

12 NCAC 09B .0202 is amended as published in 35:12 NCR 1369 with changes as follow:

12 NCAC 09B .0202 RESPONSIBILITIES OF THE SCHOOL DIRECTOR

(a) In planning, developing, coordinating, and delivering each Commission-certified criminal justice training course, the School Director shall:

- (1) Formalize and schedule the course curriculum in accordance with the curriculum standards established in this Subchapter;
- (2) Select and schedule instructors who are certified by the Commission;
- (3) Provide each instructor with a current Commission course outline and all necessary additional information concerning the instructor's duties and responsibilities;
- (4) Notify each instructor that he or she shall comply with the Basic Law Enforcement Training Course Management Guide and provide him or her access to the most current version of the Course Management Guide;
- (5) Ensure each instructor utilizes Commission approved lesson plans and instructional materials;
- (6) Arrange for the availability of appropriate audiovisual aids and materials, publications, facilities, and equipment for training in all topic areas;
- (7) Develop, adopt, reproduce, and distribute any supplemental rules and requirements determined by the school to be necessary or appropriate for:
 - (A) effective course delivery;
 - (B) establishing responsibilities and obligations of agencies or departments employing or sponsoring course trainees; and
 - (C) regulating trainee participation and demeanor, ensuring trainee attendance, and maintaining performance records;
- (8) If appropriate, recommend housing and dining facilities for trainees;
- (9) Administer the course delivery in accordance with Commission approved lesson plans and course management guides;
- (10) 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. The comprehensive final examination shall be administered by the Criminal Justice Education and Training Standards Commission; and
- (11) Report the completion of each presentation of a Commission-certified criminal justice training course to the Commission, utilizing forms required for submission, which are located on the Agency's website: <https://ncdoj.gov/law-enforcement-training/criminal-justice/forms-and-publications/>.

(b) In addition to Paragraph (a) of this Rule, in planning, developing, coordinating, and delivering each Commission-certified Basic Law Enforcement Training Course, the School Director shall:

- (1) Deliver training in accordance with the most current version of the Basic Law Enforcement Training Course Management Guide as published by the North Carolina Justice Academy;
- (2) Schedule course presentation to include 12 hours of instruction each week during consecutive calendar weeks, except that there may be as many as three one-week breaks until course requirements are completed;
- (3) Schedule only specialized instructors certified by the Commission to teach those high-liability areas as specified in Rule .0304(a) of this Subchapter as either the lead instructor or as assistant instructors or role players;
- (4) With the exception of the First Responder, Physical Fitness, Explosives and Hazardous Materials, and topical areas outlined in Rule .0304(a) of this Subchapter, schedule one specialized instructor certified by the Commission for every six trainees while engaged in a practical performance exercise;
- (5) Schedule one specialized instructor certified by the Commission for every eight trainees while engaged in a practical performance exercise in the topical area "Subject Control Arrest **Techniques**"; **Techniques;**"
- (6) Schedule no single individual to instruct more than 35 percent of the total hours of the curriculum during any one delivery of the Basic Law Enforcement Training Course presentation;
- (7) Not less than 30 days before commencing delivery of the Basic Law Enforcement Training Course, submit to the Commission a Pre-Delivery Report of Training Course Presentation pursuant to 12 NCAC 09C .0211. The Pre-Delivery Report (Form F-10A) shall indicate a requested date and location for the administration of the **state State** comprehensive exam, and include the following attachments:
 - (A) a course schedule showing the arrangement of topical presentations and proposed instructional assignments; and
 - (B) a copy of any rules and requirements for the school. A copy of **such those** rules shall also be given to each trainee and to the executive officer of each trainee's employing or sponsoring agency or department at the time the trainee enrolls in the course;
- (8) Monitor, or designate an instructor certified by the Commission to monitor, a presentation of each instructor once during each three year certification period in each topic taught by the instructor and prepare a written evaluation on the instructor's performance and suitability for subsequent instructional assignments. The observations shall be of sufficient duration to ensure that the instructor is using the Instructional System Design model, 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 evaluation shall be based upon the course delivery observations, the instructor's use of the approved lesson plan, and the results of the student evaluations of the instructor. For probationary instructors, the evaluations conducted by another instructor shall be prepared on the Criminal Justice Instructor Evaluation (Form F-16) and forwarded to the Commission. Based on

- 1 this evaluation, the School Director shall recommend approval or denial of requests for General
 2 Instructor Certification. For all other instructors, these evaluations shall be prepared on the Criminal
 3 Justice Instructor Evaluation (Form F-16), be kept on file by the school for a period of three years,
 4 and shall be made available for inspection by a representative of the Commission upon request. In
 5 the event the evaluation of an instructor indicates that his or her performance was less than
 6 acceptable, the School Director shall forward a copy of the evaluation to the Commission. Any
 7 instructor who is evaluating the instructional presentation of another instructor shall hold
 8 certification in the same instructional topic area as that for which the instructor is being evaluated;
- 9 (9) Administer or designate a staff person to administer course specific tests during course delivery:
- 10 (A) to determine and record the level of trainee comprehension and retention of instructional
 11 ~~subject— subject~~ matter;
- 12 (B) to provide a basis for a final determination or recommendation regarding the minimum
 13 degree of knowledge and skill of each trainee to function as an inexperienced law
 14 enforcement officer; and
- 15 (C) to determine subject or topic areas of deficiency for the application of Rule .0405(a)(3) of
 16 this Subchapter; and
- 17 (10) Not more than 10 days after the conclusion of a school's offering of Basic Law Enforcement
 18 Training, submit to the Commission a Post-Delivery Report of Training Course Presentation (Form
 19 F-10B) that shall include:
- 20 (A) a "Student Course Completion" form for each individual enrolled on the day of orientation;
- 21 (B) a "Certification and Test Score Release" form;
- 22 (C) the "Police Officer Physical Ability Test (POPAT) Post-Course" final form; and
- 23 (D) ~~Orientation~~ the orientation class enrollment roster.
- 24 (c) In addition to Paragraph (a) of this Rule, in planning, developing, coordinating, and delivering each Commission-
 25 certified "Criminal Justice Instructor Training Course," the School Director shall:
- 26 (1) Schedule course presentation pursuant to Rule .0209 of this Subchapter;
- 27 (2) Schedule ~~evaluators at least one evaluator for every six trainees~~, as follows:
- 28 ~~(A) —no evaluator shall be assigned more than six trainees during a course delivery;~~
- 29 ~~(A) (B)~~ each evaluator, as well as the instructors, shall have completed a Commission-certified
 30 instructor training course or an equivalent instructor training course utilizing the
 31 Instructional Systems Design model, an international model with applications in education,
 32 military training, and private enterprise; and
- 33 ~~(B) (C)~~ each instructor and evaluator shall document successful participation in a program
 34 presented by the North Carolina Justice Academy for purposes of familiarization and
 35 supplementation relevant to delivery of the instructor training course and ~~trainee; trainee~~
 36 ~~evaluation— evaluation;~~

- 1 (3) Not fewer than 30 days before commencing delivery of the course, submit to the Commission a Pre-
 2 Delivery Report of Training Course Presentation [Form F-10A(ITC)] with the following
 3 attachments:
- 4 (A) a course schedule showing the arrangement of topical presentations and proposed
 5 instructional assignments;
- 6 (B) the names and last four digits of the social security numbers of all instructors and
 7 evaluators; and
- 8 (C) a copy of any rules, rules and requirements for the school; and
- 9 (4) Not more than 10 days after course completion, submit to the Commission a Post-Delivery Report
 10 [Form F-10B(ITC)] containing the following:
- 11 (A) class enrollment roster;
- 12 (B) a course schedule with the designation of instructors and evaluators utilized in delivery;
- 13 (C) scores recorded for each trainee on the 70 minute skill presentation; and
- 14 (D) designation of trainees who completed the course in its entirety and whom the School
 15 Director finds to be competent to instruct.
- 16 (d) In addition to Paragraph (a) of this Rule, in planning, developing, coordinating, and delivering each Commission-
 17 certified RADAR, RADAR and Time-Distance, Time-Distance, or LIDAR speed measurement operator training
 18 course or re-certification course, the School Director shall:
- 19 (1) select and schedule speed measurement instrument instructors who are certified by the Commission
 20 as instructors for the specific speed measurement instruments in which the trainees are to receive
 21 instruction as follows:
- 22 (A) provide to the instructor the Commission form(s) for motor skill examination on each
 23 trainee;
- 24 (B) require the instructor to complete the motor skill examination form on each trainee
 25 indicating the level of proficiency obtained on each specific instrument; and
- 26 (C) require each instructor to sign each individual form and submit the original to the School
 27 Director;
- 28 (2) not fewer than 30 days before the scheduled starting date, submit to the Director of the Standards
 29 Division a Pre-Delivery Report of Speed Measuring Instrument Course Presentation [Form F-10A
 30 (SMI)] that shall contain a period of course delivery including the proposed starting date, course
 31 location, requested date and location for the administration of the state State exam, and the number
 32 of trainees to be trained on each type of approved speed measurement instrument. The Director of
 33 the Standards Division shall review the request and notify the School Director within thirty business
 34 days if the request is approved or denied; and
- 35 (3) upon completing delivery of the Commission-certified course, and not more than 10 days after the
 36 conclusion of a school's offering of a certified RADAR, RADAR and Time-Distance, Time-
 37 Distance, or LIDAR speed measurement operator training course or re-certification course, the

1 School Director shall notify the Commission regarding the progress and achievements of each
2 trainee by submitting a Post-Delivery Report of Training Course Presentation [Form F-10B (SMI)].
3 This report shall include the original motor-skill examination form(s) completed and signed by the
4 certified instructor responsible for administering the motor-skill examination to the respective
5 trainee.

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7 *History Note: Authority G.S. 17C-6;*
8 *Eff. January 1, 1981;*
9 *Amended Eff. November 1, 1981;*
10 *Readopted w/change Eff. July 1, 1982;*
11 *Amended Eff. January 1, 2015; June 1, 2013; April 1, 2009; November 1, 2007; January 1, 2006;*
12 *May 1, 2004; August 1, 2000; January 1, 1996; November 1, 1993; December 1, 1987; January 1,*
13 *1985;*
14 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25,*
15 *2019;*
16 *Amended Eff. July 1, 2021; January 1, 2021; July 1, 2020.*
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12 NCAC 09B .0209 is amended as published in 35:12 NCR 1369 with changes as follow:

12 NCAC 09B .0209 CRIMINAL JUSTICE INSTRUCTOR TRAINING (EFFECTIVE JANUARY 1, 2021)

(a) The Instructor Training course required for General Instructor certification shall consist of a minimum of ~~90~~ 40 hours of classroom [instruction] instruction, plus the time required to conduct practical exercises, student presentations, and post testing presented during a period of no more than instruction, as defined in Paragraph (c) of this Rule, within 15-15 business days.

(b) Each Instructor Training course shall be designed to provide the trainee with the skills and knowledge to perform the functions of a criminal justice instructor.

(c) Each Instructor Training course shall include the following identified topic areas and minimum instructional hours for each area:

(1)	Orientation and Pre-Test	<u>1 Hour</u> 4 Hours
(2)	Instructional Systems Design (ISD)	<u>5</u> 8 Hours
(3)	Law Enforcement Instructor Liabilities and Legal Responsibilities	<u>2</u> 3 Hours
(4)	Criminal Justice Instructional Leadership	4 Hours
(5)	Lesson Plan Preparation: Professional Resources	<u>2</u> 3 Hours
(6)	Lesson Plan Development and Formatting	<u>3</u> 4 Hours
(7)	Adult Learning	<u>2</u> 4 Hours
(8)	Instructional Styles and Platform Skills	<u>5</u> 8 Hours
(9)	Classroom Management	<u>3</u> 4 Hours
(10)	Active Learning: Demonstration and Practical Exercises	<u>3</u> 8 Hours
(11)	The Evaluation Process of Learning	<u>4</u> 5 Hours
(12)	Audio Visual Aids	<u>5</u> 6 Hours
(13)	Student 8 Minute Introductions and Video Critique	5 Hours
(14)	Student Performance: First 35 Minute Presentation	6 Hours
	Second 35 Minute Presentation	6 Hours
	Final 70 Minute Presentation and Review	8 Hours
<u>13-(15)</u>	Course Closing and Post-test	<u>1 Hour</u> 4 Hours
(14)	Completion of tasks associated with practical exercises, student presentations, and post <u>testing</u>	

testing; the number of hours required to complete this portion of the curriculum shall be based on the number of enrolled students, available facilities, and number of instructors.

(d) The "Instructor Training" manual published by the North Carolina Justice Academy shall be the curriculum for instructor training courses. Copies of this publication may be inspected at the agency:

Criminal Justice Standards Division
North Carolina Department of Justice

1700 Tryon Park Drive
Post Office Drawer 149
Raleigh, North Carolina 27602

and may be purchased at the cost of printing and postage from the Academy at the following address:

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

History Note: Authority G.S. 17C-6;
Eff. January 1, 1981;
Amended Eff. July 1, 2018; April 1, 2018; January 1, 2018; January 1, 2015; December 1, 2009;
August 1, 2005; November 1, 1998; January 1, 1995; March 1, 1990; July 1, 1989; January 1,
1985;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25,
2019;
Amended Eff. July 1, 2021; January 1, 2021.

12 NCAC 09B .0403 is amended as published in 35:12 NCR 1369 with changes as follows:

12 NCAC 09B .0403 EVALUATION FOR TRAINING WAIVER

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

- (1) Persons having completed a Commission-accredited basic training program and not having been duly appointed and sworn as a law enforcement officer within one year of completion of the program shall complete a subsequent Commission-accredited basic training program, as prescribed in Rule .0405(a) of this Section, and shall achieve a passing score on the State Comprehensive Examination prior to obtaining probationary law enforcement certification, unless the Director determines that a delay in applying for certification was not due to neglect on the part of the applicant, in which case the Director shall accept a Commission-accredited basic training program that is over one year old. The appointing agency shall request in writing the extension of the one year period, which shall not exceed 30 days from the first year anniversary of the passing of the ~~state comprehensive examination;~~ State Comprehensive Examination.
- (2) Out-of-state transferees shall be evaluated to determine the amount and quality of their training and experience. Out-of-state transferees shall not have a break in service exceeding three years. At a minimum, out-of-state transferees shall have two years' full-time, sworn law enforcement experience and have completed a basic law enforcement training course accredited by the transferring state. State. An individual's attendance at [their] his or her basic law enforcement class shall not count towards the two years' full-time sworn law enforcement experience. Prior to employment as a certified law enforcement officer, out-of-state transferees shall complete with a passing score the employing agency's in-service firearms training and qualification program as prescribed in 12 NCAC 09E .0106. In addition, out-of-state transferees shall complete the Legal Unit in a Commission-accredited Basic Law Enforcement Training Course as prescribed in Rule .0205(b)(1) of this Subchapter and shall achieve a passing score on the State Comprehensive Examination within the 12 month probationary period;
- (3) Persons who have completed a 369-hour basic law enforcement training program accredited by the Commission under guidelines administered beginning October 1, 1984, have been separated from a sworn position for over one year but less than three years, and who have had a minimum of two years' experience as a full-time, sworn law enforcement officer in North Carolina shall complete the Legal Unit in a Commission-accredited Basic Law Enforcement Training Course as prescribed in Rule .0205(b)(1) of this Subchapter and shall achieve a passing score on the State Comprehensive

Examination within the 12 month probationary period. Prior to employment as a certified law enforcement officer, these persons shall complete with a passing score the employing agency's in-service firearms training and qualification program as prescribed in 12 NCAC 09E;

- (4) Persons who have completed a 396-hour basic law enforcement training program accredited by the Commission under guidelines administered beginning October 1, 1984, have been separated from a sworn position more than one year but less than five years and who have a minimum of two years' experience as a full-time, sworn law enforcement officer in North Carolina, who have not been convicted of a disqualifying criminal offense as listed in Rule .0111(1) of this Subchapter, and who have successfully completed the mandatory in-service training requirements pursuant to 12 NCAC 09E .0105 or 12 NCAC 10B .2005, with the exception of Firearms Training and Requalification, during each year the person was separated from a sworn position prior to employment as a certified law enforcement officer shall complete the topic areas within the following time frames:

(A) Prior to employment as a certified law enforcement officer, the person shall complete the appointing agency's in-service firearms training and qualification program as prescribed in 12 NCAC 09E;

(B) Prior to employment as a certified law enforcement officer, the person shall achieve a passing score on the practical skills testing for the First Responder, Law Enforcement Driver Training, and Subject Control Arrest Techniques topics [enumerated] set forth in Rule .0205(b)(5) of this Subchapter. The person shall also successfully complete the Police Officer Physical Abilities Test. The practical skills testing and the Police Officer Physical Abilities Test may be completed either in a Commission-accredited Basic Law Enforcement Training course or under the instruction of a [Commission-Certified] Commission-certified instructor for that particular skill. The person shall also meet the requirements per Rule .0101 of this Subchapter; and

(C) Within 12 months of being issued probationary certification, the person shall complete the remaining topics in the legal unit of instruction in the Basic Law Enforcement Training course as set forth in Rule .0205(b)(1) of this Subchapter. [The required topics include Motor Vehicle Law; Juvenile Laws and Procedures; Arrest, Search and Seizure/Constitutional Law; and ABC Laws and Procedures.] The person shall achieve a passing score on the appropriate topic tests for each course. The person may undertake each of these legal unit topics of instruction either in a Commission-accredited Basic Law Enforcement Training course or under the instruction of a Commission-certified instructor for that particular topic of instruction.

An individual's attendance at ~~their~~ his or her basic law enforcement class shall not count towards the two years' full-time sworn law enforcement experience. Persons who meet the criteria ~~listed above~~ of this Part shall be processed as a probationary certification and shall serve a one-year probationary period as defined in 12 NCAC 09C .0303; ~~0303.~~

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

(5) (6) Persons out of the law enforcement profession for over three years ~~and~~ who do not meet the criteria of Subparagraph (4) of this Paragraph shall complete a Commission-accredited basic training program, as prescribed in Rule .0405(a) of this Section, regardless of prior training or experience, and shall achieve a passing score on the State Comprehensive Examination;

(6) (7) Persons who separated from law enforcement employment during their probationary period after having completed a Commission-accredited basic training program and who have separated from a sworn law enforcement position for more than one year shall complete a subsequent Commission-accredited basic training program and shall achieve a passing score on the State Comprehensive Examination;

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

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

(9) (10) Persons who have completed a minimum 160-hour basic law enforcement training program accredited by the North Carolina Criminal Justice Training and Standards Council under guidelines administered beginning on July 1, 1973, and continuing through September 30, 1978, and have been separated from a sworn law enforcement position for two or more years shall complete a Commission-accredited basic training program, as prescribed in Rule .0405 of this Section, regardless of training and experience, and shall achieve a passing score on the State Comprehensive Examination;

- (10) (11) Persons who have completed a minimum 240-hour basic law enforcement training program accredited by the Commission under guidelines administered beginning October 1, 1978, and continuing through September 30, 1984, and have been separated from a sworn position over one year but less than three years shall complete the Legal Unit in a Commission-accredited Basic Law Enforcement Training Course as prescribed in Rule .0205(b)(1) of this Subchapter and shall achieve a passing score on the State Comprehensive Examination within the 12 month probationary period;
- (11) (12) Persons previously holding law enforcement certification in accordance with G.S. 17C-10(a) who have been separated from a sworn law enforcement position for over one year and who have not previously completed a minimum basic training program accredited by either the North Carolina Criminal Justice Training and Standards Council or the Commission shall complete a Commission-accredited basic training program, as prescribed in Rule .0405 of this Section, and shall achieve a passing score on the State Comprehensive Examination prior to employment;
- (12) (13) Individuals seeking certification with the Commission who have been appointed as Special Agents with the Federal Bureau of Investigation; United States Secret Service; Bureau of Alcohol, Tobacco and Firearms; and Drug Enforcement Administration; as well as United States Marshals and Deputy United States Marshals, who have not had a break in service exceeding three years, shall be evaluated to determine the amount and quality of their training and experience. At a minimum, federal law enforcement officers shall have two years' full-time, sworn law enforcement experience and have completed a basic law enforcement training course as required by their appointing federal agency. Prior to employment as a certified law enforcement officer, these individuals shall complete with a passing score the employing agency's in-service firearms training and qualification program as prescribed in 12 NCAC 09E .0106. These individuals shall complete the Basic Law Enforcement Training topics pursuant to 12 NCAC 09B .0205(b)(1)(A), (b)(1)(C), (b)(1)(D), (b)(1)(F), (b)(2)(A), (b)(2)(C), (b)(2)(E), (b)(2)(F), (b)(2)(I), (b)(3)(B), (b)(3)(D), (b)(4)(E), (b)(5)(A), (b)(6)(A), (b)(6)(B), (b)(6)(C), and shall achieve a passing score on the State Comprehensive Examination pursuant to 12 NCAC 09B .0406 within the 12 month probationary period. Individuals who submit to the Commission documentation of completion of training equivalent to the topics set forth in 12 NCAC 09B .0205(b)(2)(A), (b)(2)(C), (b)(2)(E), (b)(2)(F), (b)(2)(I), (b)(3)(B), (b)(3)(D), (b)(4)(E), (b)(5)(A), (b)(6)(A), (b)(6)(B), and (b)(6)(C) shall not be required to complete those topics-topics;
- (13) (14) Federal law enforcement transferees other than those listed in Paragraph (13) (12) of this Rule who have not had a break in service exceeding three years shall be evaluated to determine the amount and quality of their training and experience. At a minimum, federal law enforcement officers shall have two years' full-time, sworn law enforcement experience and have completed a basic law enforcement training course as required by their appointing federal agency. Prior to employment as a certified law enforcement officer, transferees shall complete with a passing score the employing agency's in-service firearms training and qualification program as prescribed in 12 NCAC 09E .0106. At a minimum, transferees shall complete the Legal Unit in a Commission-accredited Basic

Law Enforcement Training Course as prescribed in Rule .0205(b)(1) of this Subchapter and shall achieve a passing score on the State Comprehensive Examination within 12 month probationary ~~period.~~ ~~period.~~

(14) (15) Applicants with part-time experience who have a break in service in excess of one year shall complete a Commission-accredited basic training program, as prescribed in Rule .0405 of this Section, and shall achieve a passing score on the State Comprehensive Examination prior to employment;

(15) (16) Applicants who hold or previously held certification issued by the North Carolina Sheriffs' Education and Training Standards Commission (Sheriffs' Commission) shall be subject to evaluation based on the applicant's active or inactive certification status with the Sheriffs' Commission. A deputy sheriff certified with the Sheriffs' Commission shall be considered active if he or she has performed any law enforcement function during the previous 12 months. A deputy sheriff certified with the Sheriffs' Commission shall be considered inactive if he or she has not performed a law enforcement function during the previous 12 months.

(A) The Standards Division shall issue certification to an applicant holding active general certification with the Sheriffs' Commission provided that the applicant:

- (i) Does not have a break in service of greater than 12 months;
- (ii) Has completed the mandatory in-service training requirements pursuant to 12 NCAC 10B .2005 for each year certification was held; and
- (iii) Held active status with the Sheriffs' Commission within 12 months of the date the applicant achieved a passing score on the Basic Law Enforcement Training ~~state comprehensive examination.~~ State Comprehensive Examination.

(B) The Standards Division shall issue certification to an applicant holding inactive certification with the Sheriffs' Commission provided that the applicant:

- (i) Holds inactive probationary or general certification with the Sheriffs' Commission;
- (ii) Has served a minimum of 24 months of full time sworn service or does not have a break in service of greater than 12 months;
- (iii) Has completed the mandatory in-service training requirements pursuant to 12 NCAC 10B .2005, with the exception of Firearms Training and Requalification, during each year certification was held; and
- (iv) Held active status with the Sheriffs' Commission within 12 months of the date the applicant achieved a passing score on the Basic Law Enforcement Training ~~state comprehensive examination.~~ State Comprehensive Examination.

(C) An applicant awarded certification with the Sheriffs' Commission by means of the Sheriffs' Standards BLET Challenge as prescribed in 12 NCAC 10B .0505(9)(6)(b) shall meet the following requirements in order to obtain probationary certification from the Commission:

- (i) Have a minimum of 24 months of sworn, full-time law enforcement service;
- (ii) Not have a break in service of greater than 12 months; and
- (iii) Have completed all mandatory in-service requirements pursuant to 12 NCAC 10B .0505 during the previous 2 two years.
- (D) An applicant who is a criminal justice officer, as defined in G.S. 17C-2(3), and who is elected Sheriff ~~shall not be required to maintain certification with the Sheriffs' Commission for the time period he or she serves as Sheriff. The applicant's certification shall be reinstated by the Commission upon the conclusion of the period of service as Sheriff and in conformance with 12 NCAC 09C .0303-.0303.~~
- ~~(16)~~ (17) Alcohol law enforcement agents who received basic alcohol law enforcement training prior to November 1, 1993, and transfer to another law enforcement agency in a sworn capacity shall be subject to evaluation of their prior training and experience on an individual basis. The Standards Division staff shall determine the amount of training required of these applicants, based upon the type of certification held by the applicant and the length of any break in the applicant's sworn, full-time ~~service.~~ service.
- ~~(17)~~ (18) Wildlife enforcement officers who separate from employment with the Wildlife Enforcement Division and transfer to another law enforcement agency in a sworn capacity shall be subject to evaluation of their prior training and experience on an individual basis. The Standards Division staff shall determine the amount of training required of these applicants, based upon the type of certification held by the applicant and the length of any break in the applicant's sworn, full-time ~~service.~~ service.
- ~~(18)~~ (19) Active duty, guard, or reserve military members failing to complete all of the required annual in-service training topics, as defined in 12 NCAC 09E .0105 of this Chapter, due to military obligations are subject to the following training requirements as a condition for return to active criminal justice status. The agency head shall verify the person's completion of the appropriate training by submitting a statement, on Form F-9C, Return to Duty Request form. This form is located on the agency's website: <http://www.ncdoj.gov/getdoc/ac22954d-5e85-4a33-87af-308ba2248f54/F-9C-6-11.aspx>; <https://ncdoj.gov/law-enforcement-training/criminal-justice/forms-and-publications/>;
- (A) Active duty members of the armed forces eligible for probationary certification pursuant to this Paragraph ~~(18)~~ (19) of this Rule and active duty, guard, or reserve military members holding probationary or general certification as a criminal justice officer who fail to complete all of the required annual in-service training topics due to military obligations for up to a period of three years shall complete the previous year's required in-service training topics, the current year's required in-service training topics, and complete with a passing score the appointing agency's in-service firearms training and qualification program as prescribed in 12 NCAC 09E prior to their return to active criminal justice status;

(B) Active duty, guard, or reserve military members holding probationary or general certification as a criminal justice officer who fail to complete all of the required annual in-service training topics due to military obligations for a period greater than three years shall complete the following topic areas within the following time frames:

(i) The person shall complete the previous year's required in-service training topics, the current year's required in-service training topics, and complete the appointing agency's in-service firearms training and qualification program as prescribed in 12 NCAC 09E prior to their return to active criminal justice status;

(ii) The person shall achieve a passing score on the practical skills testing for the First Responder, Law Enforcement Driver Training, and Subject Control Arrest Techniques topics enumerated in Rule .0205(b)(5) of this Subchapter prior to returning to active criminal justice status. This practical skills testing may be completed either in a Commission-accredited Basic Law Enforcement Training course or under the instruction of a ~~Commission-Certified~~ Commission-certified instructor for that particular skill. The person shall complete one physical fitness assessment in lieu of the Fitness Assessment and Testing topic. The person shall also be examined by a physician per Rule .0104(b) of this Subchapter; and

(iii) The person shall complete some of the topics in the legal unit of instruction in the Basic Law Enforcement Training course as set forth in Rule .0205(b)(1) of this Subchapter. The required topics include Motor Vehicle Law; Juvenile Laws and Procedures; Arrest, Search and Seizure/Constitutional Law; and ABC Laws and Procedures. The person shall achieve a passing score on the appropriate topic tests for each course. The person may undertake each of these legal unit topics of instruction either in a Commission-accredited Basic Law Enforcement Training course or under the instruction of a Commission-certified instructor for that particular topic of instruction. The person shall complete each of the enumerated topics of instruction within 12 months from the beginning of his or her return to active criminal justice ~~status; status; and~~

~~(19)~~ (20) An active duty member of the armed forces who completes the basic training course in its entirety as prescribed in Rule .0405 of this Subchapter, annually completes the mandatory in-service training topics as prescribed in 12 NCAC 09E .0105, with the exception of the Firearms ~~and~~ Qualification ~~and Testing testing~~ requirements contained in 12 NCAC 09E .0105 ~~(a)(3)(a)(1);~~ for each year subsequent to the completion of the basic training course, and achieves a passing score on the ~~state comprehensive examination~~ State Comprehensive Examination as prescribed in Rule .0406 of this Subchapter within five years of separating from active duty status shall be eligible for probationary certification as prescribed in 12 NCAC 09C .0303 for a period of 12 months from the date he or she separates from active duty status in the armed forces. All mandatory in-service training topics as

prescribed in 12 NCAC 09E .0105 shall be completed by the individual prior to receiving probationary ~~certification. certification as prescribed in 12 NCAC 09E .0105.~~

(b) 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 to equate previous training with current standards.

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

(d) If an evaluation of the applicant's prior training and experience determines that required attendance in the entire Basic Law Enforcement Training Course is unnecessary, the Director of the Standards Division shall determine the amount of training ~~those persons~~ the individual shall complete during ~~their~~ his or her probationary period.

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

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

(2) Persons who separated from a local confinement personnel position after having completed a Commission-accredited course as prescribed in Rule .0224 or .0225 of this Subchapter and who have been separated for less than one year shall serve a new 12 month probationary period, but shall be required to complete an additional training program;

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

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

History Note: Authority G.S. 17C-2; 17C-6; 17C-10; 93B-15.1;

Eff. January 1, 1981;

Amended Eff. October 1, 2017; January 1, 2017; October 1, 2016; November 1, 2014; August 1, 2000; November 1, 1993; March 1, 1992; July 1, 1989; February 1, 1987;

04.08.21

1 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25,*
2 *2019.*
3 *Amended Eff. July 1, 2021*

12 NCAC 09E .0105 is amended as published in 35:12 NCR 1379 with changes as follows:

12 NCAC 09E .0105 MINIMUM TRAINING SPECIFICATIONS: ANNUAL IN-SERVICE TRAINING

(a) The following topics, specifications, and hours shall be included in each law enforcement officer's annual in-service training courses. For the purposes of this Subchapter, a credit shall be equal to one hour of traditional classroom instruction. All sworn law enforcement officers shall complete a minimum of 24 in-service training credits. The following topics, totaling 44 16 credits, shall be specifically required:

- (1) 2022 Domestic Violence: The Psychology of Whether to Stay or Go (2 hours/credits) ~~2021 Firearms (minimum 4 credits);~~
- (2) 2022 Creating a Safety Net (2 hours/credits; Juvenile Minority Sensitivity Training) ~~2021 Legal Update (minimum 4 credits);~~
- (3) 2022 Firearms and Qualification (4 hours/credits) ~~2021 Continue to Make a Difference: Positive Engagement Stories and Studies (minimum 2 credits);~~
- (4) 2022 Legal Update (4 hours/credits);
- (5) 2022 Ethics: Preempting Misconduct and Increasing Integrity (2 hours/credits); and 2021 School Safety and Responding to School Incidents (minimum 4 credits); and
- (6) 2022 Practicing Proactive Wellness [(2 hours/credits)] (2 hours/credits);
- (7) ~~(5)~~ Topics of Choice [(10) 8] 12 hours/credits;
 - (A) Incorporating a Co-Response: Partnering with Community Professionals (2 hours/credits);
~~Officer Awareness: Responding to Victims of Trauma (minimum 4 credits);~~
 - (B) The Process of De-escalation: Listening, Talking, Defensive Tactics (2-4 hours/credits);
~~Patrol Vehicle Operations (minimum 4 credits);~~
 - (C) Civil Unrest: Local Leaders Discuss Lessons Learned (2 hours/credits); Hemp Industry: Overview and Officer Roles (minimum 2 credits); and
 - (D) Subversive Groups: Maneuvering Encounters with Fringe Groups (2 hours/credits); and
~~Physical and Mental Wellness: Building & Implementing a Plan for Improvement (minimum 2 credits).~~
 - (E) Raising the Bar: Enhancing Community Engagement [(2 hours/credits)] (2 hours/credits).

(b) All sworn law enforcement officers shall complete a minimum of 10 in-service credits, in topics identified by their respective agency heads. The agency head may choose any topic, provided the lesson plan is written in Instructional Systems Design format and is taught by an instructor who is certified by the Commission. Alternatively, topics Topics delivered pursuant to Rule .0104(1) of this Section and National Certification Programs administered by the International Association of Directors of Law Enforcement Standards and Training (IADLEST) completed during the mandated in-service year, shall satisfy in part or in whole the topic requirements set forth by the agency head. To satisfy this requirement these topics shall not be required to be written in Instructional Systems Design format or delivered by an instructor certified by the Commission.

(c) The "Specialized Firearms Instructor Training Manual" published by the North Carolina Justice Academy shall be applied as a guide for conducting the annual in-service firearms training program. Copies of this publication may be inspected at the office of the:

Criminal Justice Standards Division
North Carolina Department of Justice
1700 Tryon Park Drive
Raleigh, North Carolina 27610

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

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

(d) The "In-Service Lesson Plans" published by the North Carolina Justice Academy shall be applied as a minimum curriculum for conducting the annual in-service training program. Copies of this publication may be inspected at the office of the:

Criminal Justice Standards Division
North Carolina Department of Justice
1700 Tryon Park Drive
Raleigh, North Carolina 27610

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

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

(e) Lesson plans are designed to be delivered in hourly increments. A student who completes an online in-service training topic shall receive the number of credits that correspond to the number of hours of traditional classroom training, regardless of the amount of time the student spends completing the course.

(f) Completion of training shall be demonstrated by passing a written test for each in-service training topic, as follows:

- (1) A written test comprised of at least five questions per credit shall be developed by the agency or the North Carolina Justice Academy for each in-service training topic requiring testing. The Firearms Training and Qualifications in-service course and topics delivered pursuant to Rule .0104(1) of this Section shall be exempt from this written test requirement;
- (2) A student shall pass each test by achieving at least 70 percent correct answers; and
- (3) A student who completes a topic of in-service training in a traditional classroom setting or online and fails the end of topic exam shall be given one attempt to re-test. If the student fails the exam a second time, the student shall complete the in-service training topic in a traditional classroom setting before taking the exam a third time.

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

1 *Eff. July 1, 1989;*

2 *Amended Eff. January 1, 2005; November 1, 1998;*

3 *Temporary Amendment Eff. January 1, 2005;*

4 *Amended Eff. January 1, 2019; January 1, 2018; January 1, 2017; July 1, 2016; January 1, 2016;*

5 *January 1, 2015; February 1, 2014; June 1, 2012; February 1, 2011; January 1, 2010; April 1,*

6 *2009; April 1, 2008; February 1, 2007; January 1, 2006;*

7 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25,*

8 *2019;*

9 *Amended Eff. January 1, 2022; January 1, 2021; January 1, 2020.*

10

1 12 NCAC 09G .0414 is amended as published in 35:12 NCR 1369 with changes as follow:

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3 **12 NCAC 09G .0414 INSTRUCTOR TRAINING**

4 (a) The Instructor Training course required for General Instructor certification shall consist of ~~a~~ at least the minimum
5 number of 90 hours of instruction ~~presented during a continuous period of not more than two weeks~~ as defined in 12
6 NCAC 09B .0209(e) .0209 to be completed within 15 business days.

7 (b) Each Instructor Training course shall be designed to provide the trainee with the skills and knowledge to perform
8 the functions of a criminal justice instructor.

9 (c) The "Instructor Training Manual" published by the North Carolina Justice Academy shall be applied as the basic
10 curriculum for instructor training courses. Copies of this publication may be inspected at the agency:

11 Criminal Justice Standards Division
12 North Carolina Department of Justice
13 1700 Tryon Park Drive Post Office Drawer 149
14 Post Office Drawer 149
15 Raleigh, North Carolina 27602

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

18 North Carolina Justice Academy
19 Post Office Drawer 99
20 Salemburg, North Carolina 28385
21

22 *History Note: Authority G.S. 17C-6;*
23 *Temporary Adoption Eff. January 1, 2001;*
24 *Eff. August 1, 2002;*
25 *Amended Eff. July 1, 2018; April 1, 2018; January 1, 2018; January 1, 2015;*
26 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25,*
27 *2019.*
28 *Amended Eff. July 1, 2021; January 1, 2021.*