20-138.1 (impaired driving) if the defendant was sentenced under punishment level one [G.S. 20-179(g)] or punishment level two [G.S. 20-179(h)] for the offense, and shall also include a violation of G.S. 20-28(b) [driving while license permanently revoked or suspended].

(iii) any act committed or omitted in violation of any common law, duly enacted ordinance, or criminal statute of any jurisdiction other than North Carolina, either civil or military, for which the maximum punishment allowable for the designated offense under the laws, statutes, or ordinances of the jurisdiction in which the offense occurred includes imprisonment for a term of more than six months but not more than two years. Specifically excluded from this grouping of "Class B Misdemeanor" criminal offenses for jurisdictions other than North Carolina, are motor vehicle or traffic offenses designated as being misdemeanors under the laws of other jurisdictions with the following exceptions: Class B Misdemeanor does expressly include, either first or subsequent offenses of driving while impaired if the maximum allowable punishment is for a term of more than six months but not more than two years, and driving while license permanently revoked or permanently suspended.

(18) "Qualified Assistant" means an additional staff person designated as such by the School Director to assist in the administration of a course when justification of demonstrated need has been provided to the Division.

(19) "Sworn Law Enforcement Position" means a position with a criminal justice agency of the United States, any state, or a political subdivision of any state which, by law, has general power of arrest and requires each of the following:

(a) successful completion of the Basic Law Enforcement Training curriculum offered by the respective state or federal entity; and
(b) an independent oath of office providing for the execution of the laws of the respective state or federal jurisdiction.

(20) "Telecommunicator" means any person performing responsibilities, either on a full-time, part-time, permanent or temporary basis, for communication functions to include receiving calls or dispatching for emergency and law enforcement services.

(21) "Unprofessional Personal Conduct" means an act that is:
(a) conduct for which no reasonable person should expect to receive prior warning;
(b) job-related conduct which constitutes a violation of State or federal law;
(c) conviction or commission of a criminal offense as set out in 12 NCAC 10B .0204;
(d) the willful violation of Rules of this Chapter;
(e) conduct that is detrimental to instruction in the Commission's mandated courses;
(f) the abuse of client(s), student(s) or person(s) over whom the instructor has charge; or
(g) falsification of an instructor application or in other employment documentation.

History Note: *Authority G.S. 17E-7;*
Eff. January 1, 1989;
Amended Eff. January 1, 1994; January 1, 1993;
Temporary October 1, 1994 for a period of 180 days or until the permanent rule become effective whichever is sooner;
Amended Eff. January 1, 1996; March 1, 1995;
Temporary Amendment Eff. March 1, 1998;
Amended Eff. February 1, 2009; January 1, 2008; January 1, 2006; August 1, 2000; August 1, 1998;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 6, 2018;
Amended Eff. December 1, 2023.

12 NCAC 10B .0104 SHERIFFS' STANDARDS DIVISION

History Note: *Authority G.S. 17E-6;*
Eff. January 1, 1989;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 6, 2018;
Repealed Eff. May 1, 2026.

12 NCAC 10B .0105 ADMINISTRATIVE HEARING PROCEDURES

History Note: *Authority G.S. 17E-9(b); 150B-20; 150B-21.6; 150B-38(h); 150B-40;*
Eff. January 1, 1989;
Amended Eff. January 1, 1996; January 1, 1994;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 6, 2018;
Repealed Eff. May 1, 2026.

12 NCAC 10B .0106 PROCEDURES FOR PETITIONS FOR RULEMAKING

In addition to the procedures set out in G.S. 150B-20, Petitions for Rulemaking shall be submitted to the Commission and shall contain:

(1) petitioner's name, address, and telephone number;
(2) a draft of the proposed rule or rule change;
(3) the reason for its proposal;
(4) the effect of the proposal on existing rules or decisions;
(5) data supporting the proposal;
(6) practices likely to be affected by the proposal; and
(7) a list or description of persons likely to be affected by the proposed rule.

History Note: *Authority G.S. 150B-20; 17E-4;*
Eff. January 1, 1990;
Amended Eff. January 1, 1993;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 6, 2018;
Amended Eff. May 1, 2026.

12 NCAC 10B .0107 PROCEDURES FOR PETITIONS FOR DECLARATORY RULINGS

(a) In addition to the procedures set out in G.S. 150B-4, petitions for declaratory rulings shall be submitted to the Commission and shall contain:

(1) petitioner's name, address, and telephone number;
(2) the statutes, rules, or both to which the request relates;
(3) facts and information which are relevant to the request;
(4) a concise statement of the manner in which petitioner has been aggrieved;
(5) a draft of the declaratory ruling sought by petitioner, if a specified outcome is sought by petitioner;
(6) practices likely to be affected by the declaratory ruling;
(7) a list or description of persons likely to be affected by the declaratory ruling; and
(8) a statement as to whether the petitioner desires to present oral argument, to the Commission prior to its decision.

(b) The Commission shall refuse to issue a declaratory ruling when:

(1) the petition does not comply with Paragraph (a) of this Rule;
(2) the Commission has previously issued a declaratory ruling on substantially similar facts;
(3) the Commission has previously issued a final agency decision in a contested case on substantially similar facts;
(4) the facts underlying the request for a declaratory ruling were specifically considered at the time of the adoption of the rule in question; or
(5) the subject matter of the request is involved in pending litigation.

History Note: *Authority G.S. 150B-4;*
Eff. January 1, 1990;
Amended Eff. August 1, 1998;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 6, 2018;
Amended Eff. May 1, 2026.

12 NCAC 10B .0108 ADMINISTRATION OF PROGRAMS

(a) The Division shall administer all programs of the Commission regarding certification and implementation of standards.

(b) The administrative duties of the Division include:

(1) preparing and distributing a compilation of these Rules to persons, agencies, and institutions subject thereto;
(2) creating and distributing forms to aid application for certification and reporting of programs conducted under these Rules;
(3) developing and administering comprehensive examinations to provide a basis for the decision to certify Justice Officers;
(4) monitoring and evaluating the activities of persons, agencies, and institutions subject to these Rules;
(5) providing technical assistance to agencies and institutions regarding their substantive and procedural responsibilities under these Rules;
(6) investigating and reporting to the Commission violations of and deviations from these Rules by any person, agency, or institution;
(7) maintaining records of application, qualification, and program reports filed with the Commission under these Rules;

(8) collecting information relevant to the programs of the Commission from persons, agencies, and institutions subject to these Rules;
(9) compiling and maintaining the official records of Commission meetings and acts;
(10) transmitting notice of Commission actions to all persons, agencies, and institutions affected by Commission action;
(11) divulging to authorized requesters information in the personnel and program files of the Commission.

History Note: *Authority G.S. 17E-6;*
Eff. January 1, 1989;
Recodified from 12 NCAC 10B .0201 Eff. January 1, 1992;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 6, 2018.

12 NCAC 10B .0109 DEVELOPMENT OF PROGRAMS

The Division shall assist the Commission in developing and evaluating programs for the improvement of North Carolina Sheriffs' offices by:

(1) Compiling data, performing research, and developing reports concerning the needs of all sheriffs' offices;
(2) Presenting to the Commission recommendations for the development of new programs and the revision of existing programs;
(3) Disseminating information about Commission programs to concerned agencies and persons; and
(4) Collecting comments about Commission programs contributed by agencies and the public.

History Note: *Authority G.S. 17E-6;*
Eff. January 1, 1989;
Recodified from 12 NCAC 10B .0202 Eff. January 1, 1992;
Amended Eff. February 1, 1998;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 6, 2018.

12 NCAC 10B .0110 DIVULGING PERSONNEL INFORMATION

History Note: *Authority G.S. 17E-6;*
Eff. January 1, 1989;
Recodified from 12 NCAC 10B .0203 Eff. January 1, 1992;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 6, 2018;
Expired Eff. September 1, 2025 pursuant to G.S. 150B-21.3A.

SECTION .0200 - ENFORCEMENT RULES

12 NCAC 10B .0201 INVESTIGATION OF VIOLATION OF RULES

(a) If any criminal justice agency, school, authorized representative acting on behalf of either, or individual is reported to be or suspected of being in violation of any of these Rules, the Commission may take action to correct the violation and to ensure that similar violations do not occur.
(b) Before taking action against an agency, school, or individual for a violation, the Division shall investigate the alleged violation and, when required by the Director, shall present a report of its findings to the Probable Cause Committee of the Commission.
(c) The Probable Cause Committee may convene prior to each regular meeting of the Commission to consider these investigative reports and make a determination as to whether or not probable cause exists that the Commission's rules have been violated; or may delegate authority to the Director for further action.
(d) The Probable Cause Committee may:

(1) direct the Division to conduct a further investigation of the alleged violation;
(2) request the Attorney General to authorize an investigation of the violation by the State Bureau of Investigation;

(3) direct the Division to conduct an administrative hearing in the matter; or
(4) determine the appropriate sanctions against the violator pursuant to the Commission's Rules.

History Note: *Authority G.S. 17E-4; 17E-7;*
Eff. January 1, 1992;
Amended Eff. January 1, 1994;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 6, 2018.

12 NCAC 10B .0202 SANCTIONS FOR VIOLATIONS BY AGENCIES OR SCHOOLS

If the Commission finds that a violation of any rules in this Chapter has been committed by an agency or school, the Commission may:

(1) issue an oral warning and request for compliance;
(2) issue a written warning and request for compliance;
(3) issue an official written reprimand;
(4) summarily suspend when the Commission finds that the public health, safety, or welfare requires emergency action, revoke, or deny accreditation to any school or program or course of instruction until corrective measures have been taken to bring the agency or school into compliance with the rules in this Subchapter and verification of such compliance has been made by the Commission; or
(5) revoke, or deny accreditation to any school or program or course of instruction for a specific period of time to be determined by the Commission's Probable Cause Committee; however, not to exceed one year.

History Note: *Authority G.S. 17E-4;*
Eff. January 1, 1991;
Recodified from 12 NCAC 10B .0205 Eff. January 1, 1992;
Amended Eff. March 1, 2009; August 1, 1998;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 6, 2018.

12 NCAC 10B .0203 SANCTIONS FOR VIOLATIONS BY INDIVIDUALS

When any person certified by the Commission is found to have knowingly and willfully violated any provision or requirement of the rules in this Subchapter, the Commission may take action to correct the violation and to ensure that the violation does not re-occur, including:

(1) issuing an oral warning and request for compliance;
(2) issuing a written warning and request for compliance;
(3) issuing an official written reprimand;
(4) summarily suspending the individual's certification for a specified period of time or until acceptable corrective action is taken by the individual upon a specific finding that allowing the individual to work poses a danger to the public health, safety and welfare; or
(5) revoking or denying the individual's certification. Where action is being taken against an instructor or school director the Probable Cause Committee shall specify a period of time for the revocation or denial not to exceed five years. Where action is being taken against an applicant for justice officer certification or a certified justice officer, the sanctions set out in 12 NCAC 10B .0205 apply.

History Note: *Authority G.S. 17E-4; 17E-7;*
Eff. January 1, 1991;
Recodified from 12 NCAC 10B .0206 Eff. January 1, 1992;
Amended Eff. January 1, 2009; January 1, 1993;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 6, 2018.

12 NCAC 10B .0204 SUSPENSION: REVOCATION: OR DENIAL OF CERTIFICATION

(a) The Commission shall revoke or deny the certification of a justice officer when the Commission finds that the applicant for certification or the certified officer has committed or been convicted of:

(1) a felony; or
(2) a crime for which the authorized punishment could have been imprisonment for more than two years.

(b) The Commission shall revoke, deny, or suspend the certification of a justice officer when the Commission finds that the applicant for certification or the certified officer:
(1) has not enrolled in and satisfactorily completed the required basic training course in its entirety within a one year time period as specified by the rules in this Subchapter;
(2) fails to meet or maintain any of the employment or certification standards required by 12 NCAC 10B .0300;
(3) fails to satisfactorily complete the in-service training requirements as presented in 12 NCAC 10B .2000 and .2100 or 12 NCAC 09E .0100;
(4) has refused to submit to the drug screen as required by the rules in this Chapter or the rules of the Criminal Justice Education and Training Standards Commission or has refused to submit to an in-service drug screen pursuant to the guidelines set forth in the Drug Screening Implementation Guide as required by the employing agency through which the officer is certified;
(5) has produced a positive result on any drug screen reported to the Commission as specified in 12 NCAC 10B .0410 or reported to any commission, agency, or board established to certify, pursuant to said commission, agency, or boards' standards, a person as a justice officer, a corrections officer as defined in 12 NCAC 09G .0102 or a criminal justice officer as defined in 12 NCAC 09A .0103(7), unless the positive result is due to a medically indicated cause.

(c) The Commission may revoke, deny, or suspend the certification of a justice officer when the Commission finds that the applicant for certification or certified justice officer:
(1) has knowingly made a material misrepresentation of any information required for certification or accreditation from the Commission or the North Carolina Criminal Justice Education and Training Standards Commission. This Subparagraph also applies to obtaining or attempting to obtain in-service firearms requalification as required by 12 NCAC 10B .2000 and .2100;
(2) has knowingly and designedly by any means of false pretense, deception, fraud, misrepresentation or cheating whatsoever, obtained or attempted to obtain credit, training or certification from the Commission or the North Carolina Criminal Justice Education and Training Standards Commission. This Subparagraph also applies to obtaining or attempting to obtain in-service firearms requalification as required by 12 NCAC 10B .2000 and .2100;
(3) has knowingly and designedly by any means of false pretense, deception, fraud, misrepresentation or cheating whatsoever, aided another in obtaining or attempting to obtain credit, training, or certification from the Commission or the North Carolina Criminal Justice Education and Training Standards Commission. This Subparagraph also applies to obtaining or attempting to obtain in-service firearms requalification as required by 12 NCAC 10B .2000 and .2100;
(4) has been removed from office by decree of the Superior Court in accordance with the provisions of G.S. 128-16 or has been removed from office by sentence of the court in accord with the provisions of G.S. 14-230; or
(5) has been denied certification or had such certification suspended or revoked by the North Carolina Criminal Justice Education and Training Standards Commission, or a similar North Carolina, out-of-state or federal approving, certifying or licensing agency.

(d) The Commission may revoke, suspend or deny the certification of a justice officer when the Commission finds that the applicant for certification or the certified officer has committed or been convicted of:
(1) a crime or unlawful act defined in 12 NCAC 10B .0103(17)(b) as a Class B misdemeanor and which occurred after the date of appointment;
(2) a crime or unlawful act defined in 12 NCAC 10B .0103(17)(b) as a Class B misdemeanor within the five-year period prior to the date of appointment;
(3) four or more crimes or unlawful acts defined in 12 NCAC 10B .0103(17)(b) as Class B misdemeanors regardless of the date of commission or conviction;
(4) an accumulation of four or more crimes or unlawful acts defined in 12 NCAC 10B .0103(17)(a) as a Class A misdemeanor, regardless of the date of commission or conviction except the applicant shall be certified if the last conviction or commission occurred more than two years prior to the date of appointment; or

(5) any combination of four or more crimes or unlawful acts defined in 12 NCAC 10B .0103(17)(a) as a Class A misdemeanor or defined in 12 NCAC 10B .0103(17)(b) as a Class B misdemeanor regardless of the date of commission or conviction.

(e) Without limiting the application of G.S. 17E, a person who has had his certification suspended or revoked shall not exercise the authority or perform the duties of a justice officer during the period of suspension or revocation.

(f) Without limiting the application of G.S. 17E, a person who has been denied certification revoked shall not be employed or appointed as a justice officer or exercise the authority or perform the duties of a justice officer.

(g) If the Commission does revoke, suspend, or deny the certification of a justice officer pursuant to this Rule, the period of such sanction shall be as set out in 12 NCAC 10B .0205.

History Note: *Authority G.S. 17E-7;*
Eff. January 1, 1990;
Amended Eff. July 1, 1990;
Recodified from 12 NCAC 10B .0204 Eff. January 1, 1991;
Amended Eff. April 1, 1991; January 1, 1991;
Recodified from 12 NCAC 10B .0207 Eff. January 1, 1992;
Amended Eff. January 1, 2009; January 1, 2008; January 1, 2007; January 1, 2006; March 1, 2005; January 1, 2005; August 1, 1998; January 1, 1996; January 1, 1995; January 1, 1994; January 1, 1993;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 6, 2018;
Amended Eff. December 1, 2023; February 1, 2023.

12 NCAC 10B .0205 PERIOD OF SUSPENSION, REVOCATION, OR DENIAL

When the Commission suspends, revokes, or denies the certification of a justice officer, the period of sanction shall be:

(1) permanent where the cause of sanction is:
  (a) commission or conviction of a felony;
  (b) commission or conviction of a crime for which authorized punishment included imprisonment for more than two years; or
  (c) the second revocation, suspension, or denial of an officer's certification for any of the causes requiring at least a five-year period of revocation, suspension, or denial as set out in Item (2) of this Rule.

(2) not less than five years where the cause of sanction is:
  (a) commission or conviction of offenses as specified in 12 NCAC 10B .0204(d)(1);
  (b) material misrepresentation of any information required for certification or accreditation from the Commission or the North Carolina Criminal Justice Education and Training Standards Commission. A material misrepresentation is a false representation of fact or omission of fact reported to or required to be reported to the Commission that if the true fact were known would have induced or caused the Commission to have treated the individual's certification or application for certification differently;
  (c) knowingly and designedly by any means of false pretense, deception, fraud, misrepresentation or cheating, obtained or attempted to obtain credit, training or certification from the Commission or the North Carolina Criminal Justice Education and Training Standards Commission;
  (d) knowingly and designedly by any means of false pretense, deception, fraud, misrepresentation or cheating, aiding another in obtaining or attempting to obtain credit, training, or certification from the Commission or the North Carolina Criminal Justice Education and Training Standards Commission. This Sub-Item also applies to obtaining or attempting to obtain credit for in-service training as required by 12 NCAC 10B .1700, .1800, .2000, or .2100;
  (e) failure to make either of the notifications as required by 12 NCAC 10B .0301(13);
  (f) removal from office under the provisions of G.S. 128-16 or the provisions of G.S. 14-230;
  (g) a positive result on a drug screen, refusal to submit to drug testing as required by the rules in this Chapter or the rules of the Criminal Justice Education and Training Standards

Commission, or refusal to submit to an in-service drug screen pursuant to the guidelines set forth in the Drug Screening Implementation Guide as required by the employing agency through which the officer is certified.

The Commission may either reduce or suspend the periods of sanction under this Item or substitute a period of probation in lieu of revocation, suspension, or denial following an administrative hearing. This authority to reduce or suspend the period of sanction may be utilized by the Commission when extenuating circumstances brought out at the administrative hearing warrant such a reduction or suspension.

(3) for an indefinite period, but continuing so long as the stated deficiency, infraction, or impairment continues to exist, where the cause of sanction is:

(a) failure to meet or satisfy relevant basic training requirements pursuant to Sections .0500, .0600, and .1300 of this Subchapter.

(b) failure to meet or maintain the minimum standards of employment or certification pursuant to 12 NCAC 10B .0301;

(c) failure to meet or satisfy the in-service training requirements as prescribed in 12 NCAC 10B .2000 or .2100 or 12 NCAC 09E .0100;

(d) commission or conviction of offenses as specified in 12 NCAC 10B .0204(d)(2), (3), (4) and (5); or

(e) denial, suspension, or revocation of certification pursuant to 12 NCAC 10B .0204(c)(5).

The Commission may either reduce or suspend the periods of sanction where revocation, denial, or suspension of certification is based upon a finding of a violation of 12 NCAC 10B .0204(d) or substitute a period of probation in lieu of revocation, suspension, or denial following an administrative hearing. This authority to reduce or suspend the period of sanction may be utilized by the Commission when extenuating circumstances brought out at the administrative hearing warrant such a reduction or suspension.

History Note: *Authority G.S. 17E-4; 17E-7; 17E-9;*
Eff. January 1, 1991;
Recodified from 12 NCAC 10B .0208 Eff. January 1, 1992;
Amended Eff. January 1, 2013; January 1, 2009; January 1, 2008; January 1, 2007; January 1, 2006; March 1, 2005; January 1, 1995; January 1, 1994; January 1, 1993; January 1, 1992;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 6, 2018;
Amended Eff. January 1, 2023.

12 NCAC 10B .0206 SUMMARY SUSPENSIONS: OR DENIALS

(a) The Commission may summarily suspend or deny the certification of a justice officer or instructor when, in the opinion of the Commission, the public health, safety, or welfare requires this emergency action of summary suspension or denial. The following conditions specifically affect the public health, safety, or welfare and therefore the Commission, by and through the Director, shall utilize summary suspension or denial following a full investigation of the matter when:

(1) the applicant for certification or the certified justice officer has committed or been convicted of a violation of the criminal code that would require a permanent revocation or denial of certification;

(2) the justice officer has failed to comply with the training requirements of 12 NCAC 10B .0500, .0600, and .1300;

(3) the certified justice officer or criminal justice officer fails to satisfactorily complete the minimum in-service training requirements as prescribed in 12 NCAC 10B .2000 or .2100 or 12 NCAC 09E .0100;

(4) the applicant for certification has refused to submit to the drug screen as required in 12 NCAC 10B .0301(6) or .0406(c)(3) or in connection with an application for or certification as a justice officer or a criminal justice officer as defined in 12 NCAC 09A .0103(7); or

(5) the applicant for certification or the certified officer has produced a positive result on any drug screen reported to the Commission as specified in 12 NCAC 10B .0410 or reported to any commission, agency, or board established to certify, pursuant to said commission, agency, or board's standards, a person as a justice officer or a criminal justice officer as defined in 12 NCAC 09A .0103(7), unless the positive result is due to a medically indicated cause.

(b) Without limiting the application of G.S. 17E, a person who has had his or her certification summarily suspended or denied may not exercise the authority or perform the duties of a justice officer during the period of suspension or denial.

History Note: *Authority G.S. 17E-8; 17E-9; 150B-3(c);*
Eff. January 1, 1992;
Amended Eff. January 1, 1993;
Temporary Amendment Eff. March 1, 1998;
Amended Eff. January 1, 2013; January 1, 2008; March 1, 2005; April 1, 1999; August 1, 1998;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 6, 2018;
Amended Eff. February 1, 2023.

SECTION .0300 – MINIMUM STANDARDS FOR EMPLOYMENT AND CERTIFICATION AS A JUSTICE OFFICER

12 NCAC 10B .0301 MINIMUM STANDARDS FOR JUSTICE OFFICERS

Every justice officer employed or certified in North Carolina shall:

(1) be a citizen of the United States;
(2) be at least 20 years of age for all deputies and detention officers or be at least 18 years of age for all telecommunicators;
(3) be a high school graduate, or the equivalent as defined in 12 NCAC 10B .0302;
(4) have been fingerprinted by the employing agency in the manner provided in 12 NCAC 10B .0303;
(5) have had a medical examination as required by 12 NCAC 10B .0304;
(6) have produced a negative result on a drug screen as described in 12 NCAC 10B .0410;
(7) have been administered a psychological screening examination as in accordance with G.S. 17E-7. This psychological screening examination shall be valid for a period of one year from the date on which it was administered;
(8) have been interviewed as described in 12 NCAC 10B .0306;
(9) have a background investigation conducted by the employing agency, including a personal interview as required by 12 NCAC 10B .0305;
(10) not have committed or been convicted of a crime or crimes specified in 12 NCAC 10B .0307;
(11) for personnel who are authorized to carry a firearm in the execution of their duties, satisfactorily complete the employing agency's in-service firearms training program as prescribed in 12 NCAC 10B .2103 and .2104. Such firearms training compliance must have occurred prior to submission of the application for appointment to the Commission and must be completed using the agency approved service handguns and any other weapons that the applicant has been issued or authorized to use by the agency; and
(12) be of good moral character as defined in: In re Legg, 325 N.C. 658, 386 S.E.2d 174 (1989); State v. Benbow, 309 N.C. 538, 308 S.E.2d 647 (1983); In re Willis, 288 N.C. 1, 215 S.E.2d 771 (1975), appeal dismissed 423 U.S. 976 (1975); State v. Harris, 216 N.C. 746, 6 S.E.2d 854 (1940); In re Dillingham, 188 N.C. 162, 124 S.E. 130 (1924); In re Applicants for License 143 N.C. 1, 55 S.E. 635 (1906); and later court decisions.
(13) make the following notifications:
    (a) within five business days of the qualifying event, notify the Standards Division and the appointing agency head in writing of all criminal offenses for which the officer is charged, arrested, pleads no contest, pleads guilty or of which the officer is found guilty. This shall include traffic offenses identified in the Class B Misdemeanor Manual and offenses of driving under the influence (DUI) or driving while impaired (DWI).
    (b) within five business days of service, officers shall notify the Standards Division of all Domestic Violence Protective Order pursuant to G.S. 50B and any Civil No Contact Order pursuant to G.S. 50C that are issued by a judicial official against the officer;
    (c) within five business days of the date the case was disposed of in court, the agency head, provided he or she has knowledge of the officer's arrests or criminal charges and final dispositions, shall also notify the Standards Division of arrests or criminal charges and final disposition;

(d) within five business days of the issuance of all Domestic Violence Protective Orders pursuant to G.S. 50B and Civil No Contact Orders pursuant to G.S. 50C, the agency head, provided he or she has knowledge of the order, shall also notify the Standards Division of these orders.

(e) The required notifications in this Rule shall be in writing and shall specify the nature of the offense or order, the court in which the case was handled, the date of the arrest, criminal charge, or service of the order, and the final disposition. The notification shall include a certified copy of the order or court documentation and final disposition from the Clerk of Court in the county of adjudication. The requirements of this Item shall be applicable at all times during which the officer is employed and certified by the Commission and shall also apply to all applicants for certification. Receipt by the Standards Division of a single notification, from the officer or the agency head, shall be sufficient notice for compliance with this Item.

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

History Note: *Authority G.S. 17E-7;*
Eff. January 1, 1989;
Amended Eff. January 1, 2018; February 1, 2014; January 1, 2006; January 1, 2005; August 1, 2002; January 1, 1996; January 1, 1994; January 1, 1993; January 1, 1992; July 1, 1990; January 1, 1990;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 6, 2018;
Temporary Amendment Eff. January 1, 2022;
Amended Eff. January 1, 2023.

12 NCAC 10B .0302 DOCUMENTATION OF EDUCATIONAL REQUIREMENT

(a) Each applicant for certification as a justice officer shall furnish documentary evidence of high school, college, or university graduation to the employing agency. Documentary evidence of high school graduation consists of diplomas or transcripts from public schools or private schools which meet standards adopted by either the North Carolina Department of Public Instruction, the Division of Non-Public Instruction, or a comparable out of state agency; or such documentation as described in Paragraphs (b), (c), (d), and (e) of this Rule. Documentary evidence of college or university graduation consists of diplomas or transcripts from colleges or universities accredited as such by the Department of Education of the state in which the institution is located, an accredited body recognized by either the U.S. Department of Education or Council for Higher Education Accreditation, or the state university of the state in which the institution is located.

(b) High School Diplomas earned through home school programs must be accompanied by a true and accurate or certified transcript and must meet the requirements of Part 3 of Article 39 of Chapter 115C of the North Carolina General Statutes, or a comparable out-of-state statute.

(c) Diplomas earned from high schools or equivalent institutions outside of the United States must be translated into English and be accompanied by an authentic transcript. The Division's staff shall evaluate the transcripts to ensure they are scholastically comparable to United States curriculum requirements.

(d) The Division's staff shall evaluate high school diplomas earned through on-line or correspondence courses on a case by case basis. Such diplomas must meet state and local requirements for the jurisdiction from which the diploma was issued.

(e) Documentary evidence of having earned a High School Equivalency (HSE) diploma shall be satisfied by a certified copy of a high school equivalency credential or an adult high school diploma, both of which must be recognized by the U.S. Department of Education, the state department of education, or educational agency that is authorized in the state to issue High School Equivalency (HSE) diplomas.

(f) Documentary evidence of the attainment of satisfactory scores on any military high school equivalency examination is acceptable as evidence of high school graduation if verified by a true copy of the veteran's DD214, Certificate of Release from Active Duty.

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

Amended Eff. January 1, 2019; January 1, 2008; August 1, 2000; January 1, 1992; January 1, 1990;
Readopted Eff. August 1, 2019;
Amended Eff. January 1, 2023.

12 NCAC 10B .0303 FINGERPRINT CRIMINAL HISTORY RECORDS CHECK

(a) Each applicant for certification, pursuant to Rules .0301 and .0401 of this Subchapter, shall submit electronic fingerprints in the Statewide Automated Fingerprint Identification System (SAFIS).

(b) The employing agency shall forward the applicant's fingerprint record to the North Carolina State Bureau of Investigation for a criminal history record check utilizing fingerprints against state and federal files.

(c) The employing agency will receive a report of the results of the criminal history record check utilizing fingerprints against state and federal files from the North Carolina State Bureau of Investigation. The employing agency shall retain the results of the criminal history records check utilizing fingerprints in compliance with the North Carolina Department of Natural and Cultural Resources Retention Schedule established pursuant to G.S. 121-4 and G.S. 132-8.1. The employing agency shall include the results of the fingerprint criminal history record check with the applications submitted to the Commission.

(d) Each applicant for certification and certified justice officers shall also submit electronic fingerprints, other identifying information required by the State and National Repositories of Criminal Histories, and any other information required by the State Bureau of Investigation for their enrollment in the Federal Bureau of Investigation's Next Generation Identification (NGI) System and Criminal Justice Record of Arrest and Prosecution Background (Rap Back) Service. Those individuals seeking justice officer certification shall submit the required electronic fingerprints, along with the required documentation pursuant to Rule .0408 of this Subchapter, and other information prior to being issued certification. Those individuals certified as justice officers prior to July 1, 2023 shall submit the required electronic fingerprints and other information no later than June 30, 2023.

(e) Pursuant to Rule .0301(4) of this Section an applicant for certification as a justice officer shall not perform any action requiring certification by the Commission prior to the date on which the employing agency receives the report of the result of the criminal history record check utilizing fingerprints.

History Note: *Authority G.S. 17E-7; 143B-972.1;*
Eff. January 1, 1989;
Amended Eff. August 1, 2000; January 1, 1993; January 1, 1992;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 6, 2018;
Amended Eff. February 1, 2024; January 1, 2023.

12 NCAC 10B .0304 MEDICAL EXAMINATION

(a) Each applicant for certification or enrollment in a Commission-certified basic training course shall complete, sign, and date the Commission's Medical History Statement Form (F-1) and shall be examined by either a physician, surgeon, physician's assistant, or nurse practitioner, who is licensed to practice in North Carolina, or who is authorized to practice medicine in accordance with the rules and regulations of the United States Armed Forces, as outlined in 10 U.S.C. 1094, to help determine his or her fitness to carry out the physical requirements of the position of justice officer.

(b) Prior to being examined, the applicant shall provide the examining surgeon, physician, physician's assistant, or nurse practitioner with:

(1) the Medical History Statement Form (F-1) which must be read, completed, and signed; and

(2) the Instructions to Agency and Examiner for Completion of Medical Examination Report Form (F-2A) attached to the Medical Examination Report Form (F-2).

(c) The "Medical Screening Guidelines Implementation Manual for Certification of Justice Officers" in the State of North Carolina as published by the North Carolina Department of Justice may be obtained, at no cost, at https://ncdoj.gov/law-enforcement-training/sheriffs/.

(d) The examining physician, surgeon, physician's assistant, or nurse practitioner shall record the results of the examination on the Medical Examination Report Form (F-2) and shall sign and date the form.

(e) The Medical Examination Report Form (F-2) and the Medical History Statement Form (F-1) shall be valid for one year after the date the examination was conducted and shall be completed prior to:

(1) the applicant's beginning the Detention Officer Certification Course, the Basic Law Enforcement Training Course, or the Telecommunicator Certification Course; and

(2) the agency submission of application for certification to the Commission.

History Note: *Authority G.S. 17E-7;*
Eff. January 1, 1989;
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;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 6, 2018;
Amended Eff. April 1, 2023; January 1, 2023.

12 NCAC 10B .0305 BACKGROUND INVESTIGATION

(a) Prior to employment, an agency shall complete a background investigation on all applicants for certification. The investigation shall determine whether the applicant is of good moral character pursuant to Rule .0301(12) of this Section. This examination includes completion of the Commission's Personal History Statement Form (F-3) and Mandated Background Investigation Form (F-8), ensuring the proper certification and criminal history record check required by each.

(b) Prior to the investigation, the applicant shall complete the Commission's Personal History Statement Form (F-3) to provide a basis for the investigation. The agency shall certify that the results of the background investigation are consistent with the information provided by the applicant on the Personal History Statement Form (F-3). The agency shall then give the applicant the opportunity to update the Personal History Statement Form (F-3) prior to submission to the Division.

(c) The agency shall utilize an investigator with experience or training in conducting background investigations. The investigator shall document the results of the investigation on the Mandated Background Investigation Form (F-8) which shall include information concerning the following:

(1) biographical information;
(2) family;
(3) education;
(4) employment;
(5) criminal history including:
    (A) a statewide search of the Administrative Office of the Courts (AOC) computerized system;
    (B) a search of the national criminal record database accessible through the Division of Criminal Information (DCI) network;
    (C) where the applicant resided in a state other than North Carolina, a records check through the Division of Criminal Information (DCI) using the Out-of-State Computer Name Query (IQ) shall be accepted if the state will respond to an Out-of-State Computer Name Query. If not, then either a records check response from both the municipality, city, or town, where the applicant resided and the county-wide Sheriff's Office or Police Department obtained by mail, facsimile, or electronic mail, or a records check from the county-wide or state-wide record holding agency shall be acceptable;
(6) military service history. If the applicant had prior military service, the background investigation shall include a copy of the applicant's DD214, Certificate of Release from Active Duty, that shows the characterization of discharge for each discharge that occurred and military discipline received, if any. If the DD214 indicates a discharge characterization of any type other than Honorable, then a military records check for any arrests or charges from the military shall also be required;
(7) credit history;
(8) fingerprint criminal history records check results pursuant to Rule .0303 of this Section;
(9) driving history including a search of:
    (A) the North Carolina Division of Motor Vehicles, if the applicant has ever possessed a driver's license in North Carolina; and
    (B) an out-of-state- motor vehicles check obtained through the Division of Criminal Information (DCI) or obtained through another state's division of motor vehicles agency for any state in which the applicant held a license;
(10) prior applications to law enforcement agencies;
(11) civil court history;

(12) applicant interview;
(13) interviews with the applicant's references; and
(14) a summary of the investigator's findings and conclusions regarding the applicant's moral character known to the agency or listed on the applicant's Personal History Statement (F-3).

(d) If a criminal record is found, criminal records shall be obtained from the Clerk of Court, a law enforcement agency within the jurisdiction, or other governmental entity that maintains or has access to criminal records for the jurisdiction.

(e) Records checks shall be performed on each name by which the applicant for certification has been known since obtaining the age of majority. If the applicant has had an official name change that occurred after the applicant reached the age of majority, then a copy of the legal document effecting the name change shall be obtained by the employing agency.

(f) The Mandated Background Investigation Form (F-8) shall be completed within 120 days of employment. If the investigator signs the form more than 120 days prior to the applicant's date of employment, then the investigator will certify with a notarized statement on their agency letterhead that all information on the form has been updated or a new F-8 shall be completed.

(g) The employing agency shall include a form or letter signed and notarized by the applicant that authorizes the Division staff to obtain documents and records pertaining to the applicant for certification that may be required in order to determine whether certification may be granted and authorizes entities maintaining such records to release them to the Division. A sample release authorization form is available on the Division's website at no cost: https://ncdoj.gov/law-enforcement-training/sheriffs/all-commission-forms-publications/.

(h) The employing agency shall provide to the Division staff the results of a completed and processed form AOC-CR-280, Law Enforcement Application for Verification of Expunction under G.S. 15A-145.4, 15A-145.5, 15A-145.6, 15A-145.8A or 15A-146, for each applicant presented for certification. The AOC-CR-280 form is available on the Commission's website at no cost: https://ncdoj.gov/law-enforcement-training/sheriffs/all-commision-forms-publications/.

(i) The applicant's notarized Personal History Statement (F-3) shall be completed within 120 days of employment. If the form is completed more than 120 days prior to the applicant's date of employment, the Personal History Statement (F-3) shall be updated by the applicant, who shall initial and date all changes no more than 120 days prior to employment or a new Personal History Statement (F-3) shall be completed.

History Note: *Authority G.S. 17E-7;*
Eff. January 1, 1989;
Amended Eff. January 1, 2010; January 1, 2009; January 1, 2007; August 1, 2002; January 1, 1994; January 1, 1993; January 1, 1992; January 1, 1990;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 6, 2018;
Amended Eff. February 1, 2025; April 1, 2023; January 1, 2023; June 1, 2021.

12 NCAC 10B .0306 EMPLOYMENT INTERVIEW

(a) Prior to employment, the employing agency shall conduct an interview of the applicant to determine the applicant's knowledge, skills, and abilities for success as a justice officer.

(b) The sheriff or agency head may conduct the interview personally or delegate the responsibility to a qualified staff member or panel, who is competent, whether by education, training, or experience, to conduct the employment interview. The respective agency head identifies those individuals he or she deems qualified.

History Note: *Authority G.S. 17E-7;*
Eff. January 1, 1989;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 6, 2018;
Amended Eff. January 1, 2023.

12 NCAC 10B .0307 CRIMINAL HISTORY RECORD

(a) Consistent with and subject to the requirements of 12 NCAC 10B .0204, every justice officer employed or certified in North Carolina shall not have committed or been convicted by a local, state, federal, or military court of:
(1) a felony;
(2) a crime for which the punishment could have been imprisonment for more than two years;

(3) a crime or unlawful act defined as a "Class B Misdemeanor" which occurred after the date of appointment;
(4) a crime or unlawful act defined as a "Class B Misdemeanor" within the five year period prior to the date of appointment;
(5) four or more crimes or unlawful acts defined as "Class B Misdemeanors" regardless of the date of conviction or commission;
(6) four or more crimes or unlawful acts defined as "Class A Misdemeanors" except the applicant can be employed if the last conviction or commission occurred more than two years prior to the date of appointment;
(7) a combination of four or more "Class A or B Misdemeanors" regardless of the date; or
(8) for personnel who are authorized to carry a firearm in the execution of their duties, an offense that, pursuant to 18 USC 922 (g)(8), would prohibit the possession of a firearm or ammunition.

(b) 12 NCAC 10B .0103(2) defines "Commission" as a finding by the North Carolina Sheriffs' Education and Training Standards Commission or an administrative body, pursuant to the provisions of G.S. 150B, that a person performed the acts necessary to satisfy the elements of a specified criminal offense.

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

History Note: *Authority G.S. 17E-7;*
Eff. January 1, 1989;
Amended Eff. August 1, 2002; 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. December 1, 2023; January 1, 2023.

12 NCAC 10B .0308 MISREPRESENTATION

History Note: *Authority G.S. 17E-7;*
Eff. January 1, 1989;
Repealed Eff. January 1, 1991.

SECTION .0400 - CERTIFICATION OF JUSTICE OFFICERS

12 NCAC 10B .0401 CERTIFICATION OF PERSONNEL

(a) Every person performing the duties of a deputy sheriff or a detention officer as defined in 12 NCAC 10B .0103(5) and (6) except those certified pursuant to 12 NCAC 10B .0407; and every person performing the duties of a telecommunicator as defined in 12 NCAC 10B .0103(20) and who is under the direct supervision and control of the Sheriff, shall meet the certification requirements of this Subchapter.

(b) Every person performing the duties of a telecommunicator as defined in 12 NCAC 10B .0103(20) who is not under the direct supervision and control of the Sheriff, may be appointed to the Division by the employing entity for purposes of obtaining certification; and if so appointed, shall meet the requirements of this Subchapter.

(c) This Section governs the application requirements for certification and agency responsibilities. Training requirements for Deputy Sheriffs, Detention Officers, and Telecommunicators are set out in Sections .0500, .0600, and .1300 of this Subchapter, respectively.

History Note: *Authority G.S. 17E-4; 17E-7;*
Eff. January 1, 1989;
Amended Eff. February 1, 1998; January 1, 1996; January 1, 1993; January 1, 1991;
Temporary Amendment Eff. March 1, 1998;
Amended Eff. August 1, 2002; August 1, 1998;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 6, 2018;
Amended Eff. December 1, 2023.

12 NCAC 10B .0402 PROBATIONARY CERTIFICATION (EFFECTIVE UNTIL JUNE 30, 2024)

All justice officers, except those transferred or reinstated pursuant to Rule .0406 of this Section shall serve a probationary certification period of one year; provided that the one year probationary period has not been extended for cause pursuant to 12 NCAC 10B .0303(c); .0503(a); or .0602(a) or .1303(a). For certification as a deputy sheriff the probationary period begins on the date the officer took the Oath of Office. For certification as a detention officer or telecommunicator, the probationary period begins on the date the person was appointed.

History Note: *Authority G.S. 17E-4; 17E-7;*
Eff. January 1, 1989;
Amended Eff. January 1, 1996; January 1, 1994; January 1, 1991;
Temporary Amendment Eff. March 1, 1998;
Amended Eff. August 1, 1998;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 6, 2018.

12 NCAC 10B .0402 PROBATIONARY CERTIFICATION (EFFECTIVE JULY 1, 2024)

All justice officers, except those transferred or reinstated pursuant to Rule .0406 of this Section shall serve a probationary certification period of one year; provided that the one year probationary period has not been extended for cause pursuant to 12 NCAC 10B .0602(a) or .1303(a). For certification as a deputy sheriff the probationary period begins on the date the officer took the Oath of Office after completion of Basic Law Enforcement Training as described in 12 NCAC 10B .0502 and 12 NCAC 09B .0205. For certification as a detention officer or telecommunicator, the probationary period begins on the date the person was appointed.

History Note: *Authority G.S. 17E-4; 17E-7;*
Eff. January 1, 1989;
Amended Eff. January 1, 1996; January 1, 1994; January 1, 1991;
Temporary Amendment Eff. March 1, 1998;
Amended Eff. August 1, 1998;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 6, 2018;
Amended Eff. July 1, 2024.

12 NCAC 10B .0403 PROBATIONARY CERTIFICATION REQUIREMENT

(a) For certification as a deputy sheriff or detention officer, a Report of Appointment (Form F-4) shall be submitted to the Division. For certification as a telecommunicator, a Report of Appointment (Form F-4T) shall be submitted to the Division.

(b) Report of Appointment forms shall be submitted to the Division by the employing agency no later than 10 days after the deputy sheriff has taken the Oath of Office, or the detention officer or the telecommunicator has been appointed.

(c) The Division shall forward the justice officer's certification to the employing agency.

(d) No deputy sheriff or detention officer probationary certification shall be issued by the Division prior to the applicant meeting the conditions set forth in this Paragraph. As an additional requirement for probationary certification, the applicant shall meet the following requirements:

(1) If the applicant for probationary certification is authorized by the sheriff to carry a firearm pursuant to the provisions of Rule .2104 of this Subchapter, the employing agency shall submit evidence of satisfactory completion of the employing agency's in-service firearms training and qualification program pursuant to Section .2100 of this Subchapter; or

(2) If the applicant for probationary certification is not authorized by the sheriff to carry a firearm pursuant to the provisions of Rule .2104 of this Subchapter, the employing agency shall notify the Division, in writing, that the applicant is not authorized by the sheriff to carry a firearm.

(e) After documentation has been submitted to the Division pursuant to Paragraph (a) of this rule, a deputy sheriff who has not completed Basic Law Enforcement Training is only authorized to exercise the powers of a deputy sheriff when such action is:

(1) While accompanied by and under the direct supervision of the sheriff or designee; or

(2) While accompanied by and under the direct supervision of another deputy sheriff or law enforcement officer who has successfully completed Basic Law Enforcement Training; or

(3) Necessary to:

(A) Defend themselves or another from what the deputy sheriff believes to be imminent use of deadly force; or
(B) Prevent serious bodily harm to themselves or another; or
(C) Prevent the escape from custody a person the deputy sheriff believes is attempting to escape by means of a deadly weapon, or who by this conduct or any other means indicates an imminent threat of death or serious physical injury to others unless apprehended without delay; or is convicted of a felony; or

(4) Taken when the deputy sheriff has probable cause to believe in their presence:
(A) a felony; or
(B) a breach of the peace; or
(C) a crime involving physical injury to another person; or
(D) a crime involving theft or destruction of property is being committed.

History Note: *Authority G.S. 17E-4; 17E-7;*
Eff. January 1, 1989;
Amended Eff. February 1, 1998, January 1, 1996; January 1, 1994; January 1, 1991;
Temporary Amendment Eff. March 1, 1998;
Amended Eff. August 1, 1998;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 6, 2018;
Amended Eff. July 1, 2024, December 1, 2025.

12 NCAC 10B .0404 GENERAL CERTIFICATION (EFFECTIVE UNTIL JUNE 30, 2024)

(a) The Commission shall grant an officer general certification if evidence is received by the Division that the officer has:
(1) complied with all of the requirements of 12 NCAC 10B .0300; and
(2) successfully completed the required training within the probationary period.

(b) General certification is continuous from the date of issuance if:
(1) The certified officer remains continuously employed or appointed as an officer in good standing with an agency and the certification has not been terminated for cause; or
(2) The certified officer, having separated in good standing from an agency, is reemployed or reappointed as a justice officer within one year, and the certification has not been terminated for cause.

History Note: *Authority G.S. 17E-4; 17E-7;*
Eff. January 1, 1989;
Amended Eff. January 1, 1993;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 6, 2018.

12 NCAC 10B .0404 GENERAL CERTIFICATION (EFFECTIVE JULY 1, 2024)

(a) The Commission shall grant an officer general certification if evidence is received by the Division that the officer has:
(1) complied with all of the requirements of 12 NCAC 10B .0300;
(2) successfully completed the required probationary period pursuant to Rule .0402 of this Section; and
(3) detention officers and telecommunicators have completed the required training within the probationary period.

(b) General certification is continuous from the date of issuance if:
(1) The certified officer remains continuously employed or appointed as an officer with an agency and the certification has not been terminated for cause; or
(2) The certified officer, having separated without a pending disciplinary action from an agency, is reemployed or reappointed as a justice officer within one year from the date of separation, and the certification has not been terminated for cause.

History Note: *Authority G.S. 17E-4; 17E-7;*
Eff. January 1, 1989;
Amended Eff. January 1, 1993;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 6, 2018;
Amended Eff. July 1, 2024.

12 NCAC 10B .0405 REPORT OF SEPARATION

(a) An agency separating a person from employment or appointment as a justice officer shall, not later than 10 days after separation, forward to the Division a completed Report of Separation (Form F-5 or Form F-5T).

(b) The Report of Separation (Form F-5 or F-5T) shall include the separating agency, the justice officer's name and address, the date of separation from the agency, and the signature of the agency head or authorized agency representative. If there are any allegations of criminal behavior, untruthfulness or other violations of Commission rules, the separating agency shall also document that information on the Report of Separation form.

(c) Although not presently required by these Rules, it is recommended by the Commission that the employing agency cancel the oath of office of a justice officer who has separated.

(d) The employing agency shall notify the justice officer of the effective date of separation as reported to the Division, and provide documentation of such notification at the time Report of Separation (Form F-5 or Form F-5T) is submitted to the Division.

History Note: *Authority G.S. 17E-4;*
Eff. January 1, 1989;
Amended Eff. January 1, 2005; January 1, 1996; January 1, 1992;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 6, 2018;
Amended Eff. April 1, 2022

12 NCAC 10B .0406 LATERAL TRANSFERS AND REINSTATEMENTS

(a) The general certification, pursuant to Rule .0404 of this Section, or grandfather certification, as defined in G.S. 17E-7(a), of a detention officer, as defined in Rule .0103(6) of this Subchapter, or a telecommunicator, as defined in Rule .0103(20) of this Subchapter, is eligible for lateral transfer to an agency and be certified upon compliance with Paragraphs (b) and (c) of this Rule.

(b) The employing agency shall verify the applicant's certification status with the Division prior to submission of the application for certification as a lateral transfer.

(c) In order for a detention officer or telecommunicator to be certified pursuant to Paragraph (a) of this Rule, the employing agency shall submit to the Division, along with the Report of Appointment (F-4 or F-4T), the documents required in Rule .0408 of this Section.

(d) A justice officer whose certification was suspended pursuant to Rule .0204(b)(1) of this Subchapter is eligible to have the certification reinstated provided that:

(1) the period of suspension was six months or less;
(2) the employing agency submits to the Division, along with a Report of Appointment, the documents required in Rule .0408 of this Subchapter except Subparagraphs (1), (2), (3), (4), and (5) of Paragraph (a); and
(3) the officer has successfully completed the basic training requirements as prescribed in Sections .0500, .0600, or .1300 of this Subchapter.

(e) A justice officer for whom a Report of Separation (Form F-5) has been submitted to the Division, and who is re-appointed in the same agency, is eligible for reinstatement provided that:

(1) the period of separation has been six-months or less; and
(2) the employing agency submits to the Division, along with a Report of Appointment, the documents required in Rule .0408 of this Subchapter except Subparagraphs (1), (2), (3), (4), and (5) of Paragraph (a).

History Note: *Authority G.S. 17E-4; 17E-7;*
Eff. January 1, 1989;
Amended Eff. January 1, 1994; January 1, 1993; January 1, 1992; July 1, 1990;
Temporary Amendment Eff. March 1, 1998;

Amended Eff. January 1, 2009; January 1, 2005; August 1, 2002; August 1, 1998;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 6, 2018;
Amended Eff. July 1, 2025; December 1, 2023.

12 NCAC 10B .0407 CERTIFICATION OF FORMER SHERIFF

(a) The Division shall issue a General Certification to any person as either a deputy sheriff, a detention officer, or telecommunicator who has previously served as an elected or appointed sheriff for a minimum of eight years, if the person:

(1) applies to the Commission within one year of ceasing to serve as an elected or appointed sheriff; and
(2) left the office of sheriff in good standing.

(b) The Division shall issue a General Certification to any person as either a deputy sheriff, a detention officer, or telecommunicator who has previously served as an elected or appointed sheriff, if the person:

(1) applies to the Commission within one year of ceasing to serve as an elected or appointed sheriff;
(2) held a General Certification as deputy sheriff, detention officer, or telecommunicator with the North Carolina Sheriffs' Education and Training Standards Commission or has held a General Certification as a sworn officer with the North Carolina Criminal Justice Commission, with a break in service not to exceed one year prior to serving as an elected or appointed sheriff; and
(3) left the office of sheriff in good standing.

(c) In order for an officer to be certified under this Rule, the employing agency shall:

(1) comply with the Report of Appointment form requirement of Rule .0403 of this Section;
(2) submit to the Division, a copy of the Oath of Office for applicants requesting certification as a deputy sheriff; and
(3) submit to the Division verification that the applicant meets the requirement of this Rule .0407(a)(2).

History Note: *Authority G.S. 17E-4; 17E-7;*
Eff. January 1, 1991;
Amended Eff. January 1, 1996;
Temporary Amendment Eff. March 1, 1998;
Amended Eff. August 1, 1998;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 6, 2018;
Amended Eff. December 1, 2025; July 1, 2020.

12 NCAC 10B .0408 VERIFICATION OF RECORDS TO DIVISION

(a) Before the Division will issue certification of a justice officer, the employing agency shall submit to the Division the following documents:

(1) the Report of Appointment (F-4);
(2) a copy of the applicant's Oath of Office, if applying for certification as a deputy sheriff;
(3) documentation of the applicant's compliance with the probationary certification requirements pursuant to Rule .0403(f) of this Section by submitting the applicant's Firearms Qualification Record, Form F-9A, if the applicant is a deputy sheriff or a detention officer and is authorized by the sheriff to carry a firearm;
(4) the results of the fingerprint criminal history records check of the applicant pursuant to Rule .0303 of this Subchapter;
(5) the applicant's processed Administrative Office of the Courts' AOC-CR-280 form as set forth in Rule .0305 of this Subchapter;
(6) the applicant's Release Authorization as set forth in Rule .0305 of this Subchapter;
(7) copies of court documentation and final disposition from the Clerk of Court in the county of adjudication of all criminal offenses for which the applicant was charged, arrested, pleads no contest, pleads guilty, or of which the applicant was found guilty. This shall include traffic offenses identified as a class B misdemeanor as defined in Rule .0103(17)(b) of this Subchapter and offenses of driving under the influence (DUI) or driving while impaired (DWI);

(8) a notarized written statement from the applicant providing a description of the circumstances surrounding all criminal offenses identified pursuant to Subparagraph (7) of this Paragraph; and

(9) the applicant's Personal History Statement (F-3) if the applicant reports any charges as referenced in Subparagraph (7) of this Paragraph or any expunged charges pursuant to Subparagraph (5) of this Paragraph.

(b) Compliance with this Rule is waived, with the exception of the requirements of Subparagraphs (a)(1), (2), and (3) of this Rule for officers applying for dual certification as defined in Rule .0103(9) of this Subchapter provided that:

(1) the officer holds a valid certification issued by this Commission as either a deputy sheriff, detention officer, or telecommunicator, with the employing agency requesting dual certification; and

(2) the officer has continuously been employed as a justice officer with the agency.

History Note: *Authority G.S. 17E-4; 17E-7;*
Eff. January 1, 1989;
Recodified from 12 NCAC 10B .0407 Eff. January 1, 1991;
Amended Eff. January 1, 1996; January 1, 1994; January 1, 1993; January 1, 1992;
Temporary Amendment Eff. March 1, 1998;
Amended Eff. August 1, 2002; August 1, 1998;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 6, 2018;
Amended Eff. February 1, 2025; September 1, 2024; February 1, 2024; December 1, 2023; April 1, 2023; February 1, 2023; January 1, 2023.

12 NCAC 10B .0409 EMPLOYING AGENCY RETENTION OF RECORDS

(a) In addition to the records required to be submitted to the Division pursuant to Rule .0408 of this Section, the employing agency shall maintain original documentation of the following records:

(1) documentation consisting of diplomas, school transcripts, or certificates from the educational institution attended by the applicant confirming the applicant's compliance with the educational requirement pursuant to Rule .0302 of this Subchapter;

(2) the applicant's Medical History Statement (F-1) pursuant to Rule .0304 of this Subchapter;

(3) the applicant's Medical Examination Report (F-2) pursuant to Rule .0304 of this Subchapter;

(4) the applicant's unredacted psychological screening examination as required by G.S. 17E-7;

(5) the applicant's notarized Personal History Statement (F-3) pursuant to Rule .0305 of this Subchapter;

(6) documentation of the applicant's negative results on a drug screen pursuant to Rule .0410 of this Section; and

(7) the Mandated Background Investigation Form (F-8) with all accompanying documentation as set out in Rule .0305 of this Subchapter.

(b) The records required by Paragraph (a) of this Rule shall be available for examination at any time by representatives of the Division for the purpose of verifying compliance with the rules of this Subchapter.

History Note: *Authority G.S. 17E-4;*
Eff. January 1, 1989;
Recodified from 12 NCAC 10B .0408 Eff. January 1, 1991;
Amended Eff. January 1, 1996; January 1, 1994; January 1, 1993; January 1, 1991;
Temporary Amendment Eff. March 1, 1998;
Amended Eff. August 1, 2002; August 1, 1998;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 6, 2018;
Amended Eff. February 1, 2025; December 1, 2023.

12 NCAC 10B .0410 AGENCY REPORTING OF DRUG SCREENING RESULTS

(a) Every justice officer shall produce a negative result on a drug screen administered according to the following specifications:

(1) the drug screen shall be a urine test consisting of an initial screening test using an immunoassay method and a confirmatory test on an initial positive result using a gas chromatography/mass spectrometry (GC/MS) or other initial and confirmatory tests authorized or mandated by the Department of Health and Human Services for Federal Workplace Drug Testing Programs;

(2) a chain of custody shall be maintained on the specimen from collection to the eventual discarding of the specimen. If the specimen is handled only by a medical professional or a third party provider the laboratory utilize federally mandated chain of custody procedures, then the agency does not need an inter-agency chain of custody procedure. If agency staff will be handling the urine specimen at any point, then agency staff shall document the collection, storage, and processing of the specimen for testing purposes.

(3) the drug screen shall test for the presence of at least cannabis, cocaine, phencyclidine (PCP), opiates, and amphetamines or their metabolites;

(4) the test threshold values meet the requirements established by the Department of Health and Human Services for Federal Workplace Drug Testing Programs, as found in 82 FR 7920 (2017) incorporated by reference, including later amendments and editions found at no cost at https://www.federalregister.gov/documents/2017/01/23/2017-00979/mandatory-guidelines-for-federal-workplace-drug-testing-programs;

(5) the test conducted shall be not more than 60 days old, calculated from the time when the laboratory reports the results to the date of employment; and

(6) the laboratory conducting the test shall be certified for federal workplace drug testing programs and shall adhere to applicable federal rules, regulations, and guidelines pertaining to the handling, testing, storage, and preservation of samples.

(b) Each agency that is required to report individuals to the Commission for certification, or that voluntarily reports telecommunicators to the Commission for certification, shall report in writing to the Division all refusals and all positive results of required drug screening obtained from applicants and lateral transfers. If the positive result has been explained by the applicant or lateral transfer to the satisfaction of the agency's Medical Review Officer, who shall be a licensed physician, the positive results are not required to be reported.

(c) Each agency that is required to report individuals to the Commission for certification, or that voluntarily reports telecommunicators to the Commission for certification, if it conducts a drug screen for in-service officers, shall report in writing positive results or refusals to submit to an in-service drug screening to the Division within 30 days of the positive result or refusal, unless the officer has explained the positive result to the satisfaction of the agency's Medical Review Officer, who shall be a licensed physician to the extent the drug screen conducted conforms to the specifications of this Rule.

(d) For reporting purposes, a result is considered "positive" only in the cases where the drug screen reveals the presence of an illegal drug at a level equal to or greater than the threshold value as established by the Department of Health and Human Services for Federal Workplace Drug Testing Programs and adopted by reference in this Rule.

(e) For reporting purposes, a result is considered "negative" only in those cases where the drug screen reveals the presence of an illegal drug at a level less than the threshold value as established by the Department of Health and Human Services for Federal Workplace Drug Testing Programs and incorporated by reference in this Rule.

(f) All written reports required to be submitted to the Division by this Rule shall contain the individual's name, date of birth, either the date the test was administered or the date of the refusal, and a copy of the drug screen panel with the results of the medical officer review.

History Note: *Authority G.S. 17E-4; 17E-7;*
Eff. July 1, 1990;
Recodified from 12 NCAC 10B .0409 Eff. January 1, 1991;
Amended Eff. January 1, 2013;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 6, 2018;
Amended Eff. January 1, 2023.

12 NCAC 10B .0411 IN-STATE LATERAL TRANSFER OF A DEPUTY SHERIFF

(a) A North Carolina law enforcement officer is eligible to transfer their certification from one law enforcement agency to another law enforcement agency and be certified as a deputy sheriff if the officer:

(1) has completed basic law enforcement training and holds general or probationary certification from the Commission or the Criminal Justice Education and Training Standards Commission; and

(2) has not had more than a 12-month consecutive break in service immediately preceding the current application.

(b) Prior to certification being transferred per this rule, the sheriff's office considering the applicant for employment as a deputy sheriff shall complete the following tasks and submit a Lateral Report of Appointment, Form F-4A, to the Division reporting that the employing agency has completed these tasks and provided the requested documents:

(1) obtained and forwarded the applicant's fingerprints to the North Carolina State Bureau of Investigation, in compliance with the requirements set forth in Rule .0303 of this Subchapter, reviewed the results of the criminal history record check provided as a result, and provided a copy of the results to the Division;

(2) completed the AOC-CR-280 Law Enforcement Application for Verification of Expunction form and provided the results to the Division;

(3) submitted to the Division a certified copy of the applicant's oath of office;

(4) obtained a signed and notarized Authorization for Release of Information from the applicant, pursuant to Rule .0305 of this Subchapter, forwarded the Authorization for Release of Information to the Division, and reviewed the following documents of the applicant maintained by or on behalf of any North Carolina law enforcement agency where the applicant was employed for any part of the five year period preceding the current application:

(A) the personnel file including confidential information as defined by G.S. 153A-98, G.S. 160A-168, and G.S. 126-24;

(B) Report of Separation, Form F-5, if the applicant has separated;

(C) Background Investigation, Form F-8; and

(D) any internal investigations.

(5) verified that the applicant:

(A) has not had more than a 12-month consecutive break in service immediately preceding the current application;

(B) has completed all mandatory in-service training for the preceding calendar year;

(C) has not been charged with or been convicted of criminal offenses that would prohibit certification pursuant to the Rule of this Subchapter;

(D) has not been the subject of any internal investigation within the last 18 months that contains allegations of a potential violation of the Rules of this Subchapter; and

(E) has qualified with the assigned duty weapon which has been recorded on the Firearm Qualification Record, Form F-9A, and satisfactorily completed the sheriff's office's in-service firearms training program, as prescribed in Rules .2103 and .2104 of this Subchapter. The Firearm Qualification Record shall be submitted to the Division with the Lateral Report of Appointment.

(c) Form F-4A, Lateral Report of Appointment, is completed by the employing agency in which the agency verifies that is has completed the items required in Paragraph (b) of this rule.

History Note: *Authority G.S. 17E-4; 17E-7*
Eff. July 1, 2025.

12 NCAC 10B .0412 DEPARTMENT HEAD RESPONSIBILITIES: CRITICAL INCIDENT REPORTING

(a) For all law enforcement agencies in the State that employ personnel certified by the North Criminal Sheriffs' Education and Training Standards Commission, the Department Head shall submit the Critical Incident Report, Form F-27, to the Sheriff's Standards Division no later than 30 days after making the determination that an incident involving any use of force by a law enforcement officer that resulted in death or serious bodily injury to a person has occurred. The Critical Incident Report (F-27) shall contain the following:

(1) date and time of incident;

(2) location of incident;

(3) officer involved; and

(4) whether the incident involved serious bodily injury or death

(5) notice that the officer has 30 days after receipt to request a hearing in superior court for a determination of whether the officer's involvement was properly placed in the database described in Paragraph (d) of this Rule, and that if a copy of that filing is not provided to the Division within the 30 days, the officer's name will be placed in the database.

(b) Information contained in the submitted Critical Incident Report, (F-27), that is confidential under state or federal law shall remain confidential.
(d) The Division shall develop and maintain a statewide database for use by law enforcement agencies that tracks all critical incident data in North Carolina that is reported to the Division.

History Note: *Authority G.S. 17E-15;*
Adoption Eff. December 1, 2025.

SECTION .0500 - MINIMUM STANDARDS OF TRAINING FOR DEPUTY SHERIFFS

12 NCAC 10B .0501 PURPOSE

History Note: *Authority G.S. 17E-4(a);*
Eff. January 1, 1989;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 6, 2018;
Expired Eff. September 1, 2025 pursuant to G.S. 150B-21.3A.

12 NCAC 10B .0502 BASIC LAW ENFORCEMENT TRAINING COURSE FOR DEPUTIES

(a) The basic training course for deputy sheriffs shall consist of instruction designed to provide the trainee with the skills and knowledge to perform those tasks essential to function in law enforcement.
(b) The "Basic Law Enforcement Training Manual" as published by the North Carolina Justice Academy shall be used as the curriculum for this Basic Law Enforcement Training Course. Copies of this manual may be obtained from the North Carolina Justice Academy, Post Office Box 99, Salemburg, North Carolina 28385-0099. The cost of the manual shall be determined by the Justice Academy based upon the current cost of manufacture and shipping.
(c) The rules governing Minimum Standards for Completion of Training, codified as 12 NCAC 09B .0400 and adopted by the North Carolina Criminal Justice Education and Training Standards Commission, are hereby incorporated by reference, and shall include any later amendments and editions of the incorporated matter to apply to actions of the North Carolina Sheriffs' Education and Training Standards Commission. Copies of the incorporated materials may be obtained at no cost from the Criminal Justice Standards Division, North Carolina Department of Justice, 1700 Tryon Park Drive, Raleigh, North Carolina 27602.

History Note: *Authority G.S. 17E-4(a);*
Eff. January 1, 1989;
Amended Eff. February 1, 2014; August 1, 2011; January 1, 2010; January 1, 2006; August 1, 2000; January 1, 1996; January 1, 1995; February 1, 1991; January 1, 1990;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 6, 2018;
Amended Eff. March 1, 2026.

12 NCAC 10B .0503 TIME REQ/COMPLETION/BASIC LAW ENFORCEMENT TRAINING COURSE (EFFECTIVE UNTIL JUNE 30, 2024)

(a) Each deputy sheriff holding temporary or probationary certification shall complete a Commission-certified basic training course pursuant to 12 NCAC 09B .0405, within one year from the date of his or her Oath of Office. Any deputy sheriff who does not comply with this Rule or other training provisions of this Chapter shall not exercise the powers of a deputy sheriff, including the power of arrest. If, however, an officer has enrolled in a Commission-certified basic law enforcement training program that concludes later than the end of the officer's probationary period, the Commission may extend the probationary period for a period not to exceed 12 months. In determining whether to grant an extension, the Commission shall consider the circumstances that created the need for the extension.
(b) Any person who has completed a Commission-certified basic law enforcement training program, but has not been duly appointed and certified in a sworn law enforcement position within one year of completion of the course, shall complete a subsequent Commission-certified basic recruit training program and pass the State Comprehensive Examination within the 12 month probationary period. The Director shall waive this requirement and accept a course that was completed outside of the one year time period as set forth in Paragraph (a) of this Rule unless he or she determines that a delay in applying for certification was due to negligence on the part of the applicant or

employing agency. The extension of the one year period shall not exceed 30 days from the expiration date of a commission-certified basic training program.

History Note: *Authority G.S. 17E-4; 17E-7;*
Eff. January 1, 1989;
Amended Eff. January 1, 2006; January 1, 1996; January 1, 1994; January 1, 1991;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 6, 2018;
Amended Eff. June 1, 2019.

12 NCAC 10B .0503 TIME REQ/COMPLETION/BASIC LAW ENFORCEMENT TRAINING COURSE (EFFECTIVE JULY 1, 2024)

(a) Each deputy sheriff shall have completed with passing scores the accredited basic training course as prescribed in 12 NCAC 09B .0205 prior to obtaining probationary certification. Any deputy sheriff who does not comply with this Rule or other training provisions of this Chapter shall not exercise the powers of a deputy sheriff, including the power of arrest.

(b) Any applicant for certification who has completed a Commission-certified basic law enforcement training program, but has not been duly appointed and certified in a sworn law enforcement position within one year of completion of the course, shall complete a subsequent Commission-certified basic law enforcement training program and pass the State Comprehensive Examination pursuant to 12 NCAC 09B .0406 within the 12 month probationary period. The Director shall waive this requirement to complete a subsequent Commission-certified basic law enforcement training program and pass the State Comprehensive Examination and accept a basic law enforcement training program and pass the State Comprehensive Examination that was completed outside of the one year time period as set forth in this Rule unless he or she determines that a delay in applying for certification was due to negligence on the part of the applicant or employing agency. The extension of the one year period shall not exceed 30 days from the expiration date of the commission-certified basic law enforcement training program completed by the applicant.

History Note: *Authority G.S. 17E-4; 17E-7;*
Eff. January 1, 1989;
Amended Eff. January 1, 2006; January 1, 1996; January 1, 1994; January 1, 1991;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 6, 2018;
Amended Eff. July 1, 2024; June 1, 2019.

12 NCAC 10B .0504 WAIVER OF COMPLETION OF TRAINING

(a) The Commission shall waive a deputy sheriff's completion of the Commission-certified law enforcement training course upon receiving documentary evidence from the employing agency that the deputy has satisfactorily completed equivalent training. All such deputies, however, shall serve a one year period of probation.

(b) Training received in states with laws governing or regulating law enforcement training shall, if subject to such review, have been approved or certified by the appropriate agency of the state in which the training was received.

(c) The Commission shall prescribe as a condition of certification, supplementary or remedial training deemed necessary to equate previous training with current standards.

(d) The Commission may require satisfactory performance on a written examination as proof of equivalent training; however, such examination is in addition to the required equivalent training and not in lieu of said training.

(e) In considering whether a deputy sheriff's prior service in a sworn law enforcement position is creditable service, the individual must have been duly appointed and certified or licensed in a sworn law enforcement position as defined in 12 NCAC 10B .0103(19).

History Note: *Authority G.S. 17E-4; 17E-7;*
Eff. January 1, 1989;
Amended Eff. January 1, 2006;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 6, 2018;
Amended Eff. December 1, 2023.

12 NCAC 10B .0505 EVALUATION FOR TRAINING WAIVER

This Rule shall be used by Division staff in evaluating an applicant's training and experience to determine eligibility for a waiver of training as set forth in Rule .0504(a) of this Section.

(1) Persons who separated from a sworn law enforcement position during their probationary period after having completed a Commission-accredited Basic Law Enforcement Training Course as set forth in 12 NCAC 09B .0205 and who have been separated from a sworn law enforcement position for one year or less shall serve the remainder of the initial certification probationary period in accordance with G.S. 17E-7(b), but shall not be required to complete an additional training program.

(2) Persons who separated from a sworn law enforcement position during their probationary period without having completed Basic Law Enforcement Training, or whose certification was suspended pursuant to Rule .0204(b)(1) of this Subchapter, and who have remained separated or suspended for over one year shall:
   (a) complete a Commission-accredited Basic Law Enforcement Training Course as set forth in 12 NCAC 09B .0205 in its entirety;
   (b) pass the state comprehensive examination as set forth in 12 NCAC 09B .0406; and
   (c) complete a 12 month certification probationary period which begins on the date he or she takes the Oath of Office.

(3) Unless a waiver has been granted pursuant to Rule .1901 of this Subchapter, persons who have any training and experience as a military law enforcement officer and are appointed as a deputy sheriff in North Carolina shall, within one year of the date of his or her Oath of Office complete:
   (a) a Commission-accredited Basic Law Enforcement Training Course as set forth in 12 NCAC 09B .0205 in its entirety regardless of previous military training and experience; and
   (b) pass the state comprehensive examination as set forth in 12 NCAC 09B .0406.

(4) Applicants who previously held certification with the Commission or the North Carolina Criminal Justice Education and Training Standards Commission out-of-state transferees; and federal transferees who meet the requirements set forth in Items (5),(6), and (7) of this Rule shall be allowed to select one of the following two options for gaining North Carolina certification as a deputy sheriff:
   (a) Complete the Basic Law Enforcement Training Course as set forth in 12 NCAC 09B .0205 in its entirety during a one year certification probationary period and pass the state comprehensive examination as set forth in 12 NCAC 09B .0406; or
   (b) Complete the following entry criteria:
      (i) Pass the Basic Law Enforcement Training state comprehensive examination as set forth in 12 NCAC 09B .0406 delivered at the end of an ongoing Basic Law Enforcement Training Course. If the applicant fails to pass the examination, he or she may attempt to pass the examination one additional time. If the applicant fails to pass the examination on the second attempt, the applicant shall be required to complete the Basic Law Enforcement Training Course as set forth in 12 NCAC 09B .0205 in its entirety and pass the state comprehensive examination as set forth in 12 NCAC 09B .0406 during their one year certification probationary period;
      (ii) Each applicant who is authorized by the employing sheriff to carry a firearm shall prior to appointment complete with passing scores the Commission's In-service Firearms Training and Qualification Program as prescribed in Rule .2104 of this Subchapter.
      (iii) Each applicant shall demonstrate proficiency in the following skills related activities : First Responder; Law Enforcement Driver Training; Officer Health and Wellness; and Compliance and Control Tactics. . Successful completion of the skills related activities as set out in this Rule shall be documented by the certified instructor and submitted to the Division.
      (iv) All criteria referenced in this Rule shall be successfully completed within the one-year certification probationary period as set forth in Rule .0504 of this Section.

(5) North Carolina applicants referenced in Item (4) of this Rule shall:

(a) have a minimum of two years full-time sworn law enforcement experience that occurred prior to their application;
(b) have had a break in service exceeding one year;
(c) have previously received general or grandfather, in accordance with G.S. 17C-10(a) or G.S. 17E-7(a), certification as a sworn law enforcement officer by either the Commission or the North Carolina Criminal Justice Education and Training Standards Commission, and such certification has not been denied, revoked, or suspended by either Commission; and
(d) have held general powers of arrest.

(6) Out-of-state transferees referenced in Item (4) of this Rule shall:
(a) have a minimum of two years full-time sworn law enforcement experience that occurred prior to their application. An applicant's attendance at his or her basic law enforcement training course shall not count towards the two years full-time sworn law enforcement experience;
(b) have held certification as a sworn law enforcement officer from the appropriate peace officer's standards and training entity in the transferee's respective state and such certification has not been denied, revoked, or suspended;
(c) have had general powers of arrest; and
(d) submit documentation verifying their qualified status.

(7) Federal Transferees referenced in Item (4) of this Rule shall:
(a) have a minimum of two years full-time sworn law enforcement experience;
(b) have held certification or commissioning as a sworn law enforcement officer from the appropriate federal entity authorized to issue such sworn law enforcement officers certification or commission, and such certification or commission has not been denied, revoked, or suspended.
(c) have held general powers of arrest; and
(d) submit documentation verifying their qualified status.

History Note: *Authority G.S. 17E-4; 17E-7;*
Eff. January 1, 1989;
Amended Eff. January 1, 2005; August 1, 2002; August 1, 2000; August 1, 1998; February 1, 1998; January 1, 1996; January 1, 1994; January 1, 1993; January 1, 1992;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 6, 2018;
Amended Eff. July 1, 2025; January 1, 2019.

12 NCAC 10B .0506 TRAINEE ATTENDANCE
12 NCAC 10B .0507 COMPLETION OF THE BASIC LAW ENFORCEMENT TRAINING COURSE
12 NCAC 10B .0508 COMP WRITTEN EXAM—BASIC LAW ENFORCEMENT TRAINING COURSE
12 NCAC 10B .0509 SATISFACTION OF MINIMUM TRAINING REQUIREMENTS

History Note: *Authority G.S. 17E-4; 17E-7;*
Eff. January 1, 1989;
Amended Eff. January 1, 1992;
Repealed Eff. August 1, 2000.

12 NCAC 10B .0510 CERTIFICATION AND TRAINING FOR SCHOOL RESOURCE OFFICERS
(a) A "School Resource Officer (SRO)" is defined as any law enforcement officer assigned to one or more public schools within a local school administrative unit, as defined in G.S. 115C-5(6), who works in a school at least 20 hours per week for more than 12 weeks per calendar year to assist with all of the following:
(1) School safety;
(2) School security;
(3) Emergency preparedness;
(4) Emergency response; and

(5) Any additional responsibilities related to school safety or security assigned by the officer's employer while the officer is acting as a School Resource Officer.

Any written memorandum of understanding between the local school administrative unit and the law enforcement agency governing the School Resource Officer shall be consistent with this Paragraph.

(b) Deputy Sheriffs assigned by their agency to perform duties as a School Resource Officer shall:

(1) have been issued general certification by the North Carolina Sheriffs' Education and Training Standards Commission as a Deputy Sheriff; and

(2) have until December 31, 2020 to complete the basic School Resource Officer Training Course if they are acting in the capacity of a School Resource Officer between January 1, 2019 and December 31, 2019. Any officer assigned as a School Resource Officer effective January 1, 2020 or later shall complete the basic School Resource Officer Training Course pursuant to Paragraph (g) of this Rule, within one year after being assigned as a School Resource Officer. Deputy Sheriffs who previously completed the training pursuant to Paragraph (f) of this Rule at any time and who have been continually assigned as an SRO pursuant to Paragraph (a) of this Rule shall be credited with completion of the basic School Resource Officer Training Course. Deputy Sheriffs who completed the training pursuant to Paragraph (g) of this Rule between October 1, 2018 and December 31, 2020 shall be credited with completion of the basic School Resource Officer Training Course even if they were not assigned as an SRO pursuant to Paragraph (a) of this Rule as long as they comply with the annual SRO refresher training pursuant to Paragraph (e) of this Rule.

(c) A Deputy Sheriff assigned to one or more public schools within a local school administrative unit, who works in a school at least 20 hours per week for more than 12 weeks per calendar year and who has not completed the initial training as established by Paragraph (g) of this Rule shall not work in a school as a School Resource Officer until the officer has completed the initial training as established by Paragraph (g) of this Rule.

(d) The agency head shall submit to the Sheriffs' Standards Division a Form F-20 Commission School Resource Officer Assignment Form for the person(s) selected to act as a School Resource Officer for the agency. The Form F-20 is located on the agency's website: https://ncdoj.gov and must be completed in its entirety. The Form F-20 Commission School Resource Officer Assignment Form consists of the following:

(1) applicant's name;
(2) date of birth;
(3) social security number;
(4) name of agency and address;
(5) date awarded general certification;
(6) completion date of School Resource Officer training; and
(7) date assigned as a School Resource Officer.

(e) The term of certification as a School Resource Officer shall be indefinite, provided the School Resource Officer completes during each calendar year one credit of School Resource Officer refresher training authored by North Carolina Justice Academy. For School Resource Officers who complete the basic SRO training requirement in 2020 or earlier, this requirement becomes effective January 1, 2021. Otherwise, this requirement becomes effective the year following the officer's successful completion of the basic School Resource Officer Training Course. A certified School Resource Officer who has not completed the refresher training during a calendar year as established by this Rule shall not work in a school as a School Resource Officer until the officer has completed the required refresher training as established by this Rule. Any refresher training that is not completed during a single calendar year must be made up on or before January 31st of the following calendar year. Any officer who fails to resolve a deficiency in the refresher training shall no longer maintain School Resource Officer certification.

(f) Instructors who teach a basic SRO course in an in-person, traditional classroom format will receive credit toward the completion of the basic SRO course requirement as required by this Rule, provided they pass all tests required by the SRO Training Manual authored by the North Carolina Justice Academy. Instructors shall have their instruction documented by the Agency Head or In-Service Training Coordinator once completed.

(g) The School Resource Officer training course for Deputy Sheriffs shall provide the trainee with the skills and knowledge to perform in the capacity of a School Resource Officer. The basic School Resource Officer Training Course authored by the North Carolina Justice Academy shall be used as the curriculum for this training course. Copies of this publication may be inspected at the agency:

Sheriffs' Standards Division
North Carolina Department of Justice
1700 Tryon Park Drive

Post Office Drawer 629
Raleigh, North Carolina 27602

and may be obtained at the cost of printing and postage from the North Carolina Justice Academy at the following address:

North Carolina Justice Academy
Post Office Drawer 99
Salemburg, North Carolina 28385

History Note: *Authority G.S. 17E-4; 17E-7;*
Eff. January 1, 2019;
Amended Eff. August 1, 2021; January 1, 2020.

SECTION .0600 - MINIMUM STANDARDS OF TRAINING FOR DETENTION OFFICERS

12 NCAC 10B .0601 DETENTION OFFICER CERTIFICATION COURSE

(a) The detention officer certification training program shall consist of the 182-hour Detention Officer Certification Course developed by the North Carolina Justice Academy and approved by the Commission to ensure compliance with Paragraph (b) of this Rule.

(b) Each Detention Officer Certification Course shall include the following identified topic areas and minimum instructional hours for each area:

(1)	LEGAL UNIT		
	(A)	Orientation	3 hours
	(B)	Criminal Justice Systems	2 hours
	(C)	Legal Aspects of Management and Supervision	14 hours
	(D)	Introduction to Rules and Regulations	2 hours
	(E)	Ethics	3 hours
	UNIT TOTAL		24 Hours
(2)	PHYSICAL UNIT		
	(A)	Contraband/Searches	6 hours
	(B)	Patrol and Security	5 hours
	(C)	Key and Tool Control	2 hours
	(D)	Investigative Process	8 hours
	(E)	Transportation of Inmates	7 hours
	(F)	Prison Rape Elimination Act	2 hours
	UNIT TOTAL		30 Hours
(3)	PRACTICAL APPLICATION UNIT		
	(A)	Processing Inmates	8 hours
	(B)	Supervision and Management of Inmates	5 hours
	(C)	Suicides and Crisis Management	5 hours
	(D)	Aspects of Mental Illness	6 hours
	(E)	Fire Emergencies	4 hours
	(F)	Notetaking and Report Writing	6 hours
	(G)	Communication Skills	5 hours
	UNIT TOTAL		39 hours
(4)	MEDICAL UNIT		
	(A)	First Aid and CPR	8 hours
	(B)	Medical Care	6 hours
	(C)	Stress	3 hours
	(D)	Compliance and Control Tactics	40 hours
	(E)	Physical Fitness for Detention Officers	22 hours
	UNIT TOTAL		79 hours
(5)	REVIEW AND TESTING		7 hours
(6)	STATE EXAM		3 hours
	TOTAL HOURS		182 HOURS

(c) No Detention Officer Certification Course shall be offered by any agency or institution without first complying with the requirements set forth in Rules .0704 and .0802 of this Subchapter. Any agency or institution desiring to offer the Detention Officer Certification Course shall file a Pre-Delivery Report, Form F-7A, with the Division.

History Note: *Authority G.S. 17E-4(a);*
Eff. January 1, 1989;
Amended Eff. August 1, 2016; February 1, 2014; August 1, 2011; October 1, 2009; January 1, 2006; August 2, 2002; August 1, 2000; August 1, 1998; February 1, 1998; January 1, 1996; June 1, 1992; 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. June 1, 2026; July 1, 2025.

12 NCAC 10B .0602 TIME REQ/COMPLETION//DETENTION OFFICER CERT TRAINING COURSE

(a) Each individual employed by a sheriff's office or a district confinement facility as a detention officer holding probationary certification shall satisfactorily complete a commission-accredited detention officer training course. The individual shall complete such course within one year from the date of his original appointment as a detention officer as determined by the date of the probationary certification. Any individual employed as a detention officer who does not comply with this Rule or other training provisions of this Chapter shall not be authorized to exercise the powers of a detention officer. If, however, an individual has enrolled in a commission-accredited detention officer course that concludes later than the end of the individual's probationary period, the Commission may extend the probationary period for a period not to exceed six months.

(b) Persons having completed a commission-accredited detention officer training course and not having been duly appointed and certified as a detention officer within one year of completion of the course shall complete a subsequent commission-accredited 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), unless the Director determines that a delay in applying for certification was due to simple negligence on the part of the applicant or employing agency, in which case the Director may accept the commission-accredited detention officer training program which is over one year old. Such extension of the one year period shall not exceed 30 days from the expiration date of a commission-accredited detention officer training program.

History Note: *Authority G.S. 17E-4;*
Eff. January 1, 1989;
Amended Eff. February 1, 1998; January 1, 1996; January 1, 1994;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 6, 2018.

12 NCAC 10B .0603 EVALUATION FOR TRAINING WAIVER

(a) Applicants for detention officer certification with prior detention or correctional officer experience who have been employed and certified as a detention or correctional officer may seek a training waiver evaluation pursuant to this Section.

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

(1) Persons who separated from a detention officer position during the probationary period after completion of a commission-certified Detention Officer Certification Course and who have been separated from a detention officer position for more than one year shall complete a subsequent commission-certified Detention Officer Certification Course in its entirety and pass the State Comprehensive Examination within the 12 month probationary period as set forth in Rule .0602(a) of this Section.

(2) Persons who separated from a detention officer position during their probationary period after completion of a commission-certified Detention Officer Certification Course and who have been separated from a detention officer position for one year or less shall serve the remainder of the initial probationary period in accordance with G.S. 17E-7(b), but need not complete an additional training program.

(3) Persons who separated from a detention officer position during the probationary period without completion of a commission-certified Detention Officer Certification Course, or whose certification was suspended pursuant to Rule .0204(b)(1) of this Subchapter and who have remained separated or suspended for over one year shall complete a commission-certified Detention Officer Certification Course in its entirety and pass the State Comprehensive Examination, and shall be allowed a 12 month probationary period as prescribed in Rule .0602(a) of this Section.

(4) Persons holding General Justice Officer Certification as a detention officer pursuant to Rule .0404 of this Subchapter who completed a commission-certified Detention Officer Certification Course and who separated from a detention officer position for more than one year shall complete a subsequent commission-certified Detention Officer Certification Course in its entirety and pass the State Comprehensive Examination within the 12 month probationary period as prescribed in Rule .0602(a) of this Section.

(5) Persons holding Grandfather Detention Officer Certification pursuant to G.S. 17E-7(a), who separate from a detention officer position and remain separated from a detention officer position for more than one year shall complete a commission-certified Detention Officer Certification Course in its entirety and pass the State Comprehensive Examination within the 12 month probationary period as prescribed in Rule .0602(a) of this Section.

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

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

(1) hold general certification as a correctional officer from the North Carolina Criminal Justice Education and Training Standards Commission under 12 NCAC 09G .0304;

(2) completed training as a correctional officer between January 1, 1981 and August 1, 2002;

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

(4) do not have a break in service exceeding one year from the time of last employment as a correctional officer to the time of being appointed as a detention officer.

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

Orientation	3 hours
Legal Aspects of Management & Supervision	14 hours
Medical Care in the Jail	6 hours
Investigative Process in the Jail	8 hours
Criminal Justice System	2 hours
Introduction to Rules and Regulations Governing Jails	2 hours
Compliance and Control Tactics	40 hours
TOTAL HOURS	75 hours

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

(1) hold general certification as a correctional officer issued by the North Carolina Criminal Justice Education and Training Standards Commission under 12 NCAC 09G .0304;

(2) have completed training as a correctional officer after August 1, 2002;

(3) are applicants for detention officer certification through a sheriff's office or a district confinement facility; and

(4) do not have a break in service exceeding one year from the time of last employment as a correctional officer to the time of being appointed as a detention officer.

Detention officers that are granted a training waiver under this section shall serve a 12-month probationary period as set forth in Rule .0602(a) of this Section and provide the record of completion of the Basic Correctional Officer Training Course as defined in 12 NCAC 09G .0411. The Division shall review the course curriculum of the

correctional officer training received against the training required by Rule .0601 of this Section and determine whether that training is comparable to the requirements set out in Rule .0601 of this Section. Based upon topics covered in the basic correctional officer training course, the Division shall determine if additional training is required to ensure the applicant has received training comparable to that specified in Rule .0601 of this Section. The Division shall notify the employing agency of the resulting training requirements, if any, and the officer shall take and successfully complete the State Comprehensive Examination as set forth in Rule .0606 of this Section in its entirety during the probationary period after completing any training as determined to be necessary by the training evaluation referenced in this section, in a commission-certified Detention Officer Certification Course.

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

(1) has successfully completed the NC Basic Law Enforcement Training Course as outlined in 12 NCAC 09B .0205;

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

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

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

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

Course Orientation	3 hours
Ethics	3 hours
Fire Emergencies	4 hours
Aspects of Mental Illness	6 hours
Review and Testing	7 hours
Legal Aspects of Management and Supervision	14 hours
Contraband/Searches	6 hours
Medical Care in the Jail	6 hours
Patrol and Security Function of the Jail	5 hours
Key and Tool Control	2 hours
Supervision and Management of Inmates	5 hours
Suicides and Crisis Management	5 hours
Introduction to Rules and Regulations	2 hours
Stress	3 hours
Prison Rape Elimination Act	2 hours
TOTAL HOURS	73 hours

or

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

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

Introduction to Rules and Regulations	2 hours
Stress	3 hours
Prison Rape Elimination Act	2 hours
TOTAL HOURS	73 hours

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

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

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

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

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

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

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

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

History Note: *Authority G.S. 17E-4; 17E-7;*
Eff. January 1, 1989;
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. June 1, 2026; February 1, 2024; December 1, 2023; December 1, 2022.

12 NCAC 10B .0604 TRAINEE ATTENDANCE

(a) Each trainee enrolled in any accredited Detention Officer Certification Course shall attend all required class sessions pursuant to Rules .0601 and .0603 of this Subchapter.

(b) The school director may recognize valid reasons for class absences and may excuse a trainee from attendance at class sessions. Valid reasons to excuse attendance are instances of illness, accident, or emergency pursuant to .0605(a)(1) of this Subchapter. However, in no case may excused absences exceed 10 percent of the total required class hours for the course offering pursuant to Rules .0601 and .0603 of this Subchapter.

(c) If the school director grants an excused absence from a class session, he shall schedule make-up of the excused class session with a Commission certified instructor pursuant to 12 NCAC 10B .0704 and ensure the satisfactory completion of such class sessions during the current course presentation or in a subsequent course delivery as is permissible under 12 NCAC 10B .0605.

(d) A trainee shall not be eligible for administration of the State Comprehensive Examination pursuant to Rule .0606 of this Subchapter nor certification for successful course completion if the cumulative total of class absences, with accepted make-up class sessions as set out in Paragraph (c) of this Rule, exceeds 10 percent of the total required class hours of the accredited course offering pursuant to Rules .0601 and .0603 of this Subchapter and shall be terminated from further course participation by the school director at the time of such occurrence.

(e) Where a trainee is enrolled in a program as required in 12 NCAC 10B .0601, attendance shall be 100 percent in order to receive a successful course completion.

History Note: *Authority G.S. 17E-4; 17E-7;*
Eff. January 1, 1989;
Amended Eff. January 1, 1996; January 1, 1992;

Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 6, 2018;
Amended Eff. November 1, 2023.

12 NCAC 10B .0605 COMPLETION OF DETENTION OFFICER CERTIFICATION COURSE

(a) Each trainee shall attend and satisfactorily complete a full course during a single scheduled delivery as set forth in Rule .0601 of this Section unless a waiver has been granted as set forth in Rule .0603 or .1901 of this Subchapter. Satisfactory completion is achieved by completion of the required topics, passing the end of block tests and passing the state examination as set out in Rule .0606 of this Section. This Rule does not prevent the instruction on local agency rules or standards; however, such instruction shall not be considered or endorsed by the Commission for purposes of certification. The Director shall issue written authorization for a specified trainee's limited enrollment in a subsequent delivery of the same course where the school director provides evidence that:

(1) The trainee attended and satisfactorily completed specified class hours and topics of the applicable Detention Officer Certification Course but through extended absence occasioned by illness, accident, or emergency was absent for more than 10 percent of the total class hours of the course offering;

(2) The trainee was granted excused absences by the school director that did not exceed 10 percent of the total class hours for the course offering and the school director could not schedule appropriate make-up work during the current course offering as specified in Rule .0604(c) of this Section; or

(3) The trainee participated in an offering of any Detention Officer Certification Course but had an identified deficiency in essential knowledge or skill in no more than three of the specified topic areas incorporated in the course content as set forth in Rule .0601(b) or .0603 of this Section.

(b) An authorization of limited enrollment in a subsequent course delivery shall not be granted by the Director unless in addition to the evidence required by Paragraph (a) of this Rule:

(1) The trainee submits a written request to the Director, justifying the limited enrollment and certifying that the trainee's participation shall be accomplished pursuant to Paragraph (c) of this Rule; and

(2) The school director of the previous school offering submits to the Director a certification of the particular topics and class hours attended and satisfactorily completed by the trainee during the original enrollment.

(c) An authorization of limited enrollment in a subsequent course delivery permits the trainee to attend an offering of any "Detention Officer Certification Course" commencing within 180 calendar days from the last date of trainee participation in prior course delivery, but only if the trainee's enrollment with current course participation can be accomplished within the period of the trainee's probationary certification.

(1) The trainee need attend and satisfactorily complete only those portions of the course which were missed or identified by the school director as areas of trainee deficiency in the initial course participation.

(2) Following authorized enrollment in the subsequent course offering, scheduled class attendance and participation with satisfactory achievement in the course as defined in Paragraph (a) of this Rule, the trainee shall be eligible for administration of the State Comprehensive Examination by the Commission.

(3) A trainee shall be enrolled as a limited enrollee in only one subsequent course offering within the 180 calendar days from the last date of trainee participation in prior course delivery. A trainee who fails to complete those limited portions of the course after one retest shall enroll in an entire delivery of the Detention Officer Certification Course.

(d) A trainee who is deficient in four or more subject-matter or topical areas at the conclusion of the course delivery shall complete an entire delivery of the Detention Officer Certification Course.

History Note: *Authority G.S. 17E-4; 17E-7;*
Eff. January 1, 1989;
Amended Eff. February 1, 2014; August 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.

12 NCAC 10B .0606 COMP WRITTEN EXAM – DETENTION OFFICER CERTIFICATION COURSE

(a) At the conclusion of a school's offering of any Detention Officer Certification Course, an authorized representative of the Commission shall administer a comprehensive written examination to each trainee who has satisfactorily completed all of the required course work pursuant to Rule .0605(a) of this Subchapter. A trainee shall not be administered the comprehensive written examination until such time as all required course work is successfully completed pursuant to Rule .0605(a) of this Subchapter.

(b) The examination shall be comprised of four units as specified in 12 NCAC 10B .0601(b).

(c) The Commission's representative shall submit to the school director within 10 days of the administration of the examination a report of the results of the test for each trainee examined.

(d) A trainee shall successfully complete the comprehensive written examination upon achieving a minimum of 70 percent correct answers on each of the four units as prescribed in 12 NCAC 10B .0601(b).

(e) A trainee who has complied with Rule .0604(e) of this Subchapter in a scheduled delivery of any Detention Officer Certification Course and has demonstrated satisfactory competence in each required motor-skill or performance area of the course curriculum but has failed to achieve the minimum score of 70 percent on any of the four units of the Commission's comprehensive written examination may request the Director to authorize a re-examination of the trainee in those units for which he or she has failed to make a passing score of 70 percent as follows:

(1) A trainee's request for re-examination shall be made in writing on the Commission's form within 30 days after the original examination and shall be received by the Division before the expiration of the trainee's probationary certification as a detention officer.

(2) The trainee's request for re-examination shall include the favorable recommendation of the school director who administered the trainee's Detention Officer Certification Course.

(3) A trainee shall have only one opportunity for re-examination and shall satisfactorily complete the subsequent unit examination in its entirety within 90 days after the original examination.

(4) A trainee shall be assigned in writing by the Division a place, time, and date for re-examination.

(5) Should the trainee on re-examination not achieve the prescribed minimum score of 70 on the unit re-examination, the trainee must enroll and successfully complete the unit(s) he or she failed upon re-examination in a subsequent course offering within 180 days of the second failure before further examination may be permitted. The trainee's failure to complete the course offering within 180 days shall require the trainee to complete an entire delivery of the Detention Officer Certification Course.

History Note: *Authority G.S. 17E-4; 17E-7;*
Eff. January 1, 1989;
Amended Eff. August 1, 2011; August 1, 2002; January 1, 1996; January 1, 1994; January 1, 1992;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 6, 2018;
Amended Eff. November 1, 2023.

12 NCAC 10B .0607 SATISFACTION OF MINIMUM TRAINING REQUIREMENTS

In order to satisfy the minimum training requirements for certification as a detention officer, a trainee shall:

(1) achieve a score of 70 percent correct answers on the Commission-administered comprehensive written examination; and

(2) demonstrate successful completion of an accredited offering of any Detention Officer Certification Course as shown by the certification of the school director.

History Note: *Authority G.S. 17E-4; 17E-7;*
Eff. January 1, 1989;
Amended Eff. January 1, 1996; January 1, 1992;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 6, 2018;
Amended Eff. November 1, 2023.

SECTION .0700 - MINIMUM STANDARDS FOR JUSTICE OFFICER SCHOOLS AND TRAINING PROGRAMS OR COURSES OF INSTRUCTION

12 NCAC 10B .0701 PURPOSE

History Note: *Authority G.S. 17E-4;*
Eff. January 1, 1989;
Amended Eff. February 1, 1998;
Temporary Amendment Eff. March 1, 1998;
Amended Eff. August 1, 1998;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 6, 2018;
Expired Eff. September 1, 2025 pursuant to G.S. 150B-21.3A.

12 NCAC 10B .0702 ADMINISTRATION OF JUSTICE OFFICER SCHOOLS

The rules covering the administration of Criminal Justice Schools and training programs or courses of instruction, codified as Title 12, Subchapter 9B, Section .0200 of the North Carolina Administrative Code, effective and previously adopted by the North Carolina Criminal Justice Education And Training Standards Commission are hereby incorporated by reference and shall automatically include any later amendments and editions of the incorporated material to apply to actions of the North Carolina Sheriffs' Education and Training Standards Commission. This Rule is not applicable to any Detention Officer Certification Course or Telecommunicator Certification Course. Copies of the incorporated materials may be obtained at no cost from the Criminal Justice Standards Division, North Carolina Department of Justice, 1700 Tryon Park Drive, Post Office Drawer 149, Raleigh, North Carolina 27692, or at http://ncdoj.gov/About-DOJ/Law-Enforcement-Training-and-Standards/Criminal-Justice-Education-and-Training-Standards/Training-Certification-Programs.aspx.

History Note: *Authority G.S. 17E-4;*
Eff. January 1, 1989;
Amended Eff. January 1, 1996; January 1, 1990;
Temporary Amendment Eff. March 1, 1998;
Amended Eff. November 1, 2013; August 1, 1998;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 6, 2018;
Amended Eff. November 1, 2023.

12 NCAC 10B .0703 ADMINISTRATION OF DETENTION OFFICER CERTIFICATION COURSE

(a) The executive officer or officers of the institution or agency sponsoring a Detention Officer Certification Course shall have primary responsibility for implementation of the rules in this Section and for administration of the school.
(b) The executive officers shall designate a compensated staff member who may apply to the Commission to be the school director. No more than two school directors shall be designated at each certified institution or agency to deliver a Detention Officer Certification Course. The school director shall have administrative responsibility for planning, scheduling, presenting, coordinating, reporting, and generally managing each sponsored detention officer certification course and shall be readily available at all times during course delivery as specified in 12 NCAC 10B .0704(b). The School Director may designate a Qualified Assistant to assist in the administration of the Detention Officer Certification Course, where the School Director has provided justification for the need including overlapping or simultaneous Commission-mandated courses, satellite delivery locations, or responsibility for multiple courses. This person must be selected by the School Director, who will forward identifying and contact information to the Division. Division staff will conduct a course orientation with the designated person. In order to retain the designation as a qualified assistant, the person must attend the Annual School Directors' Conference.
(c) The executive officers of the institution or agency sponsoring the Detention Officer Certification Course shall:

(1) acquire and allocate sufficient financial resources to provide commission-certified instructors and to meet other necessary program expenses;
(2) provide adequate secretarial, clerical, and other supportive staff assistance as required by the school director;

(3) provide or make available suitable facilities, equipment, materials, and supplies for comprehensive and qualitative course delivery, as required in the "Detention Officer Certification Course Management Guide" and specifically including the following:

(A) a well-lighted and ventilated classroom with a seating capacity sufficient to accommodate all attending trainees;

(B) audio-visual equipment and other instructional devices and aids necessary and beneficial to the delivery of effective training;

(C) a library for trainees' use covering the subject matter areas relevant to the training course, maintained in current status and having sufficient copies for convenient trainee access; and

(D) an area designated for instruction of compliance and control tactics which enables the safe execution of the basic detention officer compliance and control tactics topic area, with the following specifications:

(i) 30 square feet of floor space per student during the practical exercise portion of this topic area and while testing trainees' proficiency in performing the required maneuvers;

(ii) one instructor for every 10 students during the practical exercise portion of this topic area and while testing trainees' proficiency in performing the required maneuvers;

(iii) restrooms and drinking water within 100 yards of the training site; and

(iv) telephone or radio communication immediately available on site.

(E) an area designated for use as a jail cell for performing the practical exercises in the topic area entitled "Contraband Searches". If a county jail cell is unavailable, a simulated jail cell is acceptable provided it is built to the same specifications required by the Department of Human Resources with regards to size;

(F) an area designated for fire emergencies instruction which enables the safe execution of the lesson plan as follows:

(i) a well-ventilated, open area which allows for the setting and putting out of a fire;

(ii) restrooms and drinking water within 100 yards of the training site; and

(iii) telephone or radio communication immediately available on site.

(G) an area designated for physical fitness for detention officer trainees to include:

(i) an area for running, weight lifting and other exercises performed during the physical fitness topic area which provides a minimum of 20 square feet per trainee during the performance of the exercises required in the physical fitness topic area;

(ii) restrooms and drinking water within 100 yards of the training site;

(iii) telephone or radio communication immediately available on site;

(iv) shower facilities, if physical fitness is performed prior to classroom training;

(v) one instructor for every 10 students during the physical assessment portion of this block of instruction; and

(vi) sufficient instructors as needed to maintain visual contact with students while performing any physical exercise.

(H) an area designated for instruction in first aid and CPR techniques which provides a minimum of 20 square feet per trainee during the practical exercise portion and testing for proficiency in administering CPR. There must also be one instructor for every 10 students during the practical exercise portion and proficiency testing in administering CPR.

(d) If an institution or agency does not own a facility as required in this Section, written agreements with other entities must be made to assure use of and timely access to the facilities. A copy of the agreement must accompany the originating institution or agency "Pre-Delivery Report" (Form F7-A) when submitted to the Division.

History Note: *Authority G.S. 17E-4;*
Eff. January 1, 1989;
Amended Eff. February 1, 2009; January 1, 2006; January 1, 2005; August 1, 2000; August 1, 1998; January 1, 1996; January 1, 1992;

Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 6, 2018;
Amended Eff. June 1, 2026.

12 NCAC 10B .0704 RESPONSIBILITIES: SCHOOLS AND DETENTION OFFICER COURSES

(a) In planning, developing, coordinating, and delivering any commission-certified Detention Officer Certification Courses, the school shall:

(1) Formalize and schedule the course curriculum in accordance with the curriculum standards established by the rules in this Chapter.
   (A) Any Detention Officer Certification Course shall be presented with a minimum of 40 hours of instruction each week during consecutive calendar weeks until course requirements are completed, with the exception of weeks in which there are regularly scheduled holidays pursuant to G.S. 103-4.
   (B) Upon written request by the school delivering a class, the Director shall grant a waiver of the minimum hours requirement to that particular delivery of the class when illness, adverse weather, staffing shortages at the school or law enforcement agency employing the students or hosting the course, a declared state of emergency, incident requiring an emergency response by law enforcement, or riot prevent students from attending class or the school from staffing instructors for the class for 40 hours of instruction a week.

(2) Select and schedule instructors who are certified by the Commission under 12 NCAC 10B .0901 through 12 NCAC 10B .0909. The selecting and scheduling of instructors is subject to special requirements as follows:
   (A) No single instructor may be scheduled to instruct more than 35 percent of the total hours of the curriculum during any Detention Officer Certification Course delivery except as set forth in Part (a)(2)(B) of this Rule.
   (B) Where the school submits in writing to the Director of the Division a showing of exceptional or emergency circumstances, the Director of the Division shall grant written approval for the expansion of the individual instructional limitation. Emergencies justifying an instructor to teach more than 35 percent of a Detention Officer Certification Course are situations when illness, accident, or other exceptional circumstances make it unfeasible to staff the class with other certified instructors.
   (C) The appropriate number of instructors for specific topic areas shall be scheduled as required in 12 NCAC 10B .0703.

(3) Provide each instructor with a Commission-approved course outline.

(4) Review each instructor's lesson plans and other instructional materials for conformance to the rules in this Subchapter and to minimize repetition and duplication of subject matter.

(5) Arrange for the availability of audiovisual aids and materials, publications, facilities and equipment for training.

(6) Not less than 30 days before commencing delivery of the course, submit to the Commission a Pre-Delivery Report of Training Course Presentation (Form F-7A) that shall contain information on the course delivery location, school director, class schedule, anticipated date of the State Comprehensive Exam, and any planned instructional hours in addition to the minimum requirements along with the following attachments:
   (A) A comprehensive course schedule showing the arrangement of topical presentations and proposed instructional assignments;
   (B) A copy of any rules, regulations, and requirements for the school and, when appropriate, completed applications for certification of instructors. The Director shall review the submitted Pre-Delivery Report together with all attachments to ensure that the school is in compliance with all Commission rules; if the school's rules are found to be in violation, the Director shall notify the school of any deficiency, and approval shall be withheld until all matters are in compliance with the Commissions' rules.

(7) Have probationary instructors evaluated by an instructor certified pursuant to 12 NCAC 10B .0905 or certified as a general instructor pursuant to 12 NCAC 09B .0301 using Form F-16. If a Limited Lecturer is evaluated during the practical portion of a block of instruction, the school must designate an instructor certified to instruct the practical portion of the block of instruction to evaluate the instructor using Form F-16. These evaluations on Form F-16 shall be submitted to the

Division at the conclusion of each course delivery. Based on the evaluation referenced in 12 NCAC 10B .0905(b)(1), the school shall recommend approval or denial of requests for Detention Officer Instructor Certification, Limited Lecturer Certification, or Professional Lecturer Certification. The observations shall ensure the instructor is using the Instructional Systems Design model, as taught in Criminal Justice Instructor Training set out in 12 NCAC 09B .0209, and that the delivery follows the training objectives in the commission-approved curriculum. For each topic area, the designee's evaluation shall be based on the course delivery observations, the instructor's use of the approved lesson plan, and the results of student evaluations of the instructor.

(8) Have all other instructors evaluated by an instructor certified pursuant to 12 NCAC 10B .0905 or certified as a general instructor pursuant to 12 NCAC 09B .0301 using Form F-16. If a Limited Lecturer is evaluated during the practical portion of a block of instruction, the school must designate an instructor certified to instruct the practical portion of the block of instruction to evaluate the instructor using Form F-16. These evaluations on Form F-16 shall be submitted to the Division at the conclusion of each course delivery. The observations shall ensure the instructor is using the Instructional Systems Design model, as taught in Criminal Justice Instructor Training set out in 12 NCAC 09B .0209, and that the delivery follows the training objectives in the commission-approved lesson plan. For each topic area, the designee's evaluation shall be based on the course delivery observations, the instructor's use of the approved lesson plan, and the results of student evaluations of the instructor.

(9) Ensure that any designated certified instructor who is evaluating the instructional presentation of another, holds certification in the same instructional topic area as that being taught.

(10) Administer tests at the end of each topic area as specified in 12 NCAC 10B .0601 during the course delivery.

(11) Maintain supervision, direction, and control over the performance of all persons to whom any portion of the planning, development, presentation, or administration of a course has been assigned.

(12) Administer all course work pursuant to 12 NCAC 10B .0606.

(13) Submit to the Commission a Post-Delivery Report of Training Course Presentation (Form 7-B), which shall contain information on the sponsoring agency, course beginning and end date, and deviations from the planned course delivery as specified on Form 7-A, within 10 days of receiving the Commission's Report of Examination Scores.

(b) In addition to the requirements in Paragraph (a) of this Rule, the school shall designate a point of contact who shall be available to students and Division staff at all times during course delivery by telephone or other means. Available means that the point of contact may be contacted at any time of day or night by students, school personnel, or division staff and shall return the call or other means of communication within 12 hours of contact if initial contact is not successful. The means, and applicable numbers, shall be filed with the commission-certified training delivery site pursuant to Rule .0703(c)(3) of this Subchapter and the Division prior to the beginning of a scheduled course delivery.

History Note: *Authority G.S. 17E-4;*
Eff. January 1, 1989;
Amended Eff. January 1, 2009; January 1, 2006; January 1, 2005; August 1, 1998; January 1, 1996; January 1, 1994; January 1, 1992;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 6, 2018;
RRC Objection July 21, 2022 and rule returned to agency on September 27, 2022;
Eff. November 1, 2023;
Amended Eff. December 1, 2023.

12 NCAC 10B .0705 QUALIFICATIONS TO ACT AS SCHOOL DIRECTORS

Any person designated to act as, or who performs the duties of, a school director in the delivery or presentation of any commission-accredited Detention Officer Certification Course shall maintain the following criteria to continuously serve as a school director.

(1) Submit a written designation as school director executed by the executive officer of the institution or agency currently accredited, or which may be seeking accreditation, by the Commission to make presentation of accredited training programs;

(2) Be certified as a criminal justice instructor by the North Carolina Criminal Justice Education and Training Standards Commission;
(3) Attend or must have attended the most current offering of the school director's orientation as developed and presented by the Commission staff;
(4) Attend or must have attended the most current offering of the school director's conference as presented by the Commission staff and staff of the North Carolina Criminal Justice Education and Training Standards Commission and Standards Division;
(5) Not have had any type of certification issued from this Commission, from the North Carolina Criminal Justice Education and Training Standards Commission, or from any commission, agency, or board established to certify pursuant to said commission, agency or boards' standards, which was revoked, suspended or denied and such period of sanction is still in effect at the time of designation;
(6) Perform the duties and responsibilities of a school director as specifically required in Rule .0704;
(7) Maintain an updated copy of the "Detention Officer Certification Training Manual" assigned to each accredited school; and
(8) Ensure compliance with the Commission's accreditation requirements as set forth in 12 NCAC 10B .0703 and .0802.

History Note: *Authority G.S. 17E-4;*
Eff. January 1, 1989;
Amended Eff. August 1, 2002; August 1, 1998; January 1, 1996; 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.

12 NCAC 10B .0706 TERMS AND CONDITIONS OF SCHOOL DIRECTOR CERTIFICATION

History Note: *Authority G.S. 17E-4;*
Eff. January 1, 1989;
Amended Eff. August 1, 1998; January 1, 1996;
Repealed Eff. August 1, 2002.

12 NCAC 10B .0707 SUSPENSION: REVOCATION: OR DENIAL: SCHOOL DIRECTOR CERT

History Note: *Authority G.S. 17E-4;*
Eff. January 1, 1989;
Amended Eff. August 1, 1998;
Repealed Eff. August 1, 2002.

12 NCAC 10B .0708 ADMINISTRATION OF TELECOMMUNICATOR CERTIFICATION COURSE

(a) The executive officer or officers of the institution or agency sponsoring a Telecommunicator Certification Course shall have primary responsibility for implementation of the rules in this Section and for administration of the school.

(b) The executive officers shall designate a compensated staff member to be the school director. No more than two school directors shall be designated at each certified institution/agency to deliver a Telecommunicator Certification Course. The school director shall have administrative responsibility for planning scheduling, presenting, coordinating, reporting, and generally managing each sponsored telecommunicator certification course and shall be readily available at all times during course delivery as specified in 12 NCAC 10B .0709(b). The School Director may designate a Qualified Assistant to assist in the administration of the Telecommunicator Certification Course, where the School Director has provided justification for the need to including overlapping or simultaneous Commission-mandated courses, satellite delivery locations, or responsibility for multiple courses. This person must be selected by the School Director who will forward identifying and contact information to the Division. Division staff will conduct a course orientation with the designated person. In order to retain the designation as a qualified assistant, the person must attend the Annual School Directors' Conference.

(c) The executive officers of the institution or agency sponsoring the Telecommunicator Certification Course shall:

(1) acquire and allocate sufficient financial resources to provide commission-certified instructors and to meet other necessary program expenses;
(2) provide secretarial, clerical, and other supportive staff assistance as required by the school director; and
(3) provide or make available facilities, equipment, materials, and supplies for comprehensive and qualitative course delivery, as required in the "Telecommunicator Certification Course Management Guide."

History Note: *Authority G.S. 17E-4;*
Eff. April 1, 2001;
Amended Eff. January 1, 2009; August 1, 2002;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 6, 2018.

12 NCAC 10B .0709 RESPONSIBILITIES: SCHOOL DIRECTORS, TELECOMMUNICATOR CERTIFICATION COURSE

(a) In planning, developing, coordinating, and delivering each commission-certified Telecommunicator Certification Course, the school director shall:

(1) Formalize and schedule the course curriculum in accordance with the curriculum standards established by the rules in this Chapter;
(2) Select and schedule instructors who are properly certified by the Commission;
(3) Provide each instructor with a commission-approved course outline and all necessary additional information concerning the instructor's duties and responsibilities;
(4) Review each instructor's lesson plans and other instructional materials for conformance to the rules in this Chapter and to minimize repetition and duplication of subject matter;
(5) Arrange for the timely availability of appropriate audiovisual aids and materials, publications, facilities and equipment for training in all topic areas as required in the "Telecommunicator Certification Course Management Guide";
(6) Develop, adopt, reproduce, and distribute any supplemental rules, regulations, and requirements determined by the school to be necessary or appropriate for:
    (A) Effective course delivery;
    (B) Instruction on the responsibilities and obligations of agencies or departments employing course trainees; and
    (C) Regulating trainee participation and demeanor and ensuring trainee attendance and maintaining performance records.

A copy of such rules, regulations and requirements shall be submitted to the Director as an attachment to the Pre-Delivery Report of Training Course Presentation, Form F-7A-T. A copy of such rules shall also be given to each trainee and to the sheriff or agency head of each trainee's employing agency at the time the trainee enrolls in the course;

(7) If appropriate, recommend housing and dining facilities for trainees;
(8) Not less than 30 days before commencing delivery of the course, submit to the Commission a Pre-Delivery Report of Training Course Presentation (Form F-7A-T) along with the following attachments:
    (A) A comprehensive course schedule showing arrangement of topical presentations and proposed instructional assignments;
    (B) A copy of any rules, regulations, and requirements for the school and, when appropriate, completed applications for certification of instructors. The Director shall review the submitted Pre-Delivery Report together with all attachments to ensure that the school is in compliance with all commission rules; if school's rules are found to be in violation, the Director shall notify the school director of deficiency, and approval shall be withheld until all matters are in compliance with the Commissions' rules;
(9) Administer the course delivery in accordance with the rules in this Chapter and ensure that the training offered is as effective as possible;
(10) Monitor or designate a certified instructor to monitor the presentations of all probationary instructors during course delivery and prepare written evaluations on their performance and suitability for subsequent instructional assignments. A person holding General Instructor

Certification under the Criminal Justice Education and Training Standards Commission may evaluate instructors teaching any lecture portion of the course. These evaluations shall be prepared on commission forms and forwarded to the Division at the conclusion of each delivery. Based on this evaluation the school director shall recommend approval or denial of requests for Telecommunicator Instructor Certification or Professional Lecturer Certification. The observations shall be of sufficient duration to ensure the instructor is using the Instructional System Development model as taught in Criminal Justice Instructor Training set out in 12 NCAC 09B .0209, and that the delivery is objective based, documented by and consistent with a Commission-approved lesson plan. For each topic area, the school director's or designee's evaluation shall be based on the course delivery observations, the instructor's use of the approved lesson plan, and the results of the students evaluations of the instructor;

(11) Monitor or designate a certified instructor to monitor the presentations of all other instructors during course delivery and prepare written evaluations on their performance and suitability for subsequent instructional assignments. A person holding General Instructor Certification under the Criminal Justice Education and Training Standards Commission may evaluate instructors teaching any lecture portion of the course. Instructor evaluations shall be prepared on commission-approved forms in accordance with the rules in this Chapter. The observations shall be of sufficient duration to ensure the instructor is using the Instructional System Development model as taught in Criminal Justice Instructor Training set out in 12 NCAC 09B .0209, and that the delivery is objective based, documented by and consistent with a Commission-approved lesson plan. For each topic area, the school director's or designee's evaluation shall be based on the course delivery observations, the instructor's use of the approved lesson plan, and the results of the students evaluations of the instructor. These evaluations shall be kept on file by the school for a period of three years and shall be made available for inspection by a representative of the Commission upon request;

(12) Ensure that any designated certified instructor who is evaluating the instructional presentation of another holds certification in the same instructional topic area as that being taught;

(13) Administer or designate a person to administer appropriate tests as determined necessary at various intervals during course delivery;

(14) Maintain direct supervision, direction, and control over the performance of all persons to whom any portion of the planning, development, presentation, or administration of a course has been delegated;

(15) During a delivery of the Telecommunicator Certification Course, make available to authorized representatives of the Commission two hours of scheduled class time and classroom facilities for the administration of a written examination to those trainees who have satisfactorily completed all course work; and

(16) Not more than 10 days after receiving from the Commission's representative the Report of Examination Scores, submit to the Commission a Post-Delivery Report of Training Course Presentation (Form 7-B-T).

(b) The school director shall be readily available to students and Division staff at all times during course delivery by telephone, pager, or other means. The means, and applicable numbers, shall be filed with the commission-certified training delivery site and the Division prior to the beginning of a scheduled course delivery.

History Note: *Authority G.S. 17E-4;*
Eff. April 1, 2001;
Amended Eff. January 1, 2009; January 1, 2006; January 1, 2005;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 6, 2018.

12 NCAC 10B .0710 QUALIFICATIONS OF SCHOOL DIRECTORS, TELECOMMUNICATOR CERTIFICATION COURSE

Any person designated to act and who performs the duties of a school director in the delivery or presentation of a commission-accredited telecommunicator training course as of the effective date of this rule shall meet the following qualifications prior to commencing duties as such. Any designated school director will continuously maintain these qualifications during service as a school director.

(1) Submit a written designation as school director executed by the executive officer of the institution or agency currently accredited, or which may be seeking accreditation, by the Commission to make presentation of accredited training programs;
(2) Be certified as a criminal justice instructor by the North Carolina Criminal Justice Education and Training Standards Commission;
(3) Have attended the most current offering of the school director's orientation as developed and presented by the Commission staff;
(4) Attend the most current offering of the school director's conference as presented by the Commission staff and staff of the North Carolina Criminal Justice Education and Training Standards Commission and Standards Division;
(5) Not have had any type of certification issued from this Commission, from the North Carolina Criminal Justice Education and Training Standards Commission, or from any commission, agency, or board established to certify pursuant to said commission, agency or boards' standards, which was revoked, suspended or denied for cause and such period of sanction is still in effect at the time of designation;
(6) Perform the duties and responsibilities of a school director as specifically required in Rule .0709;
(7) Maintain an updated copy of the "Telecommunicator Certification Training Manual" assigned to each accredited school; and
(8) Ensure compliance with the Commission's accreditation requirements as set forth in 12 NCAC 10B .0708.

History Note: *Authority G.S. 17E-4;*
Eff. April 1, 2001;
Amended Eff. August 1, 2002;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 6, 2018.

12 NCAC 10B .0711 TERMS AND CONDITIONS OF TELECOMMUNICATOR SCHOOL DIRECTOR CERTIFICATION

History Note: *Authority G.S. 17E-4;*
Eff. April 1, 2001;
Repealed Eff. August 1, 2002.

12 NCAC 10B .0712 SUSPENSION: REVOCATION: OR DENIAL: TELECOMMUNICATOR SCHOOL DIRECTOR CERT

History Note: *Authority G.S. 17E-4;*
Eff. April 1, 2001;
Repealed Eff. August 1, 2002.

12 NCAC 10B .0713 ADMISSION OF TRAINEES

(a) The school shall not admit any individual as a trainee in any commission-certified basic training course who is not a citizen of the United States.
(b) The school shall not admit any individual younger than 20 years of age as a trainee in any Detention Officer Certification Course and shall not admit any individual younger than 18 years of age as a trainee in the Telecommunicator Certification Course without the prior written approval of the Director of the Standards Division. The Director shall approve those individuals who will turn 20 years of age prior to the end of any Detention Officer Certification Course and, those individuals who will turn 18 years of age prior to the end of the Telecommunicator Certification Course.
(c) The school shall not admit any individual who has not provided the documentation required by 12 NCAC 10B .0302 to demonstrate that he or she meets the high school educational requirement set out in 12 NCAC 10B .0302.
(d) The school shall give priority admission in commission-certified basic training courses to individuals holding full-time employment with criminal justice agencies.
(e) The school shall not admit any individual as a trainee in a presentation of any Detention Officer Certification Course or the Telecommunicator Certification Course unless the individual has provided to the School a Medical

Examination Report Form (F-2) and the Medical History Statement Form (F-1) in compliance with 12 NCAC 10B .0304. The F-1 is completed by applicants and shall contain questions concerning biographical information, current medications, allergies, and past medical history, serious illnesses and medical conditions, hospitalizations, immunizations, and occupational history. The F-2 form is completed by a medical examiner and shall contain an applicant's biographical information, vision, hearing, cardiovascular and circulator health, urinalysis, TB skin test, and other medical conditions relevant to the applicant's physical fitness to perform the duties of a justice officer. Form F-2 also contains the examining medical professional's recommendation and concerns as to an applicant's physical fitness to perform the duties of a justice officer. The Medical Examination Report Form (F-2) and the Medical History Statement Form (F-1) required by the North Carolina Criminal Justice Education and Training Standards Commission shall be recognized by the Commission for the purpose of complying with this Rule.

(f) The school shall not admit any individual trainee in commission-certified basic training courses unless the individual has provided the School a certified criminal record check for local and state records where the trainee has resided within the past 10 years and where the trainee attended high school. The record check shall be from the Clerk of Court, a law enforcement agency within the jurisdiction, or other governmental entity that maintains or has access to criminal records for the jurisdiction. The record shall be certified by the entity providing the record with either a raised seal or other visible verification that the document is an authentic copy. An Administrative Office of the Courts criminal record check or a comparable out-of-state criminal record check shall satisfy this requirement. If an individual trainee has received a probationary certificate from the Commission at the time of enrollment, this records check requirement shall be waived.

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

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

(h) Pursuant to 12 NCAC 09B .0203, every individual who is admitted as a trainee in a presentation of the Commission-certified Basic Law Enforcement Training Course shall notify the School of all criminal offenses that the trainee is arrested for, charged with, pleads no contest to, pleads guilty to, or is found guilty of, and shall notify the School of all Domestic Violence Orders pursuant to G.S. Chapter 50B and Civil No Contact Orders pursuant to G.S. Chapter 50C, that are issued by a judicial official.

(i) Notification shall include all criminal offenses except minor traffic offenses. A minor traffic offense is defined for purposes of this Paragraph as any offense under G.S. Chapter 20 or similar laws of other jurisdictions, except those Chapter 20 offenses published in the Class B Misdemeanor Manual as referenced in 12 NCAC 10B. 0103. All driving while impaired, driving under the influence, and driving while license permanently revoked or permanently suspended offenses shall also be reported to the school.

(j) The notifications required under Paragraph (i) shall be in writing and shall specify the nature of the offense, the court where the case was initiated and the court where the case was or will be heard or disposed of if it is a different court, the date of the arrest or criminal charge, the date of issuance of the Domestic Violence Order or Civil No Contact Order, and the final disposition and the date thereof. The notifications required under Paragraph (j) shall be received by the School within 30 days of the date the case was disposed of in court. The requirements of this Paragraph shall apply at all times during which the trainee is enrolled in a Basic Law Enforcement Training Course. The requirements of this Paragraph shall be in addition to the notifications required under 12 NCAC 10B .0301 and 12 NCAC 09B .0101.

History Note: *Authority G.S. 17C-4; 17E-7;*
Eff. April 1, 2001;
Amended Eff. January 1, 2018; January 1, 2013; January 1, 2007; January 1, 2005;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 6, 2018;
Amended Eff. January 1, 2023.

12 NCAC 10B .0714 PILOT COURSE PRESENTATION/PARTICIPATION

(a) When the Commission approves the development of a new course or the development of a new version of an existing course, the Commission shall designate a course developer. The developer shall submit pilot curriculum for Commission approval. The developer shall conduct offerings of the Commission approved pilot course. The schools and instructors utilized in the pilot course offering shall be in compliance with Sections .0800 and .0900 of this Subchapter.

(b) "Pilot Course" means those courses approved by the Commission to develop new training course curricula.

(c) Individuals who complete such a Commission approved pilot course offering shall be in compliance with Sections .0600, and .1300 of this Subchapter.

History Note: *Authority G.S. 17E-7;*
Eff. November 1, 2023.

SECTION .0800 - ACCREDITATION OF JUSTICE OFFICER SCHOOLS AND TRAINING COURSES

12 NCAC 10B .0801 ACCREDITATION: JUSTICE OFFICER SCHOOLS/TRAINING COURSES

The rules covering the accreditation of Criminal Justice Schools and training courses, codified as Title 12, Subchapter 9C, Section .0400 of the North Carolina Administrative Code, and previously adopted by the North Carolina Criminal Justice Education And Training Standards Commission, are hereby incorporated by reference and shall automatically include any later amendments and editions of the incorporated material to apply to actions of the Commission with the exception of the Detention Officer Instructor, Detention Officer Schools and Training Courses. Copies of the incorporated materials may be obtained at no cost from the Criminal Justice Standards Division, North Carolina Department of Justice, Post Office Drawer 149, Raleigh, North Carolina 27602.

History Note: *Authority G.S. 17E-4;*
Eff. January 1, 1989;
Amended Eff. August 1, 1998; January 1, 1996;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 6, 2018.

12 NCAC 10B .0802 CERTIFICATION: DELIVERY/DETENTION OFFICER CERTIFICATION COURSE

(a) An institution or agency must be certified to deliver a Detention Officer Certification Course.

(b) In order to obtain certification, an institution or agency shall meet or exceed the following minimum standards for overall course delivery:

(1) the institution or agency shall conduct a minimum of one Detention Officer Certification Course each calendar year;
(2) the executive officer shall comply with the requirements of 12 NCAC 10B .0703; and
(3) the executive officer shall comply with the additional certification requirements as specified in the "Detention Officer Certification Course Management Guide".

(c) An institution or agency meeting the requirements of 12 NCAC 10B .0802(b) may submit a "Request for Certification" (Form F-7) to the Division. Upon receipt of the request, the Division staff shall:

(1) review the application for completeness;
(2) contact the institution or agency executive officer or designated school director to schedule an on-site visit and tour of the proposed training facilities;
(3) during the on-site visit note any deficiencies and attempt to provide assistance and recommendations in correcting those deficiencies; and
(4) notify the applying institution or agency, in writing, of the approval or denial of the certification request.

(d) In cases where the deficiencies prohibit the immediate certification of the institution or agency, the application shall be placed in a pending status:

(1) applications may remain in a pending status for no more than 30 days from the date of notification of any deficiencies; and
(2) within or following the 30 day period, the Division shall:
    (A) issue certification; or

(B) notify the institution or agency, in writing, that it must re-apply for certification.

(e) Any existing commission-issued certifications issued and valid on July 31, 1998 shall be automatically extended with an expiration date of December 31, 1999 at which time the previously issued certification shall be terminated.

(f) All new applicants for certification shall meet the requirements of this Section after August 1, 1998.

(g) The certified institution or agency shall be subject to unannounced on-site certification audits to ensure compliance with the rules in this Section

(h) Following an on-site certification audit, the Division staff shall:

(1) notify the institution or agency of the results of the audit; and

(2) recommend to the Commission's Probable Cause Committee any action pursuant to 12 NCAC 10B .0802(j).

(i) School certification shall remain effective until surrendered, suspended, or revoked.

(j) The Commission may suspend or revoke the certification of a school when it finds that the school has failed to meet or to continuously maintain any requirement, standard or procedure for school certification or course delivery as required by Section .0700 of this Subchapter.

History Note: *Authority G.S. 17E-4;*
Eff. January 1, 1989;
Amended Eff. January 1, 2005; August 1, 1998; January 1, 1996; January 1, 1990;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 6, 2018.

12 NCAC 10B .0803 REPORTS/DETENTION OFFICER CERT COURSE PRESENTATION/ COMPLETION

Each presentation of any Detention Officer Certification Course shall be reported to the Commission as follows:

(1) After acquiring accreditation for the course and before commencing each delivery of the course, the school shall, no less than 30 days prior to the scheduled delivery, notify the Division of the school's intent to offer the training course by submitting a Pre-Delivery Report of Training Course Presentation (Form F-7A); and

(2) Upon completing delivery of the accredited course, and not more than ten days after receiving from the Commission's representative the Report of Examination Scores, the school shall notify the Division regarding the progress and achievement of each enrolled trainee by submitting a Post-Delivery Report of Training Course Presentation (Form F-7B).

History Note: *Authority G.S. 17E-4; 17E-7;*
Eff. January 1, 1989;
Amended Eff. January 1, 1996; January 1, 1992;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 6, 2018;
Amended Eff. December 1, 2023; November 1, 2023.

12 NCAC 10B .0804 ACCREDITATION: DELIVERY/TELECOMMUNICATOR CERTIFICATION COURSE

(a) To be accredited to deliver a Telecommunicator Certification Course, an institution or agency must submit a Form F-7-T requesting school accreditation.

(b) School accreditation shall remain effective until surrendered, suspended, or revoked.

(c) The Commission may suspend or revoke the accreditation of a school when it finds that the school has failed to meet or continuously maintain any requirement, standard, or procedure for school accreditation or course delivery as required by Section .0700 of this Subchapter.

History Note: *Authority G.S. 17E-4;*
Eff. April 1, 2001;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 6, 2018.

12 NCAC 10B .0805 REPORTS/TELECOMMUNICATOR CERT COURSE PRESENTATION/COMPLETION

Each presentation of the Telecommunicator Certification Course shall be reported to the Commission as follows:

(1) After acquiring accreditation for the course and before commencing each delivery of the course, the school director shall, no less than 30 days prior to the scheduled delivery, notify the Division of the school's intent to offer the training course by submitting a Pre-Delivery Report of Training Course Presentation (Form F-7A-T); and

(2) Upon completing delivery of the accredited course, and not more than 10 days after receiving from the Commission's representative the Report of Examination Scores, the school director shall notify the Division regarding the progress and achievement of each enrolled trainee by submitting a Post-Delivery Report of Training Course Presentation (Form F-7B-T).

History Note: *Authority G.S. 17E-4; 17E-7;*
Eff. April 1, 2001;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 6, 2018.

SECTION .0900 - MINIMUM STANDARDS FOR JUSTICE OFFICER INSTRUCTORS

12 NCAC 10B .0901 CERT/INSTRUCTORS/BASIC LAW ENFORCEMENT TRAINING COURSE

The rules covering the certification of instructors, codified as Title 12, Subchapter 9B, Section .0300 of the North Carolina Administrative Code, and adopted by the North Carolina Criminal Justice Education and Training Standards Commission, are hereby incorporated by reference, and shall automatically include any later amendments and editions of the referenced materials, to apply to actions of the North Carolina Sheriffs' Education and Training Standards Commission. This Rule is not applicable to any Detention Officer Certification Course or Telecommunicator Certification Course. Copies of the publication may be obtained from the Office of Administrative Hearings, Rules Division web-site http://www.ncoah.com/rules.

History Note: *Authority G.S. 17E-4;*
Eff. January 1, 1989;
Amended Eff. January 1, 2013; January 1, 1996; January 1, 1994; June 1, 1992; January 1, 1992;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 6, 2018;
Amended Eff. November 1, 2023.

12 NCAC 10B .0902 PHYS FITNESS INSTRS//BASIC LAW ENFORCEMENT TRAINING COURSE

History Note: *Authority G.S. 17E-4;*
Eff. January 1, 1989;
Repealed Eff. January 1, 1994.

12 NCAC 10B .0903 CERT: INSTRUCTORS FOR DETENTION OFFICER CERTIFICATION COURSE

(a) Any person participating in any commission-certified Detention Officer Certification Course as an instructor, teacher, professor, lecturer, or other participant making presentations to the class shall first be certified by the Commission as an instructor pursuant to Rules .0905, .0907, and .0909 of this Subchapter.

(b) The Commission shall certify Detention Officer Certification Course instructors under the following categories:

(1) Detention Officer Instructor Certification;

(2) Professional Lecturer Certification; or

(3) Limited Lecturer Certification as outlined in Rules .0904, .0906 and .0908 of this Section.

(c) In addition to all other requirements of this Section, all instructors certified by the Commission to teach in any commission-certified Detention Officer Certification Course shall attend and complete any instructor training updates related to curriculum content and delivery as may be offered by the Commission approved curriculum developer and within the time period as specified by the Commission approved curriculum developer.

History Note: *Authority G.S. 17E-4;*
Eff. January 1, 1989;
Amended Eff. January 1, 2005; August 1, 1998; January 1, 1996; January 1, 1990;

Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 6, 2018;
Amended Eff. November 1, 2023.

12 NCAC 10B .0904 DETENTION OFFICER INSTRUCTOR CERTIFICATION

(a) An applicant for Detention Officer Instructor Certification shall:

(1) not have had any type of certification issued from this Commission, from the North Carolina Criminal Justice Education and Training Standards Commission, or from any commission, agency, or board established to certify pursuant to said commission, agency or boards' standards, which was revoked, suspended or denied for cause and such period of sanction is still in effect at the time of designation;

(2) have attended and successfully completed the North Carolina Sheriffs' Education and Training Standards Commission-approved Detention Officer Training Course; or hold a valid general or grandfather certification as a detention officer or correctional officer; and

(3) hold General Instructor certification issued by the North Carolina Criminal Justice Education and Standards Commission.

(b) Persons holding Detention Officer Instructor Certification may teach any topical areas of instruction in the Commission-mandated course with the exception of those outlined in 12 NCAC 10B .0908(a)(1) through (5).

History Note: *Authority G.S. 17E-4;*
Eff. January 1, 1989;
Amended Eff. January 1, 2005; January 1, 1996; January 1, 1995; January 1, 1994; January 1, 1990;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 6, 2018.

12 NCAC 10B .0905 TERMS AND CONDITIONS OF DETENTION OFFICER INSTRUCTOR CERTIFICATION

(a) An applicant meeting the requirements for certification as a Detention Officer Instructor shall serve a probationary period. The expiration dates of any existing Commission-issued Probationary General Detention Officer Instructor Certifications shall be set to expire concurrently with the expiration of the instructor's Probationary General Instructor Certification issued by the North Carolina Criminal Justice Education and Training Standards Commission. If the time-period before the expiration date is less than one year, then the eight hours of instruction as specified in Paragraph (b) of this Rule shall be waived for this shortened term and Full General Detention Officer Instructor Certification shall be issued provided all other conditions for Full General Detention Officer Instructor Certification status as set out in Paragraph (b) of this Section are met. If the applicant has a Full General Instructor certification with no expiration date, the expiration date for the Probationary Detention Officer Instructor Certification shall be set for a period of one year from date of issue.

(b) The probationary instructor shall be awarded Full General Detention Officer Instructor Certification at the end of the probationary period if the instructor's certification required in 12 NCAC 10B .0904(a) remains valid, and the instructor submits to the Division a completed Request for Detention Officer Instructor Certification Form I-2, with either:

(1) a favorable recommendation from a school director accompanied by certification on a Commission Instructor Evaluation Form F-16 that the instructor taught a minimum of eight hours as specified in Paragraph (e) of this Rule in a Commission-certified Detention Officer Certification Course, or in a Commission-recognized Detention Officer In-Service Course as set out in the Mandated In-Service Training Manual published by the North Carolina Justice Academy, during his or her probationary year; or

(2) a favorable written evaluation as specified in Paragraph (e) of this Rule by a Commission member or Division staff member based on an on-site classroom evaluation of the probationary instructor in a Commission-certified Detention Officer Certification Course or in a Commission-recognized Detention Officer In-Service Course. The evaluation shall be certified on a Criminal Justice Instructor Evaluation Form F-16. In addition, instructors evaluated by a Commission member or Division staff member must also teach a minimum of eight hours in a Commission-certified Detention Officer Certification Course during his or her probationary year.

(c) The expiration dates of any existing commission-issued Full General Detention Officer Instructor Certifications shall be set to expire concurrently with the expiration of the instructor's Probationary General Instructor Certification issued by the North Carolina Criminal Justice Education and Training Standards Commission. If the time-period before the expiration date is less than three years, then the 12 hours of instruction shall be waived for this shortened term and Full General Detention Officer Instructor Certification shall be renewed. If the applicant has a Full General Instructor Certification with no expiration date, the expiration date for the Full General Detention Officer Instructor Certification shall be set for a period of three years from the date of issue. Full General Detention Officer Instructor Certification shall remain valid so long as the instructor's certification required in 12 NCAC 10B .0904(a) remains valid, and that the instructor submits to the Division every three years a Form I-2 renewal application and either:

(1) a favorable recommendation from a school director accompanied by certification on a Commission Instructor Evaluation Form that the instructor satisfactorily taught a minimum of 12 hours as specified in Paragraph (e) of this Rule in a Commission-certified Detention Officer Certification Course, or in a Commission-recognized Detention Officer In-Service Course, during the previous three year period; or

(2) a favorable written evaluation as specified in Paragraph (e) of this Rule by a Commission member or Division staff member based on a minimum 12 hours, on-site classroom observation of the instructor in a Commission-certified Detention Officer Certification Course.

(d) In the event a General Detention Officer Instructor Certification (either Probationary or Full) is terminated for failure to comply with Paragraph (c) of this Rule, the individual may re-apply for certification meeting the initial conditions for the certification, and also provide documentation that he or she has audited the number of hours of instruction that he or she failed to teach in a delivery of an certified Detention Officer Certification Course.

(e) A Criminal Justice Instructor Evaluation Form F-16 records a rating of instructional ability, student participation, and presentation of the lesson plan consistent with the requirements for successfully completing the Criminal Justice Instructor Training as set out in 12 NCAC 09B .0209.

(1) Instructional ability includes the instructor's:
  (A) voice quality (projection, articulation, speech rate);
  (B) verbal skill (fluency and clarity);
  (C) physical appearance and mannerisms (attire, posture, body language, eye contact, movement);
  (D) personal qualities of the instructor (knowledge, self-confidence, tact, enthusiasm, sensitivity); and
  (E) selection and use of training aids (use of writing surface and other aids, effective use of multimedia, transparencies, and slides, relates aids to objectives, and use of aids when scheduled).

(2) Student participation includes the instructor's:
  (A) use of questions to encourage discussion and response to student questions;
  (B) ability to encourage class participation, maintain the students' attention, and engagement of all students effectively;
  (C) organization in the arrangement of the classroom for maximum effect, ensuring all training tools/items are ready when needed, and presentation for the class lesson; and
  (D) exercise control and discipline of the students to maintain proper behavior and orderliness in the classroom, ability to remain in control during classroom discussions, and handle class disruptions and problems.

(3) Presentation of lesson plan includes the instructor's:
  (A) full coverage of the lesson plan;
  (B) presentation of information in logical sequence;
  (C) timing of presentation to allow for sufficient time for questions and discussion;
  (D) transition of subjects with continuous progression and development of lesson;
  (E) emphasis of key points and frequent summarization of topics to entire lesson or course and use of examples to clarify the subjects;
  (F) frequent establishment of relevance of the topics to entire lesson or course and use of examples to clarify the subjects; and
  (G) consistency of presentation in following the lesson plan.

(f) Individuals may, for just cause, be granted an extension to successfully teach the required minimum number of hours of instruction only once and not to exceed 12 months. For purposes of this Rule, "just cause" means accident,

illness, emergency, course cancellation, or other exceptional circumstances that precluded the instructor from fulfilling the teaching requirement.

History Note: *Authority G.S. 17E-4;*
Eff. January 1, 1989;
Amended Eff. February 1, 2006; January 1, 2005; August 1, 2002; January 1, 1996; January 1, 1992;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 6, 2018;
Amended Eff. May 1, 2021.

12 NCAC 10B .0906 PROFESSIONAL LECTURER CERTIFICATION

(a) The Commission may issue Professional Lecturer Certification to a licensed attorney-at-law or a person with a law degree to teach "Legal Aspects of Jail Management and Administration" or other approved Detention Officer Certification Course legal block in any Detention Officer Certification Course if they apply and meet the criteria set out in Rule .0907 of this Subchapter.

(b) To be eligible for such certification an applicant shall present documentary evidence demonstrating that the applicant has:

(1) graduated from an accredited law school;

(2) obtained the endorsement of a commission recognized school director who shall:

(A) recommend the applicant for certification as a professional lecturer; and

(B) describe the applicant's expected participation, topical areas, duties and responsibilities.

History Note: *Authority G.S. 17E-4;*
Eff. January 1, 1989;
Amended Eff. January 1, 1996; January 1, 1994; January 1, 1992;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 6, 2018;
Amended Eff. November 1, 2023.

12 NCAC 10B .0907 TERMS AND CONDITIONS OF PROFESSIONAL LECTURER CERT

The expiration dates of any existing commission-issued Professional Lecturer Certifications, where the individual also holds another instructor certification(s) issued through this Commission, shall be set to expire concurrently with the other instructor certification(s) issued by this Commission. In the event such instructor does not hold another instructor certification under this Commission, but holds an instructor certification under the North Carolina Criminal Justice Education and Training Standards Commission, the expiration date shall be set to expire concurrently with the other instructor certification(s) issued by the North Carolina Criminal Justice Education and Training Standards Commission. Where the instructor holds no certification through either Commission, certification as a professional lecturer shall remain effective for three years from the date of issuance. The lecturer shall apply for recertification at or before the expiration date.

History Note: *Authority G.S. 17E-4;*
Eff. January 1, 1989;
Amended Eff. January 1, 2006; August 1, 2002;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 6, 2018.

12 NCAC 10B .0908 LIMITED LECTURER CERTIFICATION

(a) The Commission shall issue a Limited Lecturer Certification to an applicant who has developed specific or special skills by virtue of specific or special training. Limited Lecturer Certification shall be issued in the following topical areas:

(1) First Aid and CPR;

(2) Compliance and Control Tactics;

(3) Fire Emergencies in the Jail;

(4) Medical Care in the Jail; and

(5) Physical Fitness for Detention Officers.

(b) To be eligible for a Limited Lecturer Certificate for topic areas set forth in Paragraph (a) of this Rule, the applicant must meet the qualifications as follows:

(1) First Aid and CPR: first aid and CPR instructor with the American Red Cross, American Heart Association (AHA), American Safety and Health Institute (ASHI), or National Safety Council (NSC); or a licensed physician, Nurse Practitioner, Licensed Practical Nurse (LPN), Registered Nurse (RN), Physician's Assistant, or Emergency Medical Technician (EMT);

(2) Compliance and Control Tactics: certified by N.C. Criminal Justice Education and Training Standards Commission as Compliance and Control Tactics Instructor and compliance with Rule .0903(c) of this Section;

(3) Fire Emergencies in the Jail: Certified Fire Instructor (Level II or higher) through the North Carolina Department of Insurance Office of State Fire Marshall, or a Specialized Instructor in the Explosive and Hazardous Material Emergencies topical area through the NC Criminal Justice Commission;

(4) Medical Care in a Jail: A Licensed Physician, Nurse Practitioner, LPN, RN, or EMT, or Physician's Assistant; and

(5) Physical Fitness for Detention Officer: certified as a Physical Fitness Instructor by the North Carolina Criminal Justice Education and Training Standards Commission.

(c) In addition to the requirements set out in Paragraph (b) of this Rule, applicants for Limited Lecturer Certification must possess current certification to perform CPR which was obtained through the applicant having shown proficiency both cognitively and through skills testing.

History Note: *Authority G.S. 17E-4;*
Eff. January 1, 1989;
Amended Eff. February 1, 2012; January 1, 2006; August 1, 2002; August 1, 2000; August 1, 1998; January 1, 1996; January 1, 1992; January 1, 1991; January 1, 1990;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 6, 2018;
Amended Eff. June 1, 2026.

12 NCAC 10B .0909 TERMS AND CONDITIONS OF A LIMITED LECTURER CERTIFICATION

(a) An applicant meeting the requirements for certification as a Limited Lecturer shall serve a probationary period. The expiration dates of any existing Commission-issued Limited Lecturer Certifications, where the individual holds instructor certification under the North Carolina Criminal Justice Education and Training Standards Commission, shall be set to expire concurrently with the other instructor certification(s) issued by the North Carolina Criminal Justice Education and Training Standards Commission. In the event the instructor does not hold instructor certification under the North Carolina Criminal Justice Education and Training Standards Commission, but holds another instructor certification(s) issued through this Commission, the expiration date shall be set to expire concurrently with the other instructor certification(s) issued by this Commission. Where the instructor holds no certification through either Commission, certification as a Limited Lecturer shall remain effective for 12 months from the date of issuance. The lecturer shall apply for Full Limited Lecturer Certification at or before the expiration date. If the time-period before the expiration date is less than one year, then the four hours of instruction shall be waived for this shortened term and Full Limited Lecturer Certification shall be issued provided all other conditions for Full Limited Lecturer Certification status as set out in this Rule are met.

(b) The probationary instructor shall be eligible for Full Limited Lecturer status at the end of the probationary period if the instructor submits to the Commission:

(1) documentation on a Detention Officer Certification Form I-2 of at least four hours of instruction occurring within the probationary period in an area of the instructor's expertise related to each topic for which Limited Lecturer Certification was granted; and

(2) documentation that all other certifications required in 12 NCAC 10B .0908 remain valid.

(c) The expiration dates of any existing Commission-issued Full Limited Lecturer Certifications shall be set to expire concurrently with the expiration of the corresponding instructors' certification issued by the North Carolina Criminal Justice Education and Training Standards Commission. In the event the instructor does not hold instructor certification under the North Carolina Criminal Justice Education and Training Standards Commission, but holds another instructor certification(s) issued through this Commission, the expiration date shall be set to expire concurrently with the other instructor certification(s) issued by this Commission. The lecturer shall apply for recertification at or before the expiration date. If the time period before the expiration date is less than three years,

then the six hours of instruction shall be waived for this shortened term and Full Limited Lecturer Instructor Certification will be renewed provided all other conditions for Full status as set out in Subparagraph (2) of this Paragraph are met. Full Limited Lecturer Certification remains valid so long as the lecturer submits to the Division every three years a Detention Officer Certification Form I-2:

(1) of documenting at least six hours of instruction occurring within the three-year certification period in an area of the instructor's expertise related to each topic for which Limited Lecturer Certification was granted; and

(2) documenting that all other certifications required in 12 NCAC 10B .0908 remain valid.

(d) In the event a Limited Lecturer Instructor Certification (either Probationary or Full) is terminated for failure to comply with Paragraph (c) of this Rule, the individual may re-apply for certification meeting the initial conditions for the certification, and also provide documentation on a Detention Officer Certification Form I-2 that he or she has audited the number of hours of instruction he or she failed to teach in the topic area for which Limited Lecturer Certification was granted in the respective area of expertise.

(e) Individuals may, for just cause, be granted an extension to successfully teach the required minimum number of hours instruction only once not to exceed 12 months. For purposes of this Rule, "just cause" means accident, illness, emergency, course cancellation, or other exceptional circumstances that precluded the instructor from fulfilling the teaching requirement.

History Note: *Authority G.S. 17E-4;*
Eff. January 1, 1989;
Amended Eff. January 1, 2006; August 1, 2002; August 1, 2000; August 1, 1998; January 1, 1996; January 1, 1994; 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. May 1, 2021.

12 NCAC 10B .0910 USE OF GUEST PARTICIPANTS

Instructors certified pursuant to 12 NCAC 10B .0908 and .0909 shall be the primary presenter at each class session of every offering of any Detention Officer Certification Course. A guest participant in a class session shall only be used to complement the instructor, and the instructor shall have direct on-site supervision of the guest participants.

History Note: *Authority G.S. 17E-4;*
Eff. January 1, 1992;
Amended Eff. August 1, 1998; January 1, 1996;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 6, 2018;
Amended Eff. November 1, 2023.

12 NCAC 10B .0911 SUSPENSION: REVOCATION: DENIAL OF DETENTION OFFICER INSTRUCTOR CERTIFICATION

(a) The Division may notify an applicant for instructor certification or a certified instructor that a deficiency appears to exist and attempt, in an advisory capacity, to assist the person in correcting the deficiency.

(b) When any person certified as an instructor by the Commission is found to have knowingly and willfully violated any provision or requirement of the rules of this Subchapter, the Commission may take action to correct the violation and to ensure that the violation does not recur, including:

(1) issuing an oral warning and request for compliance;

(2) issuing a written warning and request for compliance;

(3) issuing an official written reprimand;

(4) summarily suspending the individual's certification for a specified period of time or until acceptable corrective action is taken by the individual if the Commission finds that the public health, safety, or welfare requires immediate action; or

(5) revoking the individual's certification.

(c) The Commission may deny, suspend, or revoke an instructor's certification when the Commission finds that the person:

(1) has failed to meet and maintain any of the requirements for qualification;

(2) has failed to remain knowledgeable in the person's areas of expertise by failing to attend and successfully complete any instructor training updates pursuant to 12 NCAC 10B .0903(c);
(3) has failed to deliver training in a manner consistent with the instructor lesson plans;
(4) has failed to follow specific guidelines outlined in the "Detention Officer Certification Course Management Guide" which is hereby incorporated by reference and shall automatically include any later amendments and editions of the referenced materials. This publication is authored by and may be obtained from the North Carolina Justice Academy, Post Office Drawer 99, Salemburg, North Carolina 28385 at no cost at the time of adoption of this Rule;
(5) has demonstrated unprofessional personal conduct as defined in 12 NCAC 10B .0103(21) in the delivery of commission-mandated training;
(6) has otherwise demonstrated instructional incompetence;
(7) has knowingly and willfully obtained, or attempted to falsify data, records, scores, grades, or any other student course materials or obtain or maintain instructor certification by deceit, fraud, or misrepresentation; or
(8) has had any type of certification issued from the Commission, from the North Carolina Criminal Justice Education and Training Standards Commission, or from any commission, agency, or board established to certify pursuant to said commission, agency or boards' standards, which was revoked, suspended or denied for cause.

History Note: *Authority G.S. 17E-4;*
Eff. January 1, 1993;
Amended Eff. February 1, 2009; January 1, 2005; August 1, 1998; January 1, 1996;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 6, 2018.

12 NCAC 10B .0912 PERIOD/SUSPENSION: REVOCATION: OR DENIAL OF DETENTION OFFICER INSTRUCTOR CERTIFICATION

The period of suspension, revocation or denial of the certification of an instructor pursuant to 12 NCAC 10B .0911 shall be:

(1) no more than one year where the cause of sanction is:
  (a) failure to deliver training in a manner consistent with the instructor lesson plans; or
  (b) failure to follow specific guidelines outlined in the "Detention Officer Certification Course Management Guide" which is hereby incorporated by reference and shall automatically include any later amendments and editions of the referenced materials. This publication is authored by and may be obtained from the North Carolina Justice Academy, Post Office Drawer 99, Salemburg, North Carolina 28385 at no cost at the time of adoption of this Rule; or
  (c) unprofessional personal conduct as defined in 12 NCAC 10B .0103(21) or demonstration of instructional incompetence in the delivery of the Detention Officer Certification Course.
(2) no more than five years where the sanction is knowingly and willfully obtaining or attempting to falsify data, records, scores, grades, or any other student course materials or obtain or maintain instructor certification by deceit, fraud, or misrepresentation.
(3) for an indefinite period, but continuing so long as the stated deficiency, infraction, or impairment continues to exist, where the cause of sanction is:
  (a) failure to meet and maintain any of the requirements for qualification; or
  (b) failure to remain knowledgeable in the person's areas of expertise.

History Note: *Authority G.S. 17E-4;*
Eff. January 1, 1993;
Amended Eff. February 1, 2009; January 1, 1996;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 6, 2018.

12 NCAC 10B .0913 CERT: INSTRUCTORS FOR TELECOMMUNICATOR CERTIFICATION COURSE

(a) Any person participating in a commission-certified Telecommunicator Certification Course as an instructor, teacher, professor, lecturer, or other participant making presentations to the class shall first be certified by the Commission as an instructor.
(b) As of the effective date of this Rule, the Commission shall certify Telecommunicator Certification Course instructors under the following categories:

(1) Telecommunicator Instructor Certification; or
(2) Professional Lecturer Certification.

(c) Individuals who have previously instructed in a commission-certified Telecommunicator Certification Course as it existed prior to the effective date of this Rule are eligible for a waiver of 12 NCAC 10B .0913(b), provided documentation is submitted showing the applicant taught a minimum of eight hours in the Telecommunicator Certification Course within the one-year period prior to the date of application.
(d) In addition to all other requirements of this Section, all instructors certified by the Commission to teach in a commission-certified Telecommunicator Certification Course shall remain knowledgeable and attend and complete any instructor training updates related to curriculum content and delivery as may be offered by the curriculum developer and within the time period as specified by the curriculum developer.

History Note: *Authority G.S. 17E-4;*
Eff. April 1, 2001;
Amended Eff. January 1, 2005;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 6, 2018.

12 NCAC 10B .0914 TELECOMMUNICATOR INSTRUCTOR CERTIFICATION

(a) An applicant for Telecommunicator Instructor Certification shall:

(1) not have had any type of certification issued from this Commission, from the North Carolina Criminal Justice Education and Training Standards Commission, or from any commission, agency, or board established to certify pursuant to said commission, agency or boards' standards, which was revoked, suspended or denied for cause and such period of sanction is still in effect at the time of designation;
(2) have attended and successfully completed the North Carolina Sheriffs' Education and Training Standards Commission-approved Telecommunicator Training Course, or hold a valid general or grandfather certification as a Telecommunicator; and
(3) hold General Instructor certification issued by the North Carolina Criminal Justice Education and Standards Commission.

(b) Persons holding Telecommunicator Instructor Certification may teach any topical areas of instruction in the Commission-mandated course.

History Note: *Authority G.S. 17E-4;*
Eff. April 1, 2001;
Amended Eff. January 1, 2005;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 6, 2018.

12 NCAC 10B .0915 TERMS AND CONDITIONS OF TELECOMMUNICATOR INSTRUCTOR CERTIFICATION

(a) An applicant meeting the requirements for certification as a Telecommunicator Instructor shall serve a probationary period. The expiration dates of any existing Commission-issued Probationary General Telecommunicator Instructor Certifications shall be set to expire concurrently with the expiration of the instructor's Probationary General Instructor Certification issued by the North Carolina Criminal Justice Education and Training Standards Commission. If the time-period before the expiration date is less than one year, then the eight hours of instruction required for Probationary Telecommunicator Instructor Certification shall be waived for this shortened term and Full General Telecommunicator Instructor Certification shall be issued provided all other conditions for Full General Telecommunicator Instructor Certification as set out in Paragraph (b) of this Rule are met. If the applicant has a Full General Instructor Certification through the Criminal Justice Education and Training Standards Commission with no expiration date, the Probationary Telecommunicator Officer Instructor Certification shall be set for one year from date of issue.

(b) The probationary instructor shall be awarded Full Telecommunicator Instructor Certification at the end of the probationary period if the instructor's certification required in 12 NCAC 10B .0914(a) remains valid, and the instructor through application, submits to the Division a completed Request for Telecommunicator Instructor Certification Form I-2T, with either:

(1) a favorable recommendation from a school director accompanied by certification on a Commission Instructor Evaluation Form that the instructor taught a minimum of eight hours as specified in Paragraph (e) of this Rule in a Commission-certified Telecommunicator Certification Course, or in a Commission-recognized Telecommunicator In-Service Training Course as set out in the Mandated In-Service Training Manual published by the North Carolina Justice Academy during his or her probationary year; or

(2) a favorable written evaluation as specified in Paragraph (e) of this Rule by a Commission member or Division staff member based on an on-site classroom evaluation of the probationary instructor in a Commission-certified Telecommunicator Certification Certification Course, or in a Commission-recognized Telecommunicator In-Service Training Course. The evaluation shall be certified on a Criminal Justice Instructor Evaluation Form F-16. In addition, instructors evaluated by a Commission or Division staff member must also teach a minimum of eight hours in a Commission-certified Telecommunicator Certification Course during his or her probationary year.

(c) The expiration dates of any existing Commission-issued Full General Telecommunicator Instructor Certifications shall be set to expire concurrently with the expiration of the instructor's Probationary General Instructor Certification issued by the North Carolina Criminal Justice Education and Training Standards Commission. If the time-period before the expiration date is less than three years, then the 12 hours of instruction shall be waived for this shortened term and Full General Telecommunicator Instructor Certification shall be renewed. If the applicant has a Full General Instructor Certification with no expiration date, the expiration date for the Full Telecommunicator Officer Instructor Certification shall be set for three years from the date of issue. Full Telecommunicator Instructor Certification shall remain valid so long as the instructor's certification required in 12 NCAC 10B .0904(a) remains valid, and the instructor submits to the Division every three years a completed Request for Request for Telecommunicator Instructor Certification Form I-2T, with either:

(1) a favorable recommendation from a school director accompanied by certification on a Commission Instructor Evaluation Form that the instructor satisfactorily taught a minimum of 12 hours as specified in Paragraph (e) of this Rule in a Commission-certified Telecommunicator Certification Course, or a Commission-recognized Telecommunicator In-Service Training Course during the previous three year period; or

(2) a favorable written evaluation as specified in Paragraph (e) of this Rule by a Commission member or Division staff member based on a minimum 12 hours, on-site classroom observation of the instructor in a Commission-certified Telecommunicator Certification or a Commission-recognized Telecommunicator In-Service Training Course.

(d) In the event a General Telecommunicator Instructor Certification (either Probationary or Full) is terminated for failure to comply with Paragraph (c) of this Rule, the individual may re-apply for certification meeting the initial conditions for the certification, and also provide documentation that he or she has audited the number of hours of instruction that he or she failed to teach in a delivery of a certified Telecommunicator Certification Course.

(e) An Instructor Evaluation Form records a rating of instructional ability, student participation, and presentation of the lesson plan consistent with the requirements for successfully completing the Criminal Justice Instructor Training as set out in 12 NCAC 09B .0209.

(1) Instructional ability includes the instructor's:
    (A) voice quality (projection, articulation, speech rate);
    (B) verbal skill (fluency and clarity);
    (C) physical appearance and mannerisms (attire, posture, body language, eye contact, movement);
    (D) personal qualities of the instructor (knowledge, self-confidence, tact, enthusiasm, sensitivity); and
    (E) selection and use of training aids (use of writing surface and other aids, effective use of multimedia, transparencies, and slides, relates aids to objectives, and use of aids when scheduled).

(2) Student participation includes the instructor's:
    (A) use of questions to encourage discussion and response to student questions;

(B) ability to encourage class participation, maintain the students' attention, and engagement of all students effectively;
(C) organization in the arrangement of the classroom for maximum effect, ensuring all training tools/items are ready when needed, and presentation for the class lesson; and
(D) exercise of control and discipline of the students to maintain proper behavior and orderliness in the classroom, ability to remain in control during classroom discussions, and handle class disruptions and problems.

(3) Presentation of lesson plan includes the instructor's:
(A) full coverage of the lesson plan;
(B) presentation of information in logical sequence;
(C) timing of presentation to allow for sufficient time for questions and discussion;
(D) transition of subjects with continuous progression and development of lesson;
(E) emphasis of key points and frequent summarization of topics to reinforce learning;
(F) frequent establishment of relevance of the topics to entire lesson or course and use of examples to clarify the subjects; and
(G) consistency of presentation in following the lesson plan.

(f) Individuals may, for just cause, be granted an extension to successfully teach the required minimum number of hours of instruction only once not to exceed 12 months. For purposes of this Rule, "just cause" means accident, illness, emergency, course cancellation, or other exceptional circumstances that precluded the instructor from fulfilling the teaching requirement.

History Note: *Authority G.S. 17E-4;*
Eff. April 1, 2001;
Amended Eff. February 1, 2006; January 1, 2005; August 1, 2002;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 6, 2018;
Amended Eff. May 1, 2021.

12 NCAC 10B .0916 PROFESSIONAL LECTURER CERTIFICATION: TELECOMMUNICATOR CERTIFICATION COURSE

(a) The Commission may issue Professional Lecturer Certification to a licensed attorney-at-law or a person with a law degree to teach "Civil Liability for the Telecommunicator" in the Telecommunicator Certification Course.
(b) To be eligible for such certification an applicant shall present documentary evidence demonstrating that the applicant has:
(1) graduated from an accredited law school; and
(2) obtained the endorsement of a commission recognized school director who shall:
(A) recommend the applicant for certification as a professional lecturer; and
(B) describe the applicant's expected participation, topical areas, duties and responsibilities.

History Note: *Authority G.S. 17E-4;*
Eff. April 1, 2001;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 6, 2018.

12 NCAC 10B .0917 TERMS AND CONDITIONS OF PROFESSIONAL LECTURER CERT: TELECOMMUNICATOR CERTIFICATION COURSE

The expiration dates of any existing commission-issued Professional Lecturer Certifications, where the individual also holds another instructor certification(s) issued through this Commission, shall be set to expire concurrently with the other instructor certification(s) issued by this Commission. In the event such instructor does not hold another instructor certification under this Commission, but holds an instructor certification under the North Carolina Criminal Justice Education and Training Standards Commission, the expiration date shall be set to expire concurrently with the other instructor certification(s) issued by the North Carolina Criminal Justice Education and Training Standards Commission. Where the instructor holds no certification through either Commission, certification as a professional lecturer shall remain effective for three years from the date of issuance. The lecturer shall apply for recertification at or before the expiration date.

History Note: *Authority G.S. 17E-4;*
Eff. April 1, 2001;
Amended Eff. January 1, 2006; August 1, 2002;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 6, 2018.

12 NCAC 10B .0918 USE OF GUEST PARTICIPANTS: TELECOMMUNICATOR CERTIFICATION COURSE

The use of guest participants in a delivery of the Telecommunicator Certification Course is permissible. Such guest participants are subject to the direct on-site supervision of a commission-certified instructor and must be authorized by the school director. A guest participant shall only be used to complement the primary certified instructor of the topic area and shall in no way replace the primary instructor.

History Note: *Authority G.S. 17E-4;*
Eff. April 1, 2001;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 6, 2018.

12 NCAC 10B .0919 SUSPENSION: REVOCATION: DENIAL OF TELECOMMUNICATOR INSTRUCTOR CERTIFICATION

(a) The Division may notify an applicant for instructor certification or a certified instructor that a deficiency appears to exist and attempt, in an advisory capacity, to assist the person in correcting the deficiency.

(b) When any person certified as an instructor by the Commission is found to have knowingly and willfully violated any provision or requirement of the rules of this Subchapter, the Commission may take action to correct the violation and to ensure that the violation does not recur, including:

(1) issuing an oral warning and request for compliance;
(2) issuing a written warning and request for compliance;
(3) issuing an official written reprimand;
(4) summarily suspending the individual's certification for a specified period of time or until acceptable corrective action is taken by the individual when the Commission finds that the public health, safety, or welfare requires emergency action; or
(5) revoking the individual's certification.

(c) The Commission may deny, suspend, or revoke an instructor's certification when the Commission finds that the person:

(1) has failed to meet and maintain any of the requirements for qualification;
(2) has failed to remain knowledgeable in the person's areas of expertise by failing to attend and successfully complete any instructor training updates pursuant to 12 NCAC 10B .0913(d);
(3) has failed to deliver training in a manner consistent with the instructor lesson plans;
(4) has failed to follow specific guidelines outlined in the "Telecommunicator Certification Course Management Guide" which shall be used and shall automatically include any later amendments and editions of the referenced materials. This publication is authored by and may be obtained from the North Carolina Justice Academy, Post Office Drawer 99, Salemburg, North Carolina 28385 at no cost at the time of adoption of this Rule;
(5) has demonstrated unprofessional personal conduct as defined in 12 NCAC 10B .0103(21) in the delivery of commission-mandated training;
(6) has otherwise demonstrated instructional incompetence;
(7) has knowingly and willfully obtained, or attempted to falsify data, records, scores, grades, or any other student course materials or obtain or maintain instructor certification by deceit, fraud, or misrepresentation; or
(8) has had any type of certification issued from this Commission, from the North Carolina Criminal Justice Education and Training Standards Commission, or from any commission, agency, or board established to certify pursuant to said commission, agency or boards' standards, which was revoked, suspended or denied for cause.

History Note: *Authority G.S. 17E-4;*
Eff. April 1, 2001;

Amended Eff. February 1, 2009; January 1, 2005;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 6, 2018.

12 NCAC 10B .0920 PERIOD/SUSPENSION: REVOCATION: OR DENIAL OF TELECOMMUNICATOR INSTRUCTOR CERTIFICATION

The period of suspension, revocation or denial of the certification of an instructor pursuant to 12 NCAC 10B .0919 shall be:

(1) no more than one year where the cause of sanction is:
  (a) failure to deliver training in a manner consistent with the instructor lesson plans;
  (b) failure to follow specific guidelines outlined in the "Telecommunicator Certification Course Management Guide" which shall be used and shall automatically include any later amendments and editions of the referenced materials. This publication is authored by and may be obtained from the North Carolina Justice Academy, Post Office Drawer 99, Salemburg, North Carolina 28385 at no cost at the time of adoption of this Rule; or
  (c) unprofessional personal conduct as defined in 12 NCAC 10B .0103(21) or demonstration of instructional incompetence in the delivery of the Telecommunicator Certification Course.

(2) no more than five years where the sanction is knowingly and willfully obtaining or attempting to falsify data, records, scores, grades, or any other student course materials or obtain or maintain instructor certification by deceit, fraud, or misrepresentation.

(3) for an indefinite period, but continuing so long as the stated deficiency, infraction, or impairment continues to exist, where the cause of sanction is:
  (a) failure to meet and maintain any of the requirements for qualification; or
  (b) failure to remain knowledgeable in the person's areas of expertise.

History Note: *Authority G.S. 17E-4;*
Eff. April 1, 2001;
Amended Eff. February 1, 2009;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 6, 2018.

SECTION .1000 - PROFESSIONAL CERTIFICATE PROGRAM FOR SHERIFFS AND DEPUTY SHERIFFS

12 NCAC 10B .1001 PURPOSE

History Note: *Authority G.S. 17E-4;*
Eff. January 1, 1989;
Amended Eff. February 1, 1998; January 1, 1992;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 6, 2018;
Expired Eff. September 1, 2025 pursuant to G.S. 150B-21.3A.

12 NCAC 10B .1002 ELIGIBILITY FOR PROFESSIONAL CERTIFICATES

(a) In order to be eligible for one or more of the professional certificates, a sheriff or deputy sheriff who is a full-time sworn law enforcement officer of a North Carolina sheriff's office shall first meet the following preliminary qualifications:

(1) be an elected or appointed sheriff or be a deputy sheriff who holds valid general or grandfather certification as defined in G.S. 17E-7(a). A deputy sheriff serving under a probationary certification is not eligible for consideration. Any justice officer subject to suspension or revocation proceedings, under investigation for possible decertification action, under a period of active revocation of their certification, or under probation or suspended sanction, by the Commission or the North Carolina Criminal Justice Education and Training Standards Commission, is not eligible for professional certificates for the pendency of the proceedings or period of probation, suspension, or revocation; and

(2) meet and maintain the requirements of certification pursuant to Rule .0301 and Section .0500 of this Subchapter.

(b) Employees of a North Carolina Sheriff's Office who have previously held general or grandfather law enforcement officer certification but are presently, by virtue of promotion or transfer, serving in non-sworn positions not subject to certification are eligible to participate in the Professional Certificate Program. Eligibility for this exception requires continuous employment with the sheriff's office from the date of promotion or transfer from a sworn, certified position to the date of application for a professional certificate.

(c) Only training or experience gained in an officer's area of expertise as described in Paragraph (d) of this Rule is eligible for application to this program.

(d) Certificates shall be awarded based upon a formula that combines formal education, law enforcement training, and experience in a sworn law enforcement position as defined in Rule .0103(19) of this Subchapter. These professional certificates shall be for sworn sheriffs and full-time deputy sheriffs. Points are computed in the following manner:

(1) each semester hour of college credit shall equal one education point and each quarter hour shall equal two-thirds of an education point. No correspondence or vocational courses shall be credited towards education points unless an accredited institution, as set out in Rule .1004(b) of this Section, credits the courses towards a degree;

(2) 20 hours of law enforcement training shall equal one training point; and

(3) experience as a sworn law enforcement officer as defined in Rule .0103(19) of this Subchapter is acceptable.

(e) In addition to the qualifications set forth in Paragraphs (a), (b), (c), and (d) of this Rule, applicants for the Intermediate Law Enforcement Certificate shall have acquired the following combination of educational points or degrees, law enforcement training points, and years of law enforcement experience:

Educational Degrees	None	None	None	Associate	Bachelor
Years of Law Enforcement Experience	8	6	4	4	2
Minimum Law Enforcement Training Points	20	35	50	24	23
Minimum Total Education and Training Points	39	69	99	24	23

(f) In addition to the qualifications set forth in Paragraphs (a), (b), (c), and (d) of this Rule, applicants for the Advanced Law Enforcement Certificate shall have acquired the following combination of educational points or degrees, law enforcement training points, and years of law enforcement experience:

Educational Degrees	None	None	Associate	Bachelor	Doctoral, Professional or Master
Years of Law Enforcement Experience	12	9	9	6	4
Minimum Law Enforcement Training Points	35	50	33	27	23
Minimum Total Education and Training Points	69	99	33	27	23

(g) Educational points or degrees 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 or vocational courses unless credited towards a degree by an accredited institution.

(h) No more than 160 hours of training obtained by completing an accredited basic law enforcement training program required to serve in a sworn law enforcement position as defined in Rule .0103(19) of this Subchapter shall be credited toward training points.

History Note: *Authority G.S. 17E-4;*
Eff. January 1, 1989;
Amended Eff. January 1, 2013; January 1, 2006; August 1, 2000; August 1, 1998; February 1, 1998; January 1, 1992; January 1, 1991; January 1, 1990;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 6, 2018;
Amended Eff. December 1, 2025; December 1, 2023.

12 NCAC 10B .1003 BASIC LAW ENFORCEMENT CERTIFICATE

History Note: *Authority G.S. 17E-4;*
Eff. January 1, 1989;
Amended Eff. January 1, 1994; January 1, 1992; January 1, 1991;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 6, 2018;
Repealed Eff. August 1, 2019.

12 NCAC 10B .1004 INTERMEDIATE LAW ENFORCEMENT CERTIFICATE

History Note: *Authority G.S. 17E-4(b)(1); 17E-4(b)(12);*
Eff. January 1, 1989;
Amended Eff. February 1, 2014; January 1, 2013; August 1, 2002; August 1, 1998; January 1, 1996; January 1, 1992;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 6, 2018;
Repealed Eff. December 1, 2025.

12 NCAC 10B .1005 ADVANCED LAW ENFORCEMENT CERTIFICATE

History Note: *Authority G.S. 17E-4(b)(1); 17E-4(b)(12);*
Eff. January 1, 1989;
Amended Eff. February 1, 2014; January 1, 2013; August 1, 2002; August 1, 1998; January 1, 1996; January 1, 1994; January 1, 1992;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 6, 2018;
Repealed Eff. December 1, 2025.

12 NCAC 10B .1006 HOW TO APPLY

(a) All applicants for an award of the intermediate or advanced professional certificates for sheriffs and deputy sheriffs shall complete the "Application for Professional Certificate/Service Award," Form F-6.

(b) Documentation of education shall be provided by copies of transcripts, diplomas, or certified letters from the accredited institution.

(c) Documentation of training shall be provided by copies of training records signed by the agency's training officer or department head, or by providing certificates of completion.

(d) Military Police Officers shall provide a military DD214, Certificate of Release from Active Duty form, for verification of service. Federal government employees with service in a sworn law enforcement position, as defined in Rule .0103(19) of this Subchapter, shall provide letters of verification of dates of employment on the agency letterhead signed by the department head or their designee.

(e) Documentation of the applicant's length of service in North Carolina shall be based upon the Division's certification records, however, oaths of office may be requested of the applicant if confirmation of dates of service is required. Documentation shall be provided by letters of verification of employment from present or former out-of-

state employers where the applicant served in a sworn law enforcement position, as defined in Rule .0103(19) of this Subchapter.
(f) The "Application for Professional Certificate/Service Award," Form F-6, shall be signed by the department head and forwarded to the Division. Certificates shall be issued to the department head for award to the applicant.

History Note: *Authority G.S. 17E-4;*
Eff. January 1, 1989;
Amended Eff. August 1, 1998; 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. December 1, 2025.

SECTION .1100 - SHERIFFS' AND JUSTICE OFFICERS= SERVICE AWARD PROGRAM

12 NCAC 10B .1101 PURPOSE

History Note: *Authority G.S. 17E-4;*
Eff. January 1, 1989;
Amended Eff. February 1, 1998; January 1, 1992;
Temporary Amendment Eff. March 1, 1998;
Amended Eff. April 1, 2001; August 1, 1998;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 6, 2018;
Expired Eff. September 1, 2025 pursuant to G.S. 150B-21.3A.

12 NCAC 10B .1102 GENERAL PROVISIONS
(a) In order to be eligible for one or more of the service awards, a Deputy Sheriff, Detention Officer, Telecommunicator, or Sheriff shall first meet the following preliminary qualifications:

(1) Be an elected or appointed sheriff or be a deputy sheriff, detention officer, or telecommunicator that holds a valid general or grandfather certification. An officer serving under a probationary certification is not eligible for consideration. Any justice officer subject to suspension or revocation proceedings or under investigation for possible decertification action by the Commission or the North Carolina Criminal Justice Education and Training Standards Commission shall not be eligible for a service award for the pendency of the proceedings;

(2) Be familiar with and subscribe to the Law Enforcement Code of Ethics as promulgated by the International Association of Chiefs of Police or Telecommunicator Code of Ethics as published by APCO and NENA to include any subsequent editions or modifications thereto. A copy of either Code of Ethics may be obtained at no cost from the Sheriffs' Standards Division, North Carolina Department of Justice, Post Office Box 629, Raleigh, North Carolina 27602-0629; and

(3) Also, employees of a North Carolina Sheriff's Office who have previously held certification, but are presently, by virtue of promotion or transfer, serving in positions not subject to certification are eligible to participate in the service award program. Eligibility for this exception requires continuous employment with a sheriff's office from the date of promotion or transfer from a certified position to the date of application for a service award as certified in writing by the Sheriff.

(b) Only experience as a full-time justice officer gained while holding certification through the Commission or while certified as a law enforcement officer through the North Carolina Criminal Justice Education and Training Standards Commission or experience as an elected or appointed Sheriff shall be acceptable for consideration.

History Note: *Authority G.S. 17E-4;*
Eff. January 1, 1989;
Amended Eff. February 1, 1998; January 1, 1990;
Temporary Amendment Eff. March 1, 1998;
Amended Eff. January 1, 2006; April 1, 2001; August 1, 1998;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 6, 2018.

12 NCAC 10B .1103 INTERMEDIATE SERVICE AWARD

In addition to the qualifications set forth in Rule .1102 an applicant must have served a minimum of 15 years as an elected or appointed Sheriff or a certified deputy sheriff, detention officer, or telecommunicator to receive an intermediate service award.

History Note: *Authority G.S. 17E-4;*
Eff. January 1, 1989;
Amended Eff. January 1, 1992; January 1, 1990;
Temporary Amendment Eff. March 1, 1998;
Amended Eff. April 1, 2001; August 1, 1998;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 6, 2018.

12 NCAC 10B .1104 ADVANCED SERVICE AWARD

In addition to the qualifications set forth in Rule .1102 of this Section an applicant must have served a minimum of 20 years as an elected or appointed Sheriff, a certified deputy sheriff, detention officer, or telecommunicator to receive an advanced service award.

History Note: *Authority G.S. 17E-4;*
Eff. January 1, 1989;
Amended Eff. January 1, 1992; January 1, 1990;
Temporary Amendment Eff. March 1, 1998;
Amended Eff. April 1, 2001; August 1, 1998;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 6, 2018.

12 NCAC 10B .1105 HOW TO APPLY

(a) All applicants for either the Intermediate Service Award for the Advanced Service Award shall complete an "Application: Professional Certificate/Service Award," (F-6).
(b) Documentation of the applicant's length of service in North Carolina shall be based upon the Division's certification records, however, oaths of office may be requested of the applicant.
(c) The applicant shall submit the application to the agency head who shall attach his recommendation and forward the application to the Division. The Service Award shall be issued to the agency head for presentation to the applicant.

History Note: *Authority G.S. 17E-4;*
Eff. January 1, 1989;
Amended Eff. August 1, 1998; January 1, 1992; January 1, 1991;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 6, 2018.

SECTION .1200 - PROFESSIONAL CERTIFICATE PROGRAM FOR DETENTION OFFICERS

12 NCAC 10B .1201 PURPOSE

History Note: *Authority G.S. 17E-4;*
Eff. January 1, 1990;
Amended Eff. February 1, 1998; January 1, 1996;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 6, 2018;
Expired Eff. September 1, 2025 pursuant to G.S. 150B-21.3A.

12 NCAC 10B .1202 ELIGIBILITY FOR PROFESSIONAL CERTIFICATES

(a) In order to be eligible for one or more of the detention officer professional certificates, a detention officer shall first meet the following preliminary qualifications:

(1) be a full-time detention officer who holds a valid general or grandfather certification as defined in G.S. 17E-7(a). A detention officer serving under a probationary certification is not eligible for consideration.

(2) any detention officer subject to suspension or revocation proceedings, under investigation for possible decertification action, under a period of active revocation of their certification, or under probation or suspended sanction, by the Commission or the North Carolina Criminal Justice Education and Training Standards Commission, shall not be eligible for any professional certificates for the pendency of the proceedings or period of probation, suspension, or revocation;

(3) meet and maintain the requirements of certification pursuant to Rule .0301 and Section .0600 of this Subchapter.

(b) Employees of a North Carolina sheriff's office who have previously held a general or grandfather detention officer certification, but are presently, by virtue of promotion or transfer, serving in positions not subject to certification, are eligible to participate in the Professional Certificate Program. Eligibility for this exception requires continuous employment with a sheriff's office from the date of promotion or transfer from a certified position to the date of application for a professional certificate.

(c) Only training and experience gained in an officer's area of expertise, as described in Paragraph (d) of this Rule, shall be eligible for application to this program.

(d) Certificates shall be awarded based upon a formula contained herein that combines formal education, training, and experience as a detention officer. Points are computed in the following manner:

(1) each semester hour of college credit shall equal one education point and each quarter hour of college credit shall equal two thirds of an education point. No correspondence or vocational courses shall be credited towards education points unless an accredited institution, as set out in Paragraph (g) of this Rule, credits the courses towards a degree;

(2) 20 hours of detention officer training shall equal one training point; and

(3) experience as a member of a correctional or detention facility in North Carolina, as defined in Rule .0103(6) of this Subchapter.

(e) In addition to the qualifications set forth in Paragraphs (a), (b), (c), and (d) of this Rule, applicants for the Intermediate Detention Officer Professional Certificate shall have acquired the following combination of educational points or degrees, detention officer or corrections training points, and years of detention officer experience:

Educational Degrees	None	None	None	Associate	Bachelor
Years of Detention Officer Experience	8	6	4	4	2
Minimum Detention Officer Training Points	6	12	16	24	23
Minimum Total Education and Training Points	13	23	33	24	23

(f) In addition to the qualifications set forth in Paragraphs (a), (b), (c), and (d) of this Rule, applicants for the Advanced Detention Officer Professional Certificate shall possess or be eligible to possess the Intermediate Detention Officer Professional Certificate and shall have acquired the following combination of educational points or degrees, detention officer or corrections training points, and years of detention officer experience:

Educational Degrees	None	None	Associate	Bachelor	Doctoral, Professional or Master
Years of Detention Officer Experience	12	9	9	6	4
Minimum Detention Officer Training Points	12	16	27	26	26
Minimum Total Education and Training Points	23	33	27	26	26

(g) Educational points or degrees 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, or a national or regional accrediting body. No credit shall be given for any correspondence or vocational courses unless credited towards a degree by an accredited institution.
(h) No more than 80 hours of training obtained by completing the detention officer certification course, as set out in Rule .0601 of this Subchapter, shall be credited toward training points.

History Note: *Authority G.S. 17E-4;*
Eff. January 1, 1990;
Amended Eff. January 1, 2013; January 1, 2006; August 1, 1998; February 1, 1998; January 1, 1996; January 1, 1992;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 6, 2018;
Amended Eff. December 1, 2025; December 1, 2023.

12 NCAC 10B .1203 BASIC DETENTION OFFICER PROFESSIONAL CERTIFICATE

History Note: *Authority G.S. 17E-4;*
Eff. January 1, 1990;
Amended Eff. January 1, 1996; January 1, 1991;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 6, 2018;
Repealed Eff. August 1, 2019.

12 NCAC 10B .1204 INTERMEDIATE DETENTION OFFICER PROFESSIONAL CERTIFICATE

History Note: *Authority G.S. 17E-4(b)(1); 17E-4(b)(12);*
Eff. January 1, 1990;
Amended Eff. February 1, 2014; January 1, 2013; August 1, 2002; August 1, 1998; January 1, 1996; January 1, 1992;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 6, 2018;
Repealed Eff. December 1, 2025.

12 NCAC 10B .1205 ADVANCED DETENTION OFFICER PROFESSIONAL CERTIFICATE

History Note: *Authority G.S. 17E-4(b)(1); 17E-4(b)(12);*
Eff. January 1, 1990;
Amended Eff. February 1, 2014; January 1, 2013; August 1, 2002; August 1, 1998; January 1, 1996; January 1, 1994; January 1, 1992;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 6, 2018;
Repealed Eff. December 1, 2025.

12 NCAC 10B .1206 HOW TO APPLY
(a) All applicants for an award of the detention officer intermediate or advanced professional certificates shall complete the "Application for Professional Certificate/Service Award," Form F-6.
(b) Documentation of education shall be provided by copies of transcripts, diplomas, or certified letters from the accredited institution.
(c) Documentation of training shall be provided by copies of training records signed by the agency's training officer or department head, or by providing certificates of completion. No out-of-state training shall be accepted, unless the officer is employed in North Carolina as a justice officer as defined in G.S. 17E-2 during the time of training.
(d) Documentation of the applicant's length of service in North Carolina shall be based upon the Division's certification records, however, certified letters of verification of employment from present or former employers may

be requested of an applicant if confirmation of dates of service is required. No out-of-state length of service shall be applicable to this certificate program.
(e) The "Application for Professional Certificate/Service Award," Form F-6, shall be signed by the department head and forwarded to the Division. Certificates shall be issued to the department head for award to the applicant.

History Note: *Authority G.S. 17E-4;*
Eff. January 1, 1990;
Amended Eff. August 1, 1998; January 1, 1991;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 6, 2018;
Amended Eff. December 1, 2025.

SECTION .1300 - MINIMUM STANDARDS OF TRAINING FOR TELECOMMUNICATORS

12 NCAC 10B .1301 PURPOSE

History Note: *Authority G.S. 17E-4(a);*
Temporary Adoption Eff. March 1, 1998;
Eff. August 1, 1998;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 6, 2018;
Expired Eff. September 1, 2025 pursuant to G.S. 150B-21.3A.

12 NCAC 10B .1302 TELECOMMUNICATOR CERTIFICATION COURSE

(a) The telecommunicator certification training program shall consist of the 47-hour Telecommunicator Certification Course developed by the North Carolina Justice Academy and approved by the Commission to ensure compliance with Paragraph (b) of this Rule.
(b) Each Telecommunicator Certification Course shall include the following identified topic areas and minimum instructional hours for each area:

(1)	Orientation	2 hours
(2)	Introductory Topics for the Telecommunicator	3 hours
(3)	Interpersonal Communication	2 hours
(4)	Civil Liability for the Telecommunicator	5 hours
(5)	Telecommunications Systems and Equipment	3 hours
(6)	Overview of Emergency Services	7 hours
(7)	Call Reception and Prioritization	8 hours
(8)	Broadcasting Techniques and Resource Allocation	7 hours
(9)	Telecommunicator Training Practicum	8 hours
(10)	State Comprehensive Examination	2 hours
TOTAL HOURS		47 hours

(c) No Telecommunicator Certification Course shall be offered by any agency or institution without first complying with the requirements set forth in Rules .0709 and .0804 of this Subchapter. Any agency or institution desiring to offer the Telecommunicator Certification Course shall file a Pre-Delivery Report, Form F-7A-T, with the Division.

History Note: *Authority G.S. 17E-4(a);*
Temporary Adoption Eff. March 1, 1998;
Eff. August 1, 1998;
Amended Eff. April 1, 2001;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 6, 2018;
Amended Eff. November 1, 2024.

12 NCAC 10B .1303 TIME REQ/COMPLETION/TELECOMMUNICATOR CERTIFICATION COURSE

Each telecommunicator holding probationary certification shall satisfactorily complete a commission-accredited Telecommunicator Certification Course within one year from the date of his/her appointment. Any

telecommunicator who does not comply with this Rule or other training provisions of this Chapter shall not be authorized to exercise the powers of a telecommunicator. If, however, a telecommunicator has enrolled in a commission-accredited Telecommunicator Certification Course that concludes later than the end of the telecommunicator's probationary period, the Commission may extend the probationary period for a period not to exceed six months.

History Note: *Authority G.S. 17E-4; 17E-7;*
Temporary Adoption Eff. March 1, 1998;
Eff. August 1, 1998;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 6, 2018;
Amended Eff. August 1, 2026; December 1, 2023.

12 NCAC 10B .1304 EVALUATION FOR TRAINING WAIVER

(a) Applicants for certification with prior telecommunicating experience shall have been employed and certified in a telecommunicator position in order to be considered for training evaluation under this Rule.
(b) Persons who separated from a telecommunicator position during their probationary certification period after having completed a commission-accredited Telecommunicator Certification Course and who have been separated from a telecommunicator position for one year or less shall serve the remainder of the initial probationary period, but need not complete an additional training program.
(c) Persons who separated from a telecommunicator position during their probationary certification period without having completed a commission-accredited Telecommunicator Certification 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-accredited Telecommunicator Certification 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 .1303(a).
(d) Persons previously holding grandfather telecommunicator certification in accordance with G.S. 17E-7(c1) who have been separated from a telecommunicator position for more than one year shall be required to complete a commission-accredited Telecommunicator Certification Course in its entirety and pass the State Comprehensive Examination within the 12 month probationary certification period as prescribed in 12 NCAC 10B .1303(a).

History Note: *Authority G.S. 17E-4; 17E-7;*
Temporary Adoption Eff. March 1, 1998;
Eff. August 1, 1998;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 6, 2018;
Amended Eff. August 1, 2026.

12 NCAC 10B .1305 TRAINEE ATTENDANCE

(a) Each trainee enrolled in a certified "Telecommunicator Certification Course" shall attend all class sessions.
(b) The school director may recognize valid reasons for class absences and may excuse a trainee from attendance at specific class sessions. However, excused absences shall not exceed ten percent of the total class hours for the course offering, except where the absence is due to religious observance as provided for in the community college policy, in which case the absence excused may be for an additional 11.3 hours.
(c) If the school director grants an excused absence from a class session, he or she shall schedule an appropriate make-up and ensure the satisfactory completion of the classwork missed during the current course presentation or in a subsequent course delivery as is permissible under 12 NCAC 10B .1306.
(d) A trainee is not eligible to take the State Comprehensive Examination or considered to have successfully completed the course if the cumulative total of class absences, with accepted make-up work, exceeds the amount of time allowed in Paragraph (b) of this Rule. The trainee shall be terminated from further course participation by the school director at the time the trainee becomes ineligible pursuant to Paragraph (b) of this Rule.

History Note: *Authority G.S. 17E-4; 17E-7;*
Eff. April 1, 2001;
Amended Eff. August 1, 2011;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 6, 2018;
Amended Eff. August 1, 2026.

12 NCAC 10B .1306 COMPLETION OF TELECOMMUNICATOR CERTIFICATION COURSE

(a) Each trainee shall attend and satisfactorily complete an entire "Telecommunicator Certification Course" during a scheduled delivery. The school director may develop supplemental rules as set forth in 12 NCAC 10B .0709(a)(7), but may not add substantive courses, or change or expand the substance of the courses set forth in 12 NCAC 10B .1301. This Rule does not prevent the instruction on local agency rules or standards but such instruction shall not be considered or endorsed by the Commission for purposes of certification. The Director may issue prior written authorization for a specified trainee's limited enrollment in a subsequent delivery of the same course where the school director provides evidence that:

(1) the trainee attended and satisfactorily completed specified class hours and topics of the "Telecommunicator Certification Course" but through extended absence occasioned by illness, accident, or emergency was absent for more than 10 percent of the total class hours of the course offering;

(2) the trainee was granted excused absences by the school director that did not exceed 10 percent of the total class hours for the course offering and the school director could not schedule appropriate make-up work during the current course offering as specified in 12 NCAC 10B .1305(c) due to valid reasons; or

(3) the trainee participated in an offering of the "Telecommunicator Certification Course" but had an identified deficiency in essential knowledge or skill in either one or two, but no more than two, of the specified topic areas incorporated in the course content as prescribed under 12 NCAC 10B .1302(b).

(b) An authorization of limited enrollment in a subsequent course delivery may not be used by the Director unless in addition to the evidence required by Paragraph (a) of this Rule:

(1) the trainee submits a written request to the Director, justifying the limited enrollment and certifying that the trainee's participation shall be accomplished pursuant to Paragraph (c) of this Rule; and

(2) the school director of the previous school offering submits to the director a certification of the particular topics and class hours attended and satisfactorily completed by the trainee during the original enrollment.

(c) An authorization of limited enrollment in a subsequent course delivery permits the trainee to attend an offering of the "Telecommunicator Certification Course" commencing within 120 calendar days from the last date of trainee participation in prior course delivery, but only if the trainee's enrollment with active course participation can be accomplished within the period of the trainee's probationary certification:

(1) the trainee need only attend and satisfactorily complete those portions of the course which were missed or identified by the school director as areas of trainee deficiency in the proper course participation;

(2) following proper enrollment in the subsequent course offering, scheduled class attendance and active participation with satisfactory achievement in the course, the trainee would be eligible for administration of the State Comprehensive Examination by the Commission and possible certification of successful course completion; and

(3) a trainee shall be enrolled as a limited enrollee in only one subsequent course offering within the 120 calendar days from the last date of trainee participation in prior course delivery. A trainee who fails to complete those limited portions of the course after one retest shall enroll in an entire delivery of the Telecommunicator Certification Course.

(d) A trainee who has an identified deficiency or in essential knowledge or skill in three or more subject-matter or topical areas at the conclusion of the course delivery shall complete a subsequent program in its entirety.

History Note: *Authority G.S. 17E-4; 17E-7;*
Eff. April 1, 2001;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 6, 2018;
Amended Eff. August 1, 2026.

12 NCAC 10B .1307 COMPREHENSIVE WRITTEN EXAM - TELECOMMUNICATOR CERTIFICATION COURSE

(a) At the conclusion of a school's offering of the "Telecommunicator Certification Course", an authorized representative of the Commission shall administer a comprehensive written examination to each trainee who has satisfactorily completed all of the course work. A trainee shall not be administered the comprehensive written examination until such time as all course work is successfully completed.
(b) The examination shall be an objective test covering the topic areas as described in 12 NCAC 10B .1302(b).
(c) The Commission's representative shall submit to the school director within 10 days of the administration of the examination a report of the results of the test for each trainee examined.
(d) A trainee shall successfully complete the comprehensive written examination if he/she achieves a minimum of 70 percent correct answers.
(e) A trainee who has fully participated in a scheduled delivery of a commission-approved training course and has demonstrated satisfactory competence in each motor-skill or performance area of the course curriculum but has failed to achieve the minimum score of 70 percent on the Commission's comprehensive written examination may request the Director to authorize a re-examination of the trainee.

(1) A trainee's Request for Re-examination shall be made in writing on the Commission's form within 30 days after the original examination and shall be received by the Division before the expiration of the trainee's probationary certification as a telecommunicator.
(2) The trainee's request for re-examination shall include the favorable recommendation of the school director who administered the trainee's "Telecommunicator Certification Course".
(3) A trainee shall have only one opportunity for re-examination and shall satisfactorily complete the subsequent examination in its entirety within 90 days after the original examination.
(4) A trainee shall be assigned in writing by the Division a place, time, and date for re-examination.
(5) Should the trainee on re-examination not achieve the prescribed minimum score of 70 on the examination, the trainee may not be recommended for certification and must enroll and complete a subsequent course in its entirety before further examination may be permitted.

History Note: *Authority G.S. 17E-4; 17E-7;*
Eff. April 1, 2001;
Amended Eff. August 1, 2002;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 6, 2018.

12 NCAC 10B .1308 SATISFACTION OF MINIMUM TRAINING REQUIREMENTS

In order to satisfy the minimum training requirements for certification as a telecommunicator, a trainee shall:

(1) Achieve a score of 70 percent correct answers on the Commission-administered comprehensive written examination; and
(2) Demonstrate successful completion of a commission-approved offering of the "Telecommunicator Certification Course" as shown by the certification of the school director .

History Note: *Authority G.S. 17E-4; 17E-7;*
Eff. April 1, 2001;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 6, 2018;
Amended Eff. August 1, 2026.

SECTION .1400 - PROFESSIONAL CERTIFICATE FOR RESERVE DEPUTY SHERIFFS

12 NCAC 10B .1401 PURPOSE

History Note: *Authority G.S. 17E;*
Eff. August 1, 2000;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 6, 2018;
Expired Eff. September 1, 2025 pursuant to G.S. 150B-21.3A.

12 NCAC 10B .1402 ELIGIBILITY FOR PROFESSIONAL CERTIFICATES

(a) In order to be eligible for one or more of the professional certificates, a reserve deputy sheriff shall first meet the following preliminary qualifications:

(1) be an appointed reserve deputy sheriff who holds a valid general or grandfather certification as defined in G.S. 17E-7(a). A reserve deputy sheriff serving under a probationary certification is not eligible for consideration.

(2) any reserve deputy sheriff subject to suspension or revocation proceedings, under investigation for possible decertification action, under a period of active revocation of their certification, or under probation or suspended sanction, by the Commission or the North Carolina Criminal Justice Education and Training Standards Commission, shall not be eligible for any professional certificates for the pendency of the proceedings or period of probation, suspension, or revocation;

(3) meet and maintain the requirements of certification pursuant to Rule .0301 and Section .0500 of this Subchapter;

(4) the applicant shall be a sworn law enforcement officer, as defined in Rule .0103(19) of this Subchapter, of a North Carolina sheriff's office.

(b) Only training or experience gained in an officer's area of expertise, as described in Paragraph (c) of this Rule, shall be eligible for application to this program.

(c) Certificates shall be awarded based upon a formula that combines law enforcement training and experience as a reserve deputy sheriff in a law enforcement position, as defined in Rule .0103(19) of this Subchapter. Points are computed in the following manner:

(1) a minimum of 96 hours worked as a reserve deputy sheriff over a one-year period shall equal one year of reserve service;

(2) 20 hours of law enforcement training shall equal one training point; and

(3) service as a reserve deputy sheriff in a sworn law enforcement position, as defined in Rule .0103(19) of this Subchapter. An officer who is otherwise ineligible to receive an equivalent certificate through the Professional Certificate Program for sheriffs and deputy sheriffs, as set out in Section .1000 of this Subchapter, may receive a certificate under this program. One year of full-time service may be substituted for one year of reserve service in computing eligibility under this Section.

(d) In addition to the qualifications set forth in Paragraphs (a), (b), and (c) of this Rule, applicants for the Intermediate Reserve Deputy Sheriff Professional Certificate shall have acquired the following law enforcement training points and years of service as a reserve law enforcement officer:

(1) 8 years of reserve officer law enforcement experience; and

(2) 35 minimum law enforcement training points.

(e) In addition to the qualifications set forth in Paragraphs (a), (b), and (c) of this Rule, applicants for the Advanced Deputy Sheriff Professional Certificate shall possess or be eligible to possess the Intermediate Reserve Deputy Sheriff Professional Certificate and shall have acquired the following law enforcement training points and years of service as a reserve law enforcement officer:

(1) 12 years of reserve officer law enforcement experience; and

(2) 50 minimum law enforcement training points.

(f) No more than 160 hours of training obtained by completing an accredited basic law enforcement training program required to serve in a sworn law enforcement position, as defined in Rule .0103(19) of this Subchapter, shall be credited toward training points for the Intermediate or Advanced Reserve Deputy Sheriff Professional Certificate.

History Note: *Authority G.S. 17E-4*
Eff. August 1, 2000;
Amended Eff. January 1, 2006;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 6, 2018;
Amended Eff. December 1, 2025.

12 NCAC 10B .1403 BASIC RESERVE DEPUTY SHERIFF PROFESSIONAL CERTIFICATE

History Note: *Authority G.S. 17E;*
Eff. August 1, 2000;
Amended Eff. April 1, 2001;

Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 6, 2018;
Repealed Eff. August 1, 2019.

12 NCAC 10B .1404 INTERMEDIATE RESERVE DEPUTY SHERIFF CERTIFICATE

History Note: *Authority G.S. 17E;*
Eff. August 1, 2000;
Amended Eff. August 1, 2002;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 6, 2018;
Repealed Eff. December 1, 2025.

12 NCAC 10B .1405 ADVANCED RESERVE DEPUTY SHERIFF CERTIFICATE

History Note: *Authority G.S. 17E;*
Eff. August 1, 2000;
Amended Eff. August 1, 2002;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 6, 2018;
Repealed Eff. December 1, 2025.

12 NCAC 10B .1406 HOW TO APPLY

(a) All applicants for an award of the intermediate or advanced reserve officer professional certificates shall complete the "Application for Professional Certificate/Service Award," Form F-6R.
(b) Documentation of training shall be provided by copies of training records signed by the agency's training officer or department head, or by providing certificates of completion.
(c) Verification of the applicant's length of service as a reserve deputy sheriff, as required in Rule .1402(c)(1) of this Section, shall be documented by providing certified letters, signed by the employing sheriff or his or her authorized designee.
(d) The "Application for Professional Certificate/Service Award," Form F-6R, shall be signed by the department head and forwarded to the Division. Certificates shall be issued to the department head for award to the applicant.

History Note: *Authority G.S. 17E-4;*
Eff. August 1, 2000;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 6, 2018;
Amended Eff. December 1, 2025.

SECTION .1500 - RESERVE JUSTICE OFFICERS' SERVICE AWARD PROGRAM

12 NCAC 10B .1501 PURPOSE

History Note: *Authority G.S. 17E-4;*
Eff. April 1, 2001;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 6, 2018;
Expired Eff. September 1, 2025 pursuant to G.S. 150B-21.3A.

12 NCAC 10B .1502 GENERAL PROVISIONS

(a) In order to qualify for one or more of the service awards, a Reserve Justice Officer shall first meet the following preliminary qualifications:

(1) be an appointed reserve deputy sheriff, detention officer, or telecommunicator who holds a valid general or grandfather certification. A reserve officer serving under a probationary certification is not eligible for consideration. Any person subject to suspension or revocation proceedings or under investigation for possible decertification action by the Commission or the North Carolina

Criminal Justice Education and Training Standards Commission shall not be eligible for any service awards for the pendency of the proceeding.

(2) be familiar with and subscribe to the Law Enforcement Code of Ethics as promulgated by the International Association of Chiefs of Police or Telecommunicator Code of Ethics as published by APCO and NENA to include any subsequent editions or modifications thereto. A copy of either Code of Ethics may be obtained at no cost from the Sheriffs' Standards Division, North Carolina Department of Justice, Post Office Box 629, Raleigh, North Carolina 27602-0629.

(b) Service Awards are based on a formula which calculates reserve service by actual participation as a reserve deputy sheriff, detention officer, or telecommunicator in law enforcement, detention, or telecommunications functions respectively. A minimum of 96 hours achieved over a one-year period of participation in law enforcement, detention or telecommunications functions by having been called into reserve duty by the appointing sheriff, shall equal one year of reserve service. Service as a reserve deputy sheriff, detention officer, or telecommunicator shall be acceptable for consideration or, an officer who is otherwise ineligible to receive an equivalent service award through the Sheriffs' and Justice Officers' Service Award Program as set out in 12 NCAC 10B .1100 may receive a service award under this program, in which one year of full-time service may be substituted for one year of reserve service, provided that the officer in question is currently employed by a sheriff's office in North Carolina in the capacity of a reserve officer.

(c) Only experience as a justice officer gained while holding certification through the Commission or while certified as a law enforcement officer through the North Carolina Criminal Justice Education and Training Standards Commission or experience as an elected or appointed Sheriff shall be acceptable for consideration.

History Note: *Authority G.S. 17E;*
Eff. April 1, 2001;
Amended Eff. January 1, 2006;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 6, 2018.

12 NCAC 10B .1503 INTERMEDIATE RESERVE SERVICE AWARD

In addition to the qualifications set forth in Rule .1502 of this Section an applicant must have served a minimum of 15 years as a reserve deputy, detention officer, or telecommunicator to receive an Intermediate Reserve Service Award.

History Note: *Authority G.S. 17E-4;*
Eff. April 1, 2001;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 6, 2018.

12 NCAC 10B .1504 ADVANCED RESERVE SERVICE AWARD

In addition to the qualifications set forth in Rule .1502 of this Section an applicant must have served a minimum of 20 years as a reserve deputy, detention officer, or telecommunicator to receive an Advanced Reserve Service Award.

History Note: *Authority G.S. 17E-4;*
Eff. April 1, 2001;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 6, 2018.

12 NCAC 10B .1505 HOW TO APPLY

(a) All applicants for an award of the intermediate and advanced service award shall complete an "Application: Reserve Professional Certificate/Service Award," F-6R.

(b) Documentation of the applicant's length of service as a reserve deputy sheriff, detention officer, or telecommunicator as required in 12 NCAC 10B .1502(b)(1) shall be documented by providing certified letters, signed by the employing sheriff or his/her authorized designee.

(c) The applicant shall submit the application to the agency head who shall attach his/her recommendation and forward the application to the Division. Certificates shall be issued to the agency head for award to the applicant.

History Note: *Authority G.S. 17E-4;*

Eff. April 1, 2001;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 6, 2018.

SECTION .1600 - PROFESSIONAL CERTIFICATE PROGRAM FOR TELECOMMUNICATORS

12 NCAC 10B .1601 PURPOSE

History Note: *Authority G.S. 17E-4;*
Eff. August 1, 2002;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 6, 2018;
Expired Eff. September 1, 2025 pursuant to G.S. 150B-21.3A.

12 NCAC 10B .1602 ELIGIBILITY FOR PROFESSIONAL CERTIFICATES

(a) In order to be eligible for one or more of the telecommunicator professional certificates, a telecommunicator shall first meet the following preliminary qualifications:

(1) be a full-time telecommunicator who holds a valid general or grandfather certification, as defined in G.S. 17E-7(a). A telecommunicator serving under a probationary certification is not eligible for consideration;

(2) any telecommunicator subject to suspension or revocation proceedings, under investigation for possible decertification action, under a period of active revocation of their certification, or under probation or suspended sanction, by the Commission or the North Carolina Criminal Justice Education and Training Standards Commission, shall not be eligible for any telecommunicator professional certificates for the pendency of the proceedings or period of probation, suspension, or revocation; and

(3) meet and maintain the requirements of certification pursuant to Rule .0301 and Section .1300 of this Subchapter.

(b) Employees of a North Carolina sheriff's office or other agency who have previously held general or grandfather telecommunicator certification under the Commission, but are presently, by virtue of promotion or transfer, serving in positions not subject to certification, are eligible to participate in the Professional Certificate Program. Eligibility for this exception requires continuous employment with the sheriff's office or agency from the date of promotion or transfer from a certified position to the date of application for a professional certificate.

(c) Only training and experience gained in a telecommunicator's area of expertise, as described in Paragraph (d) of this Rule, shall be eligible for application to this program.

(d) Certificates shall be awarded based upon a formula contained herein that combines formal education, training, and experience as a telecommunicator. Points are computed in the following manner:

(1) each semester hour of college credit shall equal one education point and each quarter hour of college credit shall equal two thirds of an education point. No correspondence or vocational courses shall be credited towards education points unless an accredited institution, as set out in Paragraph (g) of this Rule, credits the courses towards a degree;

(2) 20 hours of telecommunicator training shall equal one training point; and

(3) experience as a full-time telecommunicator, as defined in Rule .0103(20) of this Subchapter.

(e) In addition to the qualifications set forth in Paragraphs (a), (b), (c), and (d) of this Rule, applicants for the Intermediate Telecommunicator Professional Certificate shall have acquired the following combination of educational points or degrees, telecommunicator training points, and years of telecommunicator experience:

Educational Degrees	None	None	None	Associate	Bachelor
Years of Telecommunicator Experience	8	6	4	4	2
Minimum Telecommunicator Training Points	5	10	14	12	10
Minimum Total	12	20	28	12	10

Education and
Training Points

(f) In addition to the qualifications set forth in Paragraphs (a), (b), (c), and (d) of this Rule, applicants for the Advanced Telecommunicator Professional Certificate shall possess or be eligible to possess the Intermediate Telecommunicator Professional Certificate and shall have acquired the following combination of educational points or degrees, telecommunicator training points, and years of telecommunicator experience:

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

(g) Educational points or degrees 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, or a national or regional accrediting body. No credit shall be given for any correspondence or vocational courses unless credited towards a degree by an accredited institution.
(h) No more than 40 hours of training obtained by completing the telecommunicator certification course, as set out in Rule .1302 of this Subchapter, shall be credited toward training points.

History Note: *Authority G.S. 17E-4;*
Eff. April 1, 2001;
Amended Eff. January 1, 2013;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 6, 2018;
Amended Eff. December 1, 2025.

12 NCAC 10B .1603 BASIC TELECOMMUNICATOR CERTIFICATE

History Note: *Authority G.S. 17E-4;*
Eff. April 1, 2001;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 6, 2018;
Repealed Eff. August 1, 2019.

12 NCAC 10B .1604 INTERMEDIATE TELECOMMUNICATOR CERTIFICATE

History Note: *Authority G.S. 17E-4(b)(1); 17E-4(b)(12);*
Eff. April 1, 2001;
Amended Eff. February 1, 2014; January 1, 2013; August 1, 2002;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 6, 2018;
Repealed Eff. December 1, 2025.

12 NCAC 10B .1605 ADVANCED TELECOMMUNICATOR CERTIFICATE

History Note: *Authority G.S. 17E-4(b)(1); 17E-4(b)(12);*
Eff. April 1, 2001;

Amended Eff. February 1, 2014; January 1, 2013; August 1, 2002;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 6, 2018;
Repealed Eff. December 1, 2025.

12 NCAC 10B .1606 HOW TO APPLY

(a) All applicants for an award of the telecommunicator intermediate or advanced professional certificates shall complete the "Application for Professional Certificate/Service Award," Form F-6.
(b) Documentation of education shall be provided by copies of transcripts, diplomas, or certified letters from the accredited institution.
(c) Documentation of training shall be provided by copies of training records signed by the agency's training officer or department head, or by providing certificates of completion. No out-of-state training shall be accepted, unless the officer is employed in North Carolina as a justice officer as defined in G.S. 17E-2 during the of training.
(d) Documentation of the applicant's length of service in North Carolina shall be based upon the Division's certification records, however, certified letters of verification of employment from present or former employers may be requested of an applicant if confirmation of dates of service is required. No out-of-state length of service shall be applicable to this certificate program.
(e) The "Application for Professional Certificate/Service Award," Form F-6, shall be signed by the department head and forwarded to the Division. Certificates shall be issued to the department head for award to the applicant.

History Note: *Authority G.S. 17E-4;*
Eff. April 1, 2001;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 6, 2018;
Amended Eff. December 1, 2025.

SECTION .1700 - DOMESTIC VIOLENCE IN-SERVICE TRAINING PROGRAM FOR DEPUTY SHERIFFS

12 NCAC 10B .1701 SHERIFF RESPONSIBILITIES
12 NCAC 10B .1702 INSTRUCTORS
12 NCAC 10B .1703 MINIMUM TRAINING REQUIREMENTS
12 NCAC 10B .1704 DOMESTIC VIOLENCE IN-SERVICE TRAINING PROGRAM SPECIFICATIONS
12 NCAC 10B .1705 FAILURE TO COMPLETE IN-SERVICE DOMESTIC VIOLENCE TRAINING PROGRAM

History Note: *Authority G.S. 17E-4; 17E-7;*
Eff. March 1, 2005;
Amended Eff. January 1, 2006;
Repealed Eff. January 1, 2007.

SECTION .1800 – LAW ENFORCEMENT IN-SERVICE TRAINING PROGRAM FOR DEPUTY SHERIFFS

12 NCAC 10B .1801 SHERIFF RESPONSIBILITIES
12 NCAC 10B .1802 INSTRUCTORS
12 NCAC 10B .1803 MINIMUM TRAINING REQUIREMENTS
12 NCAC 10B .1804 LAW ENFORCEMENT IN-SERVICE TRAINING PROGRAM SPECIFICATIONS
12 NCAC 10B .1805 FAILURE TO COMPLETE LAW ENFORCEMENT IN-SERVICE TRAINING PROGRAM
12 NCAC 10B .1806 IN-SERVICE TRAINING COORDINATOR

History Note: *Authority G.S. 17E-4; 17E-7;*
Eff. January 1, 2006;

Repealed Eff. January 1, 2007.

SECTION .1900 – MILITARY TRAINED APPLICANT AND MILITARY SPOUSE

12 NCAC 10B .1901 MILITARY AND MILITARY SPOUSE TRANSFEREES

(a) An individual who applies for justice officer certification as a military trained applicant pursuant to G.S. 93B-15.1 shall meet and submit, along with other documentation required in Rule .0408, documentation verifying his or her compliance with the following requirements:

(1) Been awarded a military occupational specialty that is substantially equivalent to or exceeds the training requirements required for certification and performed in the occupational specialty;

(2) Completed a military program of training, completed testing or equivalent training and experience as determined by Paragraph (c) of this Rule;

(3) Engaged in the active practice of that occupation for at least two of the five years prior to the date of appointment; and

(4) Not committed any act in any jurisdiction that would have constituted grounds for refusal, suspension or revocation of a license to practice that occupation in this State at the time the act was committed.

(b) An individual who applies for justice officer certification as a military spouse pursuant to G.S. 93B-15.1 shall meet and submit, along with other documentation required in Rule .0408, the following requirements:

(1) Hold a current license, certification or registration from another jurisdiction which is substantially equivalent to or exceeds the training requirements required for certification;

(2) Be in good standing with the issuing agency and not have been disciplined by the agency that has the jurisdiction to issue the license, certification or permit; and

(3) Demonstrate competency in the occupation by:

(A) Having completed continuing education comparable to the education and training required for the type of certification for which application is being made, as determined by Paragraph (c) of this Rule; or

(B) Having engaged in the active practice of that occupational specialty for at least two of the five years prior to the date of appointment.

(c) The Division shall review the documents received to determine if any additional training is required to satisfy the certification requirements as set out in Rule .0504 of this Subchapter. Where training provided by the military or in other states require approval of prior training, such approval by the appropriate entity shall also be documented.

(d) In the event the applicant's prior training is not equivalent to the Commission's standards, the Commission shall prescribe as a condition of certification, supplementary or remedial training deemed necessary to equate previous training with current standards.

(e) Where certifications issued by the Commission require satisfactory performance on a written examination as part of the training, the Commission shall require such examinations for the certification of military trained and military spouse applicants.

History Note: *Authority G.S. 17E-4; 17E-7; 93B-15.1;*
Eff. March 1, 2014;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 6, 2018;
Amended Eff. December 1, 2025.

SECTION .2000 - IN-SERVICE TRAINING FOR JUSTICE OFFICERS

12 NCAC 10B .2001 PURPOSE

History Note: *Authority G.S. 17E-4; 17E-7;*
Eff. January 1, 1989;
Amended Eff. January 1, 2007; February 1, 1998; January 1, 1990;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 6, 2018;
Expired Eff. September 1, 2025 pursuant to G.S. 150B-21.3A.

12 NCAC 10B .2002 CERTIFICATION-SPECIFIC PROGRAMS

The following Justice Officer In-Service Training Programs shall be required for justice officers who are active in the certification specified:

(1) Firearms Training and Requalification for deputy sheriffs and detention officers as set out in Section .2100 of these Rules;
(2) Law Enforcement In-Service Training Program for deputy sheriffs as set out in Rule .2005 of this Section;
(3) Detention Officer In-Service Training Program as set out in Rule .2005 of this Section; and
(4) Telecommunicator In-Service Training Program as set out in Rule .2005 of this Section.

History Note: *Authority G.S. 17E-4; 17E-7;*
Eff. January 1, 1989;
Amended Eff. January 1, 1990;
Temporary Amendment Eff. March 1, 1998;
Amended Eff. January 1, 2007; January 1, 2006; March 1, 2005; August 1, 1998;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 6, 2018.

12 NCAC 10B .2003 IN-SERVICE TRAINING COORDINATOR

(a) If a Sheriff or Department Head chooses to conduct its own in-service training, then the Sheriff or Department Head must also appoint an "In-Service Training Coordinator" who meets the following criteria:

(1) Has four years of experience as a criminal justice officer or as an administrator or specialist in a field directly related to the criminal justice system;
(2) Holds General Instructor certification; and
(3) Has successfully participated in the "Coordinating In-Service Training" course presented by the NC Justice Academy for the purpose of familiarization with trainee and instructor evaluation.

The Sheriff or Department Head shall submit an application for such appointment to the Division for approval of this designation.

(b) An In-Service Training Coordinator shall:

(1) Administer the delivery of the course curriculum.
(2) Select and schedule instructors.
(3) Ensure that each instructor utilizes a lesson plan previously approved by the Sheriff or his or her designee.
(4) Monitor, or designate a certified instructor to monitor the presentations of instructors during course deliveries and prepare a written evaluation on their performance and suitability for subsequent instructional assignments. The observations shall be of sufficient duration to ensure the instructor is using the Instructional System Development model, as taught in Criminal Justice Instructor Training set out in 12 NCAC 09B .0209, and that the delivery is objective based, documented by and consistent with a Commission-approved lesson plan.
(5) Maintain records of all in-service training received by the agency's deputies, detention officers, and telecommunicators including:
    (A) the course title;
    (B) the delivery hours of course;
    (C) the course delivery dates;
    (D) the names and addresses of instructors utilized for each topic; and
    (E) A roster of enrolled trainees documenting class attendance.

History Note: *Authority G.S. 17E-4; 17E-7;*
Eff. January 1, 2007;
Amended Eff. January 1, 2013;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 6, 2018.

12 NCAC 10B .2004 INSTRUCTORS

The following requirements and responsibilities are hereby established for instructors who conduct a Commission-mandated In-Service Training Program:

(1) The instructors shall:

(a) hold General Instructor Certification as issued by the North Carolina Criminal Justice Education and Training Standards Commission as set out in 12 NCAC 09B .0302, .0304, and .0306;

(b) hold Professional Lecturer Instructor certification issued by either the Commission as set out in either 12 NCAC 10B .0906 or .0916, or the Criminal Justice Education and Training Standards Commission as set out in 12 NCAC 09B .0306, or General Instructor Certification as issued by the North Carolina Criminal Justice Education and Training Standards Commission as set out in 12 NCAC 09B .0302, .0304, and .0306, when teaching a legal block of instruction;

(c) hold Professional Lecturer Instructor certification issued by the Criminal Justice Education and Training Standards Commission as set out in 12 NCAC 09B .0306, when teaching a medical or psychological block of instruction; or

(d) hold Specific Instructor Certification issued by the Criminal Justice Education and training Standards Commission when teaching the lesson plans published by the NC Justice Academy as follows:

(i) Firearms range qualification must be taught by a Firearms Instructor certified in accordance with 12 NCAC 09B .0304(f). The instructor who teaches the classroom instruction regarding use of force may either hold Professional Lecturer Certification as set out in 12 NCAC 09B .0306(a)(1); 12 NCAC 10B .0906, or .0916 or hold a Specific Certification-Firearms issued by the North Carolina Criminal Justice Education and Training Standards Commission;

(ii) Weapons Retention and Disarming Techniques must be taught by Compliance and Control Tactics Instructor certified in accordance with 12 NCAC 09B .0304(d);

(iii) Spontaneous Attack Defense and Subject Control/Arrest Techniques must be taught by a Compliance and Control Tactics Instructor certified in accordance with 12 NCAC 09B .0304(d);

(iv) Handcuffing and Impact Weapons Refresher and Compliance and Control Tactics: Equipment Retention must be taught by a Compliance and Control Tactics Instructor certified in accordance with 12 NCAC 09B .0304(d);

(v) Wellness and Stress Awareness and Health and Fitness for Detention Officers must be taught by a Physical Fitness Instructor certified in accordance with 12 NCAC 09B .0304(h);

(vi) Law Enforcement Driver Training (classroom and practical) must be taught by a Specialized Law Enforcement Driver Training Instructor certified in accordance with 12 NCAC 09B .0304(g); and

(vii) Active Shooter: Practical Refresher must be taught by a General Instructor as set out in Sub-item (1)(a) of this Rule, who has also completed the North Carolina Justice Academy's "Rapid Deployment Instructor Training Course."

In addition, each instructor certified by the Criminal Justice Education and Training Standards Commission to teach in a Commission-certified course shall remain competent in his or her specific or specialty areas. Competent includes remaining current in the instructor's area of expertise, which may be demonstrated by attending and successfully completing all instructor updates issued by the Commission.

(2) Instructors who teach a required in-service training course must achieve a passing grade on a course-specific test developed by the North Carolina Justice Academy or by the agency delivering the training. Instructors who teach a required in-service training course online, in addition to meeting the above testing requirement, must also complete the in-service training for the course he or she will be teaching. Instructors who teach an in-service training course in a traditional classroom format will receive credit toward their own in-service training requirements, provided that they pass all required tests and have their instruction documented once completed.

(3) The use of guest participants is permitted provided they are subject to the direct on-site supervision of a commission-certified instructor.

(4) The instructor shall deliver the training consistent with the specifications as established in the rules in this Section.

(5) The instructor shall document the successful or unsuccessful completion of training for each person attending a training program and forward a record of their completion to each person's Sheriff or Department Head.

History Note: *Authority G.S. 17E-4; 17E-7;*
Eff. January 1, 2007;
Amended Eff. January 1, 2013; February 1, 2012; January 1, 2011; March 1, 2010; January 1, 2009;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 6, 2018;
Amended Eff. June 1, 2026; February 1, 2023.

12 NCAC 10B .2005 MINIMUM TRAINING REQUIREMENTS

(a) A Sheriff or Department Head may use a lesson plan developed by the North Carolina Justice Academy or a lesson plan for any of the topic areas developed by another entity such as a different law enforcement agency or training provider. 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 and as described in 12 NCAC 09B .0209. Lesson plans shall be designed to be delivered in hourly increments. A student who completes the training shall receive the number of credits that correspond to the number of hours assigned to the course, regardless of the amount of time the student spends completing the course, where each hour of instruction shall be worth one credit (e.g., "Legal Update" is designed to be delivered in four hours and will yield four credits). With the exception of Firearms Training and Requalification, 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. 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. Firearms Training and Requalification shall be demonstrated qualification with a firearm as set out in Section .2100 of this Subchapter.

(b) The in-service training for topic areas of the Sheriff's or Department Head's choosing required by this Rule shall either:

(1) meet the requirements of Paragraph (a) of this Rule; or

(2) be delivered pursuant to National Certification Programs administered by the International Association of Directors of Law Enforcement Standards and Training (IADLEST) completed during the mandated in-service year to satisfy these topics in part or in whole. It is not required that this IADLEST training be written in the Instructional Systems Design (ISD) format or delivered by a Commission certified instructor.

(c) Annual in-service training topics and credits shall be established by the Sheriffs' Education and Training Standards Commission in accordance with G.S. 17E-4.

History Note: *Authority G.S. 17E-4; 17E-7;*
Eff. January 1, 2007;
Amended Eff. January 1, 2018; January 1, 2017; January 1, 2016; January 1, 2015; February 1, 2014; January 1, 2013; February 1, 2012; January 1, 2011; January 1, 2010; January 1, 2009; January 1, 2008;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 6, 2018;
Amended Eff. January 1, 2022; January 1, 2021; January 1, 2020; August 1, 2019; January 1, 2019.

12 NCAC 10B .2006 IN-SERVICE TRAINING PROGRAM SPECIFICATIONS

(a) Justice officers who have been active as a deputy sheriff, detention officer, or telecommunicator between January and July of each calendar year shall complete the respective In-Service Training Program(s) established by 12 NCAC 10B .2002 by the end of December of each calendar year.

(b) For each justice officer holding multiple certifications from the Commission with the same agency, the Sheriff shall designate the officer's primary duties for the purpose of selecting which one of the in-service training programs the officer shall complete for a calendar year.

(c) A justice officer who fails to complete in-service training as required, but is either separated or made inactive prior to the end of the calendar year, may be re-activated after completing the in-service training program prescribed for the year immediately preceding the year in which the officer is being activated.
(d) Persons who have prior service as a criminal justice officer as defined in 12 NCAC 09A .0103(7) between January and July of the current year, and who then become an active deputy sheriff are required to complete the in-service training program for that year, unless the person is also either a detention officer or telecommunicator with the same Sheriff's Office and the Sheriff has designated the officer's primary function to be either a detention officer or telecommunicator.
(e) Persons who have prior service as a criminal justice officer as defined in 12 NCAC 09A .0103(7) between January and July of a prior year who failed to complete in-service training for that year, shall complete the in-service training program prescribed for the year preceding the year in which the officer is being activated as a deputy, unless the person was also reported to this Commission as a telecommunicator with the same agency and completed the telecommunicator in-service training for that year.

History Note: *Authority G.S. 17E-4; 17E-7;*
Eff. January 1, 2007;
Amended Eff. January 1, 2015; January 1, 2013; January 1, 2010;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 6, 2018;
Amended Eff. February 1, 2023.

12 NCAC 10B .2007 SHERIFF/AGENCY HEAD RESPONSIBILITIES

Each Sheriff or Department Head shall ensure that the respectively required In-Service Training Program established by this Section is conducted. In addition, the Sheriff or Department Head shall:

(1) report to the Division those deputy sheriffs, detention officers and telecommunicators who are inactive;
(2) maintain a roster of each deputy sheriff, detention officer and telecommunicator who successfully completes the respectively required In-Service Training Program;
(3) report to the Division by January 15th of each year:
    (a) those active telecommunicators who fail to complete the prior year's Telecommunicator Officer In-Service Training Program in accordance with 12 NCAC 10B .2012;
    (b) those active detention officers who fail to complete the prior year's Detention Officer In-Service Training Program in accordance with 12 NCAC 10B .2012; and
    (c) those active deputy sheriffs who fail to complete the prior year's Law Enforcement In-Service Training Program in accordance with 12 NCAC 10B .2005. The reporting shall be on a Commission form.

History Note: *Authority G.S. 17E-4; 17E-7;*
Eff. January 1, 2007;
Amended Eff. January 1, 2013; January 1, 2011; January 1, 2010; January 1, 2009; January 1, 2008;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 6, 2018.

12 NCAC 10B .2008 FAILURE TO COMPLETE IN-SERVICE TRAINING PROGRAMS

(a) Failure to complete the respectively required In-Service Training Program(s), except as set forth in Paragraph (c) of this Rule, in accordance with this Section shall result in the summary suspension of certification by the Commission if the Commission finds that the public health, safety, or welfare requires immediate action.
(b) Certification may be reinstated at the request of the justice officer's Sheriff/Agency Head provided the justice officer completes the respectively required In-Service Training Program within one year of the date of suspension of certification. An In-Service Training Program completed under this provision shall be credited to the prior year of non-compliance and shall not be credited toward the current year of completion.
(c) Failure to qualify a justice officer in accordance with Section .2100 of these Rules is governed by 12 NCAC 10B .2105.

History Note: *Authority G.S. 17E-4; 17E-7;*

Eff. January 1, 2007;
Amended Eff. January 1, 2009;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 6, 2018.

12 NCAC 10B .2009 TRAINING DELIVERY

The training provider shall ensure that the:

(1) training is documented by roster that includes:
  (a) student names;
  (b) date and time of training;
  (c) instructional topic;
  (d) hours taught;
  (e) instructor's name; and
  (f) training provider.

The training provider may also issue a certificate to the officer;

(2) training is taught by a Commission certified instructor;

(3) instructors use the lesson plans prepared by the NC Justice Academy, another entity or develop their own developed in accordance with the provisions of 12 NCAC 10B .2005(a);

(4) instructors provide each student with a copy of the student lesson plan during the course delivery; and

(5) a copy of the lesson plan(s) is maintained indefinitely by the training provider.

History Note: *Authority G.S. 17E-4; 17E-7;*
Eff. January 1, 2013;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 6, 2018.

SECTION .2100 - DEPUTY SHERIFF' AND DETENTION OFFICERS' FIREARMS IN-SERVICE TRAINING REQUALIFICATION PROGRAM

12 NCAC 10B .2101 SHERIFF RESPONSIBILITIES

The sheriff shall ensure that the deputy sheriffs' and detention officers' In-Service Firearms Training and Requalification Program is conducted according to minimum specifications as outlined in 12 NCAC 10B .2103 and .2104. In addition, the sheriff:

(1) shall maintain copies of each course of fire adopted for use by his department and shall make those courses available for review by the Commission's representative upon request; and

(2) shall maintain in each officer's personnel file a copy of a commission-approved Firearms Requalification Record Form which verifies that the officer did, or did not, successfully complete the minimum annual in-service firearms training requirement; and

(3) may, where the officer fails to qualify with any of the weapons specified in 12 NCAC 10B .2104 prohibit access or possession of such weapon while on duty or when acting in the discharge of that agency's official duties and may deny the officer authorization to carry such weapons concealed when off-duty, except when the officer is on his/her own premises; and

(4) shall report to the Division once each calendar year a roster of all deputy sheriffs and detention officers who fail to successfully complete the annual in-service firearms training and qualification and shall certify that all deputy sheriffs and detention officers required to qualify pursuant to 12 NCAC 10B .2104 who are not listed did successfully complete the training. This roster shall reflect the annual in-service firearms training and qualification status of all deputy sheriffs and detention officers employed by the agency as of December 31st of each calendar year and shall be received by the Division no later than the following January 15th; and

(5) shall report to the Division not later than January 15th of each calendar year a list of those deputy sheriffs and detention officers employed by the agency who are not authorized by the sheriff to carry a weapon; and

(6) may ensure that once each year all officers receive a review of departmental policies regarding the use of force. It is recommended by the Commission that all officers be tested on departmental policies.

History Note: *Authority G.S. 17E-4; 17E-7;*
Eff. January 1, 1989;
Amended Eff. January 1, 1995; January 1, 1993;
Temporary Amendment Eff. March 1, 1998;
Amended Eff. August 1, 1998;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 6, 2018.

12 NCAC 10B .2102 INSTRUCTORS

The following requirements and responsibilities are hereby established for instructors who conduct the Deputy Sheriffs' and Detention Officers' In-Service Firearms Training and Requalification Program:

(1) The instructor who performs the range qualification shall hold "Specific Instructor Certification-Firearms" issued by the North Carolina Criminal Justice Education and Training Standards Commission;

(2) The instructor who teaches the classroom instruction regarding use of force may either hold a Professional Lecturer Certification as set out in 12 NCAC 09B .0306(a)(1); 12 NCAC 10B .0906, or .0916 or hold a "Specific Certification-Firearms" issued by the North Carolina Criminal Justice Education and Training Standards Commission;

(3) The instructor shall deliver the training consistent with the minimum specifications as established by 12 NCAC 10B .2103 and .2104; and shall be present at all times during which said training is being conducted to personally provide all supervision, classroom training, range training, and scoring for certification purposes;

(4) The instructor shall document the successful or unsuccessful completion of training for each officer on a commission Firearms Requalification Record Form and forward such form to each officer's sheriff; and

(5) The instructor shall submit to the sheriff copies of all courses of fire used for qualification of deputy sheriffs and detention officers in compliance with 12 NCAC 10B .2101(1).

History Note: *Authority G.S. 17E-4; 17E-7;*
Eff. January 1, 1989;
Amended Eff. January 1, 1995; January 1, 1993; January 1, 1991;
Temporary Amendment Eff. March 1, 1998;
Amended Eff. January 1, 2013; August 1, 1998;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 6, 2018;
Amended Eff. February 1, 2023.

12 NCAC 10B .2103 MINIMUM TRAINING REQUIREMENTS

In addition to conducting Annual Firearms Qualification, as prescribed in 12 NCAC 10B .2104, Specialized Firearms Instructors shall provide instruction on the following specified topics:

(1) Use of Force: the authority to use deadly force including relevant case law and materials.

(2) Safety:
  (a) Range rules and regulations;
  (b) Handling of a firearm; and
  (c) Malfunctions.

(3) Review of Basic Marksmanship Fundamentals:
  (a) Grip, stance, breath control, trigger press, and trigger reset;
  (b) Sight alignment and sight picture; and
  (c) Nomenclature.

(4) Operation and Maintenance of all agency-authorized weapons.

History Note: *Authority G.S. 17E-4; 17E-7;*
Eff. January 1, 1989;
Amended Eff. January 1, 2013; January 1, 1993;

Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 6, 2018;
Amended Eff. March 1, 2026.

12 NCAC 10B .2104 ANNUAL FIREARMS QUALIFICATION SPECIFICATIONS

(a) All deputy sheriffs and detention officers who are authorized by the sheriff to carry a handgun shall qualify a minimum of once each calendar year with each department-approved service handgun by completing the Qualification courses set forth in Paragraphs (b), (c), and (e) of this Rule. For the purpose of this Rule, service handgun shall include any semi-automatic pistol or revolver.

(b) The Accuracy Qualification course of fire shall meet the following minimum requirements for Day Accuracy Qualification:

(1) No fewer than thirty (30) rounds;
(2) Firing from the three (3), five (5), seven (7), ten (10), fifteen (15), and twenty-five (25) yard lines shall consist of no more than the following percentage of shots at each yard line:
    (A) 3-yard line: 10%
    (B) 5-yard line: 12%
    (C) 7-yard line: 30%
    (D) 10-yard line: 20%
    (E) 15-yard line: 25%
    (F) 25-yard line: 20%
(3) Firing at least two rounds from each of the following positions:
    (A) Standing;
    (B) Kneeling;
    (C) Barricade; and
(4) Firing at least two rounds dominant hand only;
(5) Firing at least two rounds support hand only;
(6) Fire after drawing from the holster; and
(7) At least one stage that includes a mandatory magazine change.

(c) The Accuracy Qualification course of fire shall meet the following minimum requirements for Low-Light Accuracy Qualification:

(1) No fewer than thirty (30) rounds;
(2) Firing from the three (3), five (5), seven (7), ten (10), and fifteen (15) yard lines shall consist of no more than the following percentage of shots at each yard line:
    (A) 3-yard line: 13%
    (B) 5-yard line: 26%
    (C) 7-yard line: 24%
    (D) 10-yard line: 24%
    (E) 15-yard line: 24%.
(3) Firing at least two rounds from the following positions:
    (A) Standing; and
    (B) Kneeling.
(4) Firing at least two rounds dominant hand only;
(5) Firing at least two rounds support hand only;
(6) Firing after drawing from the holster;
(7) At least one stage that includes a mandatory magazine change;
(8) At least one stage that includes the use of a flashlight or weapon-mounted light;
(9) At least one stage that includes the use of blue lights;
(10) At least one stage that includes the use of low-beam headlights and blue lights; and
(11) At least one stage that includes the use of headlights, blue lights, and all available lighting.

(d) All deputy sheriffs and detention officers shall successfully complete a Decision Making Qualification course for both day and low-light at least once each calendar year.

(e) The Decision Making Qualification course shall meet the following minimum requirements:

(1) Day Decision Making Qualification:
    (A) No fewer than three decision points within the course;
    (B) Required target discrimination decision (shoot/no-shoot);

(C) Required articulation by the officer of a minimum of two decisions made during the course; and

(D) Shall contain a detailed diagram of the decision making course, with a written explanation of the course, and a scoring matrix outlining what constitutes passing and failing performance, which shall be maintained in an Annual Qualification file by the agency and made available for audit.

(2) Low-Light Decision Making Qualification:

(A) No fewer than three decision points within the course;

(B) Required target discrimination decision (shoot/no-shoot);

(C) Required use of a flashlight, weapon-mounted light, or other shooter-controlled light source;

(D) Required articulation by the officer of a minimum of two decisions made during the course; and

(E) Shall contain a detailed diagram of the decision making course, with a written explanation of the course, and a scoring matrix outlining what constitutes passing and failing performance, which shall be maintained in an Annual Qualification file by the agency and made available for audit.

(f) If a deputy sheriff's or detention officer's handgun is replaced with another service handgun of the same make and model, they shall successfully complete the Day Accuracy Qualification with the new service handgun within 15 days of issuance.

(g) All deputy sheriffs and detention officers who are issued or otherwise authorized by the sheriff to use a shotgun, rifle, or automatic weapon shall qualify with each weapon respectively, for both day and low-light use at least once each calendar year.

(h) The accuracy qualification courses required by Paragraphs (a), (b), and (c) of this Rule shall be completed with duty equipment and duty ammunition or ballistic-equivalent ammunition including lead-free ammunition that meets the same point of aim, point of impact, and felt recoil of the duty ammunition, for all weapons.

(i) All deputy sheriffs and detention officers who are issued or authorized to use a less-lethal weapon, that may also be classified as a firearm, shall qualify with each weapon, respectively, in compliance with the manufacturer's specifications or certification requirements.

(j) The accuracy qualification and decision making qualification courses required by Paragraphs (a) through (g) and (k) of this Rule shall define low-light for an outdoor range as beginning 30 minutes after sunset, based on the time provided by the U.S. Naval Observatory chart for the date of qualification, specific to the location of the outdoor range. For an indoor range, transition to low-light environment occurs by cutting off the lighting and is not defined by a specific time.

(k) All deputy sheriffs and detention officers who are authorized by the sheriff to carry off-duty handguns shall qualify with their off-duty handgun a minimum of once each calendar year pursuant to Paragraphs (a) through (e) of this Rule with each handgun the officer carries off-duty using ammunition approved by the sheriff.

(l) All deputy sheriffs and detention officers who are issued or have access to any weapons not stated in this Rule must qualify with these weapons once each calendar year using ammunition approved by the sheriff.

(m) To satisfy the requirements for all firearms accuracy qualifications, a deputy sheriff or detention officer shall attain a minimum qualification score of 80 percent accuracy with each weapon at least once in three attempts with no more than three attempts on each course of fire per day.

(n) To satisfy the requirements for all decision making qualification courses, a deputy sheriff or detention officer shall attain a passing score as outlined by the specific course scoring matrix.

(o) In cases where reduced-sized targets are used to simulate actual distances, a modified course of fire may be used.

(p) The following shall apply to each Day Accuracy Qualification course and Low-Light Accuracy Qualification course:

(1) Each course shall be completed successfully on a single day, once out of three attempts.

(2) Failure to qualify within three attempts on a single day shall be deemed a failure.

(3) Once qualification has begun, if a deputy sheriff or detention officer is unsuccessful at any qualification attempt and fails to complete three attempts in a single day, the officer shall be deemed to have failed to qualify.

(4) No practice shall be allowed once qualification begins. Practice shall not be allowed until after the officer qualifies successfully or the third qualification attempt is completed.

(5) Each course shall be completed with each weapon for which qualification is required.

(6) Each Qualification course may take place on different days; however, all three attempts to qualify for that course shall occur on the same day.

(7) Once a deputy sheriff or detention officer has failed to qualify in three attempts or failed to complete three attempts to qualify in a single day on any Qualification course, access to the weapon shall be restricted until such time the deputy sheriff or detention officer successfully qualifies with the weapon.

(q) The following shall apply to each Day Decision Making Qualification course and Low-Light Decision-Making Qualification course:

(1) Each course shall be completed successfully on a single day, once out of three attempts.

(2) Failure to qualify within three attempts on a single day shall be deemed a failure.

(3) Once qualification has begun, if a deputy sheriff or detention officer is unsuccessful at any qualification attempt and fails to complete three attempts in a single day, the officer shall be deemed to have failed to qualify.

(4) No practice shall be allowed once qualification begins. Practice shall not be allowed until after the deputy sheriff or detention officer qualifies successfully or the third qualification attempt is completed.

(5) Each qualification course may take place on different days; however, all three attempts to qualify for that course shall occur on the same day.

(6) Once a deputy sheriff or detention officer has failed to qualify in three attempts or failed to complete three attempts to qualify in a single day on any qualification course, access to the weapon shall be restricted until such time the officer successfully qualifies with the weapon.

History Note: *Authority G.S. 17E-4; 17E-7;*
Eff. January 1, 1989;
Amended Eff. January 1, 1994; January 1, 1993; January 1, 1992; January 1, 1991;
Temporary Amendment Eff. March 1, 1998;
Amended Eff. January 1, 2011; January 1, 2006; August 1, 2002; August 1, 1998;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 6, 2018;
Amended Eff. March 1, 2026.

12 NCAC 10B .2105 FAILURE TO QUALIFY

(a) Deputy sheriffs and detention officers who fail to qualify pursuant to Rule .2104 of this Section shall surrender their weapons to the sheriff or his or her authorized designee upon failure and shall have 30 days in which to obtain the qualification score required in 12 NCAC 10B .2104.

(b) Failure to qualify within the time period allowed in Paragraph (a) of this Rule shall result in the summary suspension of the deputy sheriff's or detention officer's certification by the Commission.

(c) No deputy sheriff or detention officer summarily suspended under Paragraph (b) of this Rule and in compliance with 12 NCAC 10B .0206(a)(3) may work as a certified justice officer until:

(1) the sheriff forwards to the Commission documentary evidence verifying that the officer has complied with the requirements of 12 NCAC 10B .2103 and .2104 and

(2) the deputy sheriff or detention officer and the sheriff receive from the Commission documentation that the Commission has terminated the suspension and reinstated the certification to the deputy sheriff or detention officer.

(d) Any deputy sheriff or detention officer not previously authorized by the sheriff to carry a weapon but whose status changed to "authorized to carry a weapon," shall comply with the provisions set out in 12 NCAC 10B .2103 and .2104 and may not carry a firearm until:

(1) the sheriff forwards to the Commission documentary evidence verifying that the officer has complied with the requirements of 12 NCAC 10B .2103 and .2104; and

(2) the deputy sheriff or detention officer and the sheriff receive from the Commission documentation that the Commission has amended the officer's status to "authorized to carry a weapon" and all Commission certification files reflect the same.

History Note: *Authority G.S. 17E-4; 17E-7; 17E-9;*
Eff. January 1, 1989;
Amended Eff. March 1, 1995; January 1, 1995; January 1, 1993; January 1, 1990;

Temporary Amendment Eff. March 1, 1998;
Amended Eff. August 1, 1998;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 6, 2018;
Amended Eff. March 1, 2026.

SECTION .2200 – FORMS

12 NCAC 10B .2201 CERTIFICATION FORMS

(a) The following are Commission approved forms to be used by agencies in making reports, applications, or requests for certification of justice officers:

(1) Form F-1, Medical History Statement, is completed by an applicant and consists of the applicant's medical information including medication, allergies, and immunizations, present and past physical conditions, injuries, diseases, or operations.

(2) Form F-2, Medical Examination Report, is a form provided to the examining physician to record the results of the applicant's medical examination. The form consists of information about the applicant's vision, hearing, cardiovascular and circulatory health, urinalysis, TB skin test, other medical conditions relevant to the applicant's physical fitness to perform the duties of a justice officer, biographical information about the applicant, and the medical professional's recommendation and concerns as to an applicant's physical fitness to perform the duties of a justice officer.

(3) Form F-2C, Psychological Screening Examination, is a form completed by the psychologist completing the examination. The form consists of the name of the psychologist completing the examination, the psychologist's license number, date of the examination, the psychologist's recommendation of suitability, and information disclosed by the applicant involving any reported criminal offenses, drug use, involuntary commitments, or employment terminations due to misconduct or rule violations.

(4) Form F-3, the Personal History Statement, is completed by the applicant and consists of information regarding the applicant's work, residential, military, and criminal history; financial condition; and references.

(5) Form F-4 and F-4T, Report of Appointment, is completed by the reporting agency for the appointment of justice officers and shall contain a checklist indicating the applicant's progress toward completing the requirements for certification; the applicant's appointment date, position title, and status; the applicant's contact information; and prior certification history. The F-4 form is utilized for appointments as a deputy sheriff or detention officer. The form F-4T is utilized for appointments as a telecommunicator.

(6) Form F-6 and F-6R, Professional Certificate/Service Award, consists of information regarding the education, training, and experience qualifying the applicant for various levels of professional recognition under the Sheriffs' Education and Training Standards Commission's Professional Certificate Program. The F-6 form is utilized for full-time justice officers and the F-6R form is utilized for reserve justice officers.

(7) Form F-7 and F-7T, Request for Certification, is completed by institutions and agencies requesting certification to deliver Detention Officer and Telecommunicator Courses. The form consists of information regarding the institution name, institution or agency head, school director, and facilities. Form F-7 is used when requesting certification to deliver Detention Officer courses and Form F-7T is used when requesting certification to deliver Telecommunicator courses.

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

(9) Form F-7B and F-7B-T, Post-Delivery Report of Training Course Presentation, is completed by the institution or agency delivering Detention Officer and Telecommunicator Training Courses and consists of information on any substitutions of instructors as originally reported on the Pre-Delivery Report, any trainees who were not recommended for the state exam due to withdrawal or

deficiencies, and the students who participated in and completed the course. Form F-7B is utilized for Detention Officer courses and Form F-7B-T is utilized for Telecommunicator courses.

(10) Form F-8, the Mandated Background Investigation Form, is completed by an agency's background investigator and consists of the applicant's biographical data, family data, scholastic data, employment data, criminal history, interviews and references, and a summary of the background investigator's findings.

(11) Form F-9 and F-9T, Change in Status, is completed by the employing agency and consists of any change in status for justice officers including full-time or part-time status, active or inactive status, changes to identifying information, and changes to firearms status. Form F-9 is utilized for any change in status for justice officers appointed as a deputy sheriff or detention officer. Form F-9T is utilized for any change in status for a justice officer appointed as a telecommunicator.

(12) Form F-9A, Firearms Qualification Record, is completed by the employing agency to record the annual In-Service Firearms Training and Qualifications for justice officers who are authorized by the Sheriff to carry a shotgun, rifle, automatic weapon, or handgun. The form consists of training and qualification scores completed by the officer.

(13) Form F-16, Criminal Justice Instructor Evaluation, is completed by the Certified School Director and In-Service Coordinator of the school and consists of a rating of instructional ability, student participation, and presentation of the lesson plan by the Instructor.

(14) Form F-20, School Resource Officer Certification, is completed by an employing agency requesting certification of a justice officer as a School Resource Officer. The form consists of the officer's name, date of birth, name of agency and address, date awarded general certification, completion date of School Resource Officer training, and date assigned as a School Resource Officer.

(15) Form I-2 and I-2-T, Request for Instructor Certification, is completed by an applicant for certification as an Instructor to deliver Detention Officer and Telecommunicator courses. The form consists of information about the applicant's experience and qualifications. Form I-2 is utilized by an applicant for certification as an Instructor to deliver Detention Officer courses and Form I-2-T is utilized by an applicant for certification as an Instructor to deliver Telecommunicator courses.

(b) All forms contained in this Rule may be accessed on the agency's website at http://ncdoj.gov/law-enforcement-training/sheriffs/all-commission-forms-publications/.

History Note: *Authority G.S. 17E-4; 17E-7;*
Eff. April 1, 2023;
Amended Eff. September 1, 2024; November 1, 2023.