

12 NCAC 09B .0104 is being submitted for amendment, with changes, as follows:

12 NCAC 09B .0104 MEDICAL EXAMINATION

(a) Each applicant for certification or enrollment in a Commission approved [basic law enforcement training course] ~~[Commission approved Basic Law Enforcement Training Course]~~ pursuant to Rule 12 NCAC 09B .0205, shall complete, sign, and date the Commission's Medical History Statement Form (F-1) and shall be examined by either a ~~surgeon,~~ physician, physician assistant, or nurse practitioner who is ~~licensed to practice in North Carolina or authorized to practice medicine in the United States Armed Forces, as outlined in 10 U.S. Code 1094,~~ holds a current license in the United States to practice medicine, as issued by a state medical board, to help determine his or her fitness to carry out the physical requirements of the position of law enforcement officer.

(b) Prior to being examined, the applicant shall provide the examining ~~[surgeon,]~~ physician, physician 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 (F-2A) Form attached to the Medical Examination Report Form (F-2).

~~(c) The "Medical Screening Guidelines for the Certification of Criminal Justice Officers in North Carolina" as published by the North Carolina Department of Justice may be obtained for use by the examining physician, [surgeon,] physician's assistant, or nurse practitioner, at no cost, at <https://ncdoj.gov/law-enforcement-training/criminal-justice/>.~~

~~(d)~~ (c) The examining physician, ~~[surgeon,]~~ physician's assistant, nurse practitioner, shall record the results of the examination on the Medical Examination Report Form (F-2) and shall sign and date the form. The Medical Examination Report Form (F-2) shall contain the following information:

- (1) Name, date of birth, employing agency, height, weight, and last 4 digits of the Social Security Number for the person being examined;
- (2) Results of Vision Acuity;
- (3) Results of Hearing Acuity;
- (4) Results of Cardiovascular Examination;
- (5) Abnormal Findings;
- (6) Tuberculosis Risk Questionnaire;
- (7) Tuberculosis Symptom Questionnaire; and
- (8) Name, signature, and medical license number of examining medical professional.

~~(e)~~ (d) 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 Commission approved basic law enforcement training course; ~~Basic Law Enforcement Training Course;~~ and
- (2) the employing agency submission of application for certification to the Commission.

*History Note: Authority G.S. 17C-6; 17C-10;
Eff. January 1, 1981;*

1 *Amended Eff. April 1, 2018; October 1, 2017; November 1, 1993; February 1, 1991; March 1, 1990;*
2 *April 1, 1985;*
3 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25,*
4 *2019;*
5 *Amended Eff. November 1, 2024; ~~October 1, 2022~~*
6

12 NCAC 09B .0201 is being submitted for amendment, with changes, as follows:

12 NCAC 09B .0201 ADMINISTRATION OF CRIMINAL JUSTICE SCHOOLS

(a) ~~The executive officer or officers of the~~ An institution or agency ~~sponsoring any criminal justice training program or course of instruction shall have primary responsibility for implementation of all of the rules contained in Subchapter 09B Section .0200 and for administration of the school. The executive officer or officers of the institution or agency~~ shall secure ~~School Accreditation~~ school accreditation pursuant to 12 NCAC 09C .0401 prior to offering any criminal justice training course.

(b) ~~The executive officers~~ Each institution or agency accredited by the Commission to administer Commission- accredited criminal justice training programs shall designate one compensated staff member for each commission-accredited program for which the institution or agency has been granted accreditation. Such staff member shall be certified by the Commission under Section .0500 of this Subchapter to be the criminal justice School Director. The School Director shall have administrative responsibility for planning, scheduling, presenting, coordinating, reporting, and managing each sponsored accredited criminal justice training course. If the ~~accredited~~ Commission - accredited institution or agency assigns additional responsibilities to the certified School Director during the planning, development, and implementation of an accredited basic recruit training course, a qualified assistant must be designated to assist the School Director in the administration of the course. This person must be selected by the School Director and must attend a course orientation conducted by Standards Division staff and attend the annual School Directors' Conference.

(c) The ~~School Director~~ Commission-accredited institution or agency shall permanently maintain records of all criminal justice training courses sponsored or delivered by the school, reflecting:

- (1) course title;
- (2) delivery hours of course;
- (3) course delivery dates;
- (4) names and addresses of instructors utilized within designated subject-matter areas;
- (5) a roster of enrolled trainees, showing class attendance and designating whether each trainee's course participation was successful or unsuccessful;
- (6) copies of all rules, regulations and guidelines developed by the School Director;
- (7) documentation of any changes in the initial course outline, including substitution of instructors; and
- (8) documentation of make-up work achieved by each individual trainee, including test scores and methods.

(d) ~~The executive officers of the~~ The Commission-accredited ~~accredited~~ institution or agency offering any criminal justice training program or course of instruction shall meet or exceed the following specifications:

- (1) acquire and allocate sufficient financial resources to provide commission certified instructors and to meet other necessary program expenses; and
- (2) provide one designated clerical support person to assist the School Director in maintaining required records, complete reports, and provide other clerical needs as required by the School Director.

(e) In the event an accredited institution or agency does not own all facilities the classrooms, physical training rooms, firing range, or driving track required for training delivery, written agreements between entities involved shall be in place in order to ensure access to and use of such facilities. A copy of such agreement must be on file for review by Standards Division staff, staff to the Commission.

(f) ~~Each institution or agency accredited to deliver basic recruit training shall ensure that supplies and equipment for trainees are utilized during course delivery as specified in the Basic Law Enforcement Training Course Management Guide as referenced in 12 NCAC 09B .0205(d).~~

(f) The North Carolina Justice Academy is the only accredited criminal justice school by the Commission to administer the following Specialized Instructor Programs, programs:

(1) Specialized Instructor – Compliance and Control Tactics;

(2) Specialized Instructor - Law Enforcement Firearms;

(3) Specialized Instructor – Law Enforcement Driver Training;

(4) Specialized Instructor – Physical Fitness; and,

(5) Specialized Instructor – Explosive and Hazardous Emergencies.

(g) ~~with the exception of the~~ The North Carolina State Highway ~~Patrol, who may also~~ Patrol is accredited by the Commission to administer the Specialized ~~Driving Instructor~~ Instructor – Law Enforcement Driving Program.

~~(g)~~ (h) The North Carolina Department of Adult Correction (DAC) Office of Staff Development and Training is the only accredited by the Commission criminal justice school to administer the DAC-Firearms Instructor and DAC-Controls, Restraints, and Defensive Techniques programs.

*History Note: Authority G.S. 17C-6;
Eff. January 1, 1981;
Amended Eff. November 1, 1981;
Readopted Eff. July 1, 1982;
Amended Eff. August 1, 2004; August 1, 2000; January 1, 1996; March 1, 1992; January 1, 1985;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25, 2019.
Amended Eff. November 1, 2024*

12 NCAC 09B .0504 is being submitted for amendment, with changes, as follows:

12 NCAC 09B .0504 CERTIFICATION OF QUALIFIED ASSISTANT

(a) If the accredited institution or agency assigns additional responsibilities to the certified School Director during the planning, development, and implementation of ~~an accredited basic recruit~~ a Commission approved training course, a qualified assistant shall be designated to assist the School Director in the administration of the course. To be eligible to serve as a Qualified Assistant, an applicant shall:

- (1) be selected by the School Director;
- ~~(2) have 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;~~
- ~~(3) be certified as a General Instructor, pursuant to 12 NCAC 09B .0302, if certified as a Qualified Assistant for a Instructor Training Course;~~
- ~~(4) if serving as a Qualified Assistant for an Instructor Training Course, must complete an Instructor Orientation Course as offered by the North Carolina Justice Academy;~~
- ~~(5) have completed an orientation course conducted by Standards Division staff; and~~
- ~~(6) participate in the annual training conducted by Commission staff.~~

(2) hold current General Instructor certification as issued by the North Carolina Criminal Justice Education and Training Standards [Commission]; Commission, pursuant to 12 NCAC 09B .0302;

(3) furnish documentary evidence to the Standards Division of high school, college, or university graduation as outlined in 12 NCAC 09B .0104.

(4) attend or [must] have attended the most current offering of the Qualified Assistant's orientation as developed and presented by the Commission staff; [and]

(5) submit a Form F-10 School Director/Qualified Assistant Application to the Commission for the issuance of such certification. This application shall be executed by the certified School Director of the institution or agency currently accredited to administer Commission approved training courses and for whom the applicant will be the designated Qualified [Assistant]; Assistant; and

~~(b)~~ (6) In addition to the requirements identified in Subparagraph (a) of this Rule, to qualify for certification as a Qualified Assistant in the presentation of the Criminal Justice Instructor Training Course, an applicant shall document completion of the Instructor Training Orientation presented by the North Carolina Justice Academy on delivery of instructor training course and student evaluations.

~~(b) Any person designated by a School Director as a Qualified Assistant in the delivery or presentation of a Commission mandated training course shall have on file confirmation from the Commission acknowledging designation as Qualified Assistant prior to acting in an official capacity as a Qualified Assistant.~~

~~(c) The School Director shall submit to the Criminal Justice Standards Division the Qualified Assistant Application form. The Qualified Assistant Application Form is located on the agency's website at no cost <http://ncdoj.gov/About>~~

1 ~~DOJ/Law Enforcement Training and Standards/Criminal Justice Education and Training Standards/Forms and~~
2 ~~Publications.aspx. Applicants shall provide the following information on the Qualified Assistant Application Form:~~

3 (1) ~~accredited school name and contact information;~~

4 (2) ~~applicant's name and contact information;~~

5 (3) ~~applicant's instructor certification number; and~~

6 (4) ~~School Director name and signature.~~

7 (d) ~~The School Director shall ensure that the person selected meets the requirements set forth in Paragraphs (a) and~~
8 ~~(b) of this Rule.~~

9 ~~[(c)]~~ (e) (b) ~~When As~~ directed by the School Director, the Qualified Assistant shall assist in the planning, developing,
10 coordinating, and delivering of Commission-mandated training courses as outlined in 12 NCAC 09B .0202.

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

13 *Eff. January 1, 2020.*

14 *Amended Eff. November 1, 2024*

12 NCAC 09B .0505 is being submitted for amendment, with changes, as follows:

12 NCAC 09B .0505 TERMS AND CONDITIONS OF QUALIFIED ASSISTANT CERTIFICATION

(a) The term of certification as a Qualified Assistant is three years from the date the Commission issues the certification, unless earlier terminated by action of the Commission. The application for renewal shall include documentation meeting the requirements of Rule .0504(a) and (b) of this Section.

(b) The Commission may deny, suspend, or revoke certification as a Qualified Assistant when the Commission finds that the person failed to meet or maintain any of the requirements for qualification or failed to comply with the Rules of this Chapter.

(c) Prior to the Commission's action denying, suspending, or revoking a Qualified Assistant's certification, the Standards Division ~~may~~ **shall** notify the person that a deficiency appears to exist and may attempt, in an advisory capacity, to assist the person in correcting the deficiency.

(d) The Commission shall deny, suspend, or revoke the certification of a Qualified Assistant when it have found the person has engaged in any conduct outlined in Rule .0301(e) or (f) of this Subchapter.

(e) To retain certification as a Qualified Assistant, the Qualified Assistant shall:

(1) Participate in annual training conducted by Commission staff. This annual training shall be delivered in a conference, classroom, or virtual format and shall contain information relevant to the responsibilities of a Qualified Assistant, as outlined in 12 NCAC 09B .0504(c);

(2) Hold current General Instructor Certification as issued by the North Carolina Criminal Justice Education and Training Standards Commission.

(f) The Director ~~may~~ **shall** grant a waiver of attendance at the annual training for just cause. For purposes of this Rule, just cause means accident, illness, emergency, or other circumstances, which precluded the Qualified Assistant from attending the scheduled annual training. Qualified Assistants who receive a waiver of attendance shall be required to complete a make up training session prior to the end of the calendar year in which the training requirement applies.

*History Note: Authority G.S. 17C-6;
Eff. January 1, 2020.
Amended Eff. November 1, 2024*

12 NCAC 09C .0212 is being submitted for amendment as follows:

12 NCAC 09C .0212 POST-DELIVERY REPORT OF TRAINING COURSE PRESENTATION

The Post-Delivery Report of Training Course ~~Presentation,~~ Presentation (Form F-10B) is a form on which the School Director notifies the Commission of the completion of the ~~"Basic Law Enforcement Training " course,~~ Commission-accredited Basic Law Enforcement Training Course, together with the achievement and performance level attained by each enrolled trainee. The information requested includes ~~a roster of all trainees enrolled and their employing agencies,~~ a listing of each instructor used in delivering the training with topics presented, and the trainees' scores on each written, oral or motor-skill examination administered by the school. ~~The Student Course Completion form, a part of the Post-Delivery Training Course Report, shall include student name; date of birth; Social Security Number; [Acadis individual identification]number,] enrollment status; accredited school identification number; course identification number; student scores in each of the topical areas; and score on the State Comprehensive Examination.~~

History Note: Authority G.S. 17C-6; ~~150B-21.2;~~

Eff. January 1, 1981;

Amended Eff. August 1, 2000;

*Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25,–
~~2019.~~ 2019;*

Amended Eff. January 1, 2025.

1 12 NCAC 09C .0309 is being submitted for amendment, with changes, as follows:

2
3 **12 NCAC 09C .0309 LATERAL TRANSFER OF LOCAL CONFINEMENT PERSONNEL**

4 (a) An officer, supervisor or administrator with general ~~certification~~ certification, pursuant to 12 NCAC 09C .0304,
5 may transfer from one local confinement facility to another local confinement facility, or may transfer from one county
6 confinement facility to another county confinement facility with less than a 12-month break in service. ~~Prior to~~
7 ~~employing the individual, the employing agency shall:~~

8 (b) Prior to employing the individual, the employing agency shall:

- 9 (1) verify the ~~certification~~ certification, pursuant to 12 NCAC 09C .0304, of the individual with the
10 Standards Division;
11 (2) submit an up-to-date fingerprint ~~check in the same manner as prescribed for non certified new~~
12 ~~applicants; check, pursuant to 12 NCAC 09B .0103; no certification will be transferred if the holder~~
13 ~~has been convicted since initial certification of any offense for which revocation or suspension or~~
14 ~~certification is authorized;~~
15 (3) pursuant to 12 NCAC 09C .0302, advise the individual that he will be serving under a probationary
16 appointment with the agency for one year;
17 (4) notify the Commission, by submitting a Report of Appointment, Form F-5A (LCP), that the
18 individual is being employed and stating the date on which employment will commence. The Report
19 of Appointment, Form F-5A (LCP) shall contain the following:
20 (A) Employing agency;
21 (B) Applicant's name, address, date of birth, and Social Security Number;
22 (C) Drug Screen result, pursuant to 12 NCAC 09C .0310; and
23 (D) Fingerprint Requirement, pursuant to 12 NCAC 09B .0103.

24 (b) Prior to transfer of certification, local confinement personnel shall:

- 25 (1) complete a Medical History Statement Form F-1 within one year prior to the transfer to the
26 employing agency. The Medical History Statement Form F-1 shall contain the following
27 information regarding the local confinement person being transferred:
28 (A) name, date of birth, address, telephone number;
29 (B) current medications, allergies, and past medical history;
30 (C) occupational history; and
31 (D) name and signature of a physician, physician assistant, or nurse practitioner who holds a current
32 license in the United States to practice medicine, as issued by a state medical board,
33 (2) submit to examination by a physician ~~licensed to practice medicine in North Carolina who holds a~~
34 ~~current license to practice medicine in the United States in the same manner prescribed for~~
35 ~~non-certified new applicants in~~ pursuant to 12 NCAC 09B .0104 within one year prior to the transfer
36 to the employing agency;

1 (3) submit results of the physical examination to the employing agency for placement in the individual's
2 permanent personnel file; and

3 (4) produce a negative result on a drug screen administered according to the specifications outlined in
4 12 NCAC 09B .0101(5).

5 (c) ~~Local confinement personnel previously certified who were not previously required to meet the educational or~~
6 ~~basic training requirements are not required to meet such requirements when laterally transferring to another agency~~
7 ~~with less than a 12-month break in service. Certified local confinement personnel who transfer to another agency~~
8 ~~within 12 months of leaving their previous position are exempt from meeting the educational or basic training~~
9 ~~requirements of this Rule. This exemption applies only if they were not initially required to meet these requirements~~
10 ~~when they were first employed by the agency from which they were transferring.~~

11 (d) No certification will be transferred if the holder has been convicted since initial certification of any offense for
12 which revocation or suspension of certification is authorized.

13
14 *History Note: Authority G.S. 17C-2; 17C-6; 17C-10;*
15 *Eff. June 1, 1986;*
16 *Amended Eff. August 1, 1998; July 1, 1990; March 1, 1990;*
17 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25,*
18 *2019.*
19 *Amended Eff. November 1, 2024*
20

12 NCAC 09C .0310 is being submitted for amendment, with changes, as follows:

12 NCAC 09C .0310 AGENCY REPORTING OF DRUG SCREENING RESULTS

(a) Every law enforcement 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 and the laboratory utilizes 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. must use an established chain of custody procedure. The chain of custody is an official document that establishes a process that tracks the movement of the urine specimen through its collection, safeguarding, and analysis lifecycle by documenting each person who handled the urine sample, the date/time it was collected or transferred, and the purpose of the transfer.
- (3) the drug screen shall test for the presence of at least cannabis, cocaine, phencyclidine (PCP), opiates, and amphetamines or their metabolites; and
- (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) conduct the test within 90 days of [certification; employment;]
- (6) pursuant to the Mandatory Guidelines for Federal Workplace Drug Testing Programs using Urine (82 FR 7920), 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 The agency shall report in writing to the Criminal Justice Standards Division all refusals and all positive results of required drug screening obtained from applicants and lateral transfers. If the positive result were-explained by the applicant or lateral transfer to the satisfaction of the agency's Medical Review Officer, pursuant to the Mandatory Guidelines for Federal Workplace Drug Testing Programs (82 FR 7920), who holds a current license to practice [medicine;] medicine in the United States, as more likely than not caused by a source other than the unlawful

1 ~~use of substances listed in paragraph (3) of this Rule, then~~ shall be a licensed physician, the positive results are not
2 required to be reported.

3 (c) ~~Each~~ The agency, if it conducts a drug screen for in-service officers, shall report in writing positive results or
4 refusals to submit to an in-service drug screening to the Criminal Justice Standards Division within 30 days of the
5 positive result or refusal, unless the officer has explained the positive result to the satisfaction of the ~~agency's~~ Medical
6 Review Officer, pursuant to the Mandatory Guidelines for Federal Workplace Drug Testing Programs (82 FR 7920)
7 who holds a current license to practice medicine in the United States, ~~shall be a licensed physician, as more likely~~
8 than ~~not caused by a source other than the unlawful use of substances listed in paragraph (3) of the Rule then the~~
9 positive results are not required to be reported, to the extent the drug screen conducted conforms to the specifications
10 of this Rule.

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

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

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

22
23 *History Note: Authority G.S. 17C-6; 17C-10;*
24 *Eff. July 1, 1990;*
25 *Amended Eff. October 1, 2018; May 1, 2009;*
26 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25,*
27 *2019;*
28 *Amended Eff. November 1, 2024; ~~October 1, 2022.~~*
29

12 NCAC 09E .0105 is being repealed 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 16-22 credits, shall be specifically required:~~

~~(1) — 2022 Domestic Violence: The Psychology of Whether to Stay or Go (2 hours/credits);~~

~~(2) — 2022 Creating a Safety Net (2 hours/credits; Juvenile Minority Sensitivity Training);~~

~~(3) — 2022 Firearms and Qualification (4 hours/credits);~~

~~(4) — 2022 Legal Update (4 hours/credits);~~

~~(5) — 2022 Ethics: Preempting Misconduct and Increasing Integrity (2 hours/credits); and~~

~~(6) — 2022 Practicing Proactive Wellness (2 hours/credits);~~

~~(7) — Topics of Choice (8-12 hours/credits);~~

~~(A) — Incorporating a Co-Response: Partnering with Community Professionals (2 hours/credits);~~

~~(B) — The Process of De-escalation: Listening, Talking, Defensive Tactics (2-4 hours/credits);~~

~~(C) — Civil Unrest: Local Leaders Discuss Lessons Learned (2 hours/credits);~~

~~(D) — Subversive Groups: Maneuvering Encounters with Fringe Groups (2 hours/credits); and~~

~~(E) — Raising the Bar: Enhancing Community Engagement (2 hours/credits).~~

~~(b) All sworn law enforcement officers shall complete a minimum of 10-2 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 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~~

Salemburg, 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
Salemburg, 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 and Qualifications in-service course and topics delivered pursuant to Rule .0104 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;
Eff. July 1, 1989;
Amended Eff. January 1, 2005; November 1, 1998;
Temporary Amendment Eff. January 1, 2005;
Amended Eff. January 1, 2019; January 1, 2018; January 1, 2017; July 1, 2016; January 1, 2016;
January 1, 2015; February 1, 2014; June 1, 2012; February 1, 2011; January 1, 2010; April 1,
2009; April 1, 2008; February 1, 2007; January 1, 2006;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25,
2019;
Amended Eff. January 1, 2022; January 1, 2021; January 1, 2020.
Repealed Eff. November 1, 2024*

1 **12 NCAC 09G .0203 is being submitted for repeal as follows:**

2
3 **~~12 NCAC 09G .0203~~ — ~~AGE~~**

4 ~~(a) Every person employed as a correctional officer or probation/parole officer by the North Carolina Department of~~
5 ~~Public Safety, Division of Adult Correction and Juvenile Justice shall be at least 20 years of age.~~

6 ~~(b) Candidates shall document age through documents issued by any county, state, or federal government agency.~~

7
8 *History Note: Authority G.S. 17C-6; 17C-10;*
9 *Temporary Adoption Eff. January 1, 2001;*
10 *Eff. August 1, 2002;*
11 *Amended Eff. January 1, 2015; August 1, 2004;*
12 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25,*
13 *2019.*
14 *Repeal Eff. November 1, 2024*
15

12 NCAC 09G .0205 is being submitted for amendment, with changes, as follows:

12 NCAC 09G .0205 MEDICAL EXAMINATION

(a) Each applicant for certification or enrollment in a basic correctional officer or probation/parole officer training course shall complete, sign, and date the Commission's Medical History Statement Form (F-1) and shall be examined by either a ~~surgeon~~, physician, physician assistant, or nurse practitioner who ~~is licensed to practice in North Carolina or authorized to practice medicine in accordance with the rules and regulations of the United States Armed Forces, as outlined in 10 U.S. Code 1094,~~ holds a current license in the United States to practice medicine, as issued by a state medical board, to help determine his or her fitness to carry out the physical requirements of the position of correctional officer or probation/parole ~~officer~~, officer as listed in the current job description provided by the North Carolina Department of Adult Correction.

(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;~~ signed by the applicant; and
- (2) the Instructions to Agency and Examiner for Completion of Medical Examination Report (F-2A) Form attached to the Medical Examination Report Form (F-2). The Instructions to Agency and Examiner for Completion of Medical Examination Report (F-2A) Form shall notify the examining ~~surgeon,~~ physician, physician's assistant, or nurse practitioner that the "Medical Screening Guidelines for the Certification of Criminal Justice Officers in North Carolina" as published by the North Carolina Department of Justice is available at no cost at <https://ncdoj.gov/law-enforcement-training/criminal-justice/>.

(c) The examining ~~surgeon,~~ physician, 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.

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

- (1) the applicant's beginning the basic correctional officer or basic probation/parole officer training course, and
- (2) an agency's submission of application for certification to the Commission.

*History Note: Authority G.S. 17C-6; 17C-10;
Temporary Adoption Eff. January 1, 2001;
Eff. August 1, 2002;
Amended Eff. January 1, 2015; April 1, 2009; August 1, 2004;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25, 2019;
Temporary Amendment Eff. February 15, 2022;
Amended Eff. November 1, 2024; May 1, 2023; October 1, 2022; August 23, 2022.*

12 NCAC 09G .0211 is being submitted for amendment, with changes, as follows:

12 NCAC 09G .0211 AGENCY REPORTING OF DRUG SCREENING RESULTS

(a) Every correctional or probation/parole officer shall have produced 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 and the laboratory utilizes 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 the agency needs a firmly an established chain of custody procedure; procedure. The chain of custody is an official document that establishes a process that tracks the movement of the urine specimen through its collection, safeguarding, and analysis lifecycle by documenting each person who handled the urine sample, the date/time it was collected or transferred, and the purpose of the transfer.
- (3) the drug screen shall test for the presence of at least cannabis, cocaine, phencyclidine (PCP), opiates, and amphetamines or their metabolites; and
- (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) conduct the test within 90 days of [certification; employment;]
- (6) pursuant to the Mandatory Guidelines for Federal Workplace Drug Testing Programs using Urine (82 FR 7920), 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) The agency shall report in writing to the Criminal Justice Standards Division all refusals and all positive results of required drug screening obtained from applicants. If the positive result was explained by the applicant to the satisfaction of the agency's Medical Review Officer, Officer who shall be a licensed physician, pursuant to the Mandatory Guidelines for Federal Workplace Drug Testing Programs (82 FR 7920), holds a current license to practice [medicine,] medicine in the United States, as more likely than not caused by a source other than the unlawful use of substances listed in paragraph (3) of this Rule, then the positive results are not required to be reported.

1 (c) The agency, if it conducts a drug screen for in-service officers, shall report in writing positive results or refusals
2 to submit to an in-service drug screening to the Criminal Justice Standards Division within 30 days of the positive
3 result or refusal, unless the officer has explained the positive result to the satisfaction of the agency's Medical Review
4 Officer, ~~who shall be a licensed physician,~~ pursuant to the Mandatory Guidelines for Federal Workplace Drug Testing
5 Programs (82 FR 7920) who holds a current license to practice medicine, in the United States as more like than not
6 caused by a source other than the lawful use of substances listed in paragraph (3) of the Rule then the positive results
7 are not required to be reported. ~~to the extent the drug screen conducted conforms to the specifications of this Rule.~~
8 (d) For reporting purposes, a result is considered "positive" only in those cases where the drug screen reveals the
9 presence of an illegal drug a controlled substance at a level equal to or greater than the threshold value value, current
10 at the time of the test as established by the Department of Health and Human Services for Federal Workplace Drug
11 Testing Programs and incorporated by reference in this Rule.
12 (e) For reporting purposes, a result is considered "negative" only in those cases where the drug screen reveals the
13 presence of an illegal drug at a level less than the threshold value as established by the Department of Health and
14 Human Services for Federal Workplace Drug Testing Programs and incorporated by reference in this Rule.
15 (f) All written reports required to be submitted to the Criminal Justice Standards Division by this Rule shall contain
16 the individual's name, date of birth, either the date the test was administered or the date of the refusal, and a copy of
17 the drug screen panel with the results of the medical officer review.

18
19 *History Note: Authority G.S. 17C-6; 17C-10;*
20 *Eff. May 1, 2023.*
21 *Amended Eff: November 1, 2024*
22

12 NCAC 09G .0304 is being submitted for amendment, with changes, as follows:

12 NCAC 09G .0304 GENERAL CERTIFICATION

(a) The Commission shall grant an officer General Certification when evidence is received by the Standards Division ~~that~~ an officer has completed the training requirements of 12 NCAC 09G .0410, .0411, .0412, within the officer's probationary period and the officer has met all requirements for General Certification as specified in Rules ~~.0202~~, .0203, .0204, .0205, and .0303 of this Subchapter.

(b) General Certification is continuous from the date of issuance, so long as the certified officer remains employed as a correctional officer or probation/parole officer in good standing with the North Carolina Department of Adult Correction, and the certification has not been suspended or revoked pursuant to Rule .0503 of this Subchapter.

(c) Certified officers who, through promotional opportunities, or non-disciplinary transfer, move into non-certified positions within the North Carolina Department of Adult Correction, ~~Department~~, may have their certification reinstated without re-completion of the basic training requirements of 12 NCAC 09G .0410, .0411, or .0412, ~~or .0413~~, and are exempted from reverification of employment standards of 12 NCAC 09G ~~.0202~~, .0205, .0208 (except 12 NCAC 09G .0208(4)), and .0209 (except 12 NCAC 09G .0209(4)) when returning to a position requiring certification if they have maintained employment within the ~~Department~~ North Carolina Department of Adult Correction.

(d) Documentation of General Certification shall be maintained with the officer's personnel records with the North Carolina Department of Adult Correction and the Commission.

(e) Upon transfer of a certified officer from one type of corrections officer position to another, the North Carolina Department of Adult Correction shall submit a Notice of Transfer to the Standards Division.

- (1) Upon receipt of the Notice of Transfer, the Standards Division shall cancel the officer's current General Certification and upon receipt of documentary evidence that the officer has met the requisite standards for the specified type of corrections officer certification, the Commission shall issue Probationary Certification reflecting the officer's new corrections position.
- (2) The Commission shall grant an officer General Certification as the new type of corrections officer when evidence is received by the Standards Division ~~that~~ an officer has completed the training requirements of 12 NCAC 09G .0410, .0411, or .0412, ~~or .0413~~ within the officer's probationary period and the officer has met all other requirements for General Certification.

History Note: Authority G.S. 17C-2; 17C-6; 17C-10;
Temporary Adoption Eff. January 1, 2001;
Eff. August 1, 2002;
Amended Eff. January 1, 2015; August 1, 2004;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25, 2019;
Amended Eff. November 1, 2024; May 1, 2023.

12 NCAC 09G .0417 is being submitted for amendment, with changes, as follows:

12 NCAC 09G .0417 CERTIFICATION OF QUALIFIED ASSISTANT

(a) If the accredited institution or agency assigns additional responsibilities to the certified School Director during the planning, development, and implementation of ~~an accredited basic recruit~~ a Commission approved training course, a ~~qualified assistant~~ Qualified Assistant shall be designated to assist the School Director in the administration of the course. To be eligible to serve as a Qualified Assistant, an applicant shall:

- (1) be selected by the School Director;
- ~~(2) have 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;~~
- ~~(3) be certified as a General Instructor, pursuant to Rule .0308 of this Subchapter, if certified as a Qualified Assistant for an Instructor Training Course;~~
- ~~(4) if serving as a Qualified Assistant for an Instructor Training Course, must complete an Instructor Training Orientation Course as offered by the North Carolina Justice Academy;~~
- ~~(5) have completed an orientation course conducted by Standards Division staff; and~~
- ~~(6) participate in the annual training conducted by Commission staff.~~

(2) hold current General Instructor certification as issued by the North Carolina Criminal Justice Education and Training Standards [Commission]; Commission, pursuant to 12 NCAC 09B .0302;

(3) furnish documentary evidence to the Standards Division of high school, college, or university graduation as outlined in 12 NCAC 09B .0104.

(4) attend or [must] have attended the most current offering of the Qualified Assistant's orientation as developed and presented by the Commission staff; [and]

(5) submit a Form F-10 School Director/Qualified Assistant Application to the Commission for the issuance of such certification. This application shall be executed by the certified School Director of the institution or agency currently accredited to administer Commission approved training courses and for whom the applicant will be the designated Qualified [Assistant]; Assistant; and

[(b)] (6) In addition to the requirements identified in Subparagraph (a) of this Rule, to qualify for certification as a Qualified Assistant in the presentation of the Criminal Justice Instructor Training Course, an applicant shall document completion of the Instructor Training Orientation presented by the North Carolina Justice Academy on delivery of instructor training course and student evaluations.

~~(b) Any person designated by a School Director as a Qualified Assistant or who performs the duties of, a Qualified Assistant in the delivery or presentation of a Commission mandated training course shall have on file confirmation from the Commission acknowledging designation as Qualified Assistant prior to acting in an official capacity as a Qualified Assistant.~~

~~(c) The School Director shall submit to the Criminal Justice Standards Division the Qualified Assistant Application Form F 10(QA). The Qualified Assistant Application Form F 10(QA) is located on the agency's website at no cost <http://ncdoj.gov/About DOJ/Law Enforcement Training and Standards/Criminal Justice Education and Training>~~

Standards/Forms and Publications.aspx. Applicants shall provide the following information on the Qualified Assistant Application Form:

- (1) accredited school name and contact information;
- (2) applicant's name and contact information;
- (3) applicant's instructor certification number; and
- (4) School Director name and signature.

(d) The School Director shall ensure that the person selected meets the requirements set forth in Paragraphs (a) and (b) of this Rule.

(e) ~~[(e)]~~ (b) When As directed by the School Director, the Qualified Assistant shall assist in the planning, developing, coordinating, and delivering of Commission-mandated training courses as outlined in Rule .0408 of this Section.

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

Eff. January 1, 2020.

Amended Eff. November 1, 2024

12 NCAC 09G .0418 is being submitted for amendment, with changes, as follows:

12 NCAC 09G .0418 TERMS AND CONDITIONS OF QUALIFIED ASSISTANT CERTIFICATION

(a) The term of certification as a Qualified Assistant is three years from the date the Commission issues the certification, unless earlier terminated by action of the Commission. The application for renewal shall include documentation meeting the requirements of Rule .0417(a) and (b) of this Section.

(b) The Commission may deny, suspend, or revoke certification as a Qualified Assistant when the Commission finds that the person failed to meet or maintain any of the requirements for qualification or failed to comply with the rules of this Chapter.

(c) Prior to the Commission's action denying, suspending, or revoking a Qualified Assistant's certification, the Standards Division ~~may~~ **shall** notify the person that a deficiency appears to exist and may attempt, in an advisory capacity, to assist the person in correcting the deficiency.

(d) The Commission shall deny, suspend, or revoke the certification of a Qualified Assistant when it have found the person has engaged in any conduct outlined in Rule .0307 of this Subchapter.

(e) To retain certification as a Qualified Assistant, the Qualified Assistant shall:

(1) Participate in annual training conducted by Commission staff. This annual training shall be delivered in a conference, classroom, or virtual format and shall contain information relevant to the responsibilities of a Qualified Assistant, as outlined in 12 NCAC 09G .0417(c);

(2) Hold current General Instructor Certification as issued by the North Carolina Criminal Justice Education and Training Standards Commission.

(f) The Director ~~may~~ **shall** grant a waiver of attendance at the annual training for just cause. For purposes of this Rule, just cause means accident, illness, emergency, or other circumstances, which precluded the Qualified Assistant from attending the scheduled annual training. Qualified Assistants who receive a waiver of attendance shall be required to complete a make up training session prior to the end of the calendar year in which the training requirement applies.

*History Note: Authority G.S. 17C-6;
Eff. January 1, 2020.
Amended Eff. November 1, 2024*