

1 12 NCAC 09A .0204 is being submitted for amendment, with changes, as follows:

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3 **12 NCAC 09A .0204 SUSPENSION: REVOCATION: OR DENIAL OF CERTIFICATION**

4 (a) The Commission shall revoke the certification of a criminal justice officer when the Commission finds that the
5 officer has committed or been convicted ~~of~~ by a local, state, federal, or military court of any offense as outlined in 12
6 NCAC 09B .0111(a).

7 (1) ~~— a felony offense; or~~

8 (2) ~~— a criminal offense for which the authorized punishment included imprisonment for more than two~~
9 ~~years. years; or~~

10 (3) ~~— a crime or unlawful act defined as a “Class B misdemeanor” within the 5 year period prior to the~~
11 ~~date of certification;~~

12 (b) The Commission may suspend, revoke, or deny the certification of a criminal justice officer when the Commission
13 finds that the applicant for certification or the certified officer:

14 (1) has not enrolled in and satisfactorily completed the required basic training course in its entirety
15 within prescribed time periods relevant or applicable to a specified position or job title;

16 (2) fails to meet or maintain one or more of the minimum employment standards required by 12 NCAC
17 09B .0100 for the category of the officer's certification or fails to meet or maintain one or more of
18 the minimum training standards required by 12 NCAC 09B .0200 or 12 NCAC 09B .0400 for the
19 category of the officer's certification;

20 (3) has committed or been convicted of:

21 (A) a criminal offense or unlawful act defined in 12 NCAC 09A .0103 as a Class B
22 misdemeanor; misdemeanor within the five-year period prior to the date of certification; or

23 (B) four or more criminal offenses or unlawful acts defined in 12 NCAC 09A .0103 as a Class
24 A misdemeanor, regardless of the date of commission or conviction except the applicant
25 shall be certified if the last conviction or commission occurred more than two years prior
26 to the date of appointment each of which occurred after the date of initial certification; or

27 (C) a criminal offense or unlawful act defined in 12 NCAC 09A .0103 as a Class B
28 misdemeanor which occurred after appointment; or

29 (D) four or more crimes or unlawful acts as defined in 12 NCAC 09A .0103 as Class B
30 misdemeanors regardless of the date of commission or conviction; or

31 (E) any combination of four or more crimes or unlawful acts defined in 12 NCAC 09A .0103
32 as a Class A misdemeanor or Class B misdemeanor regardless of the date of commission
33 or conviction.

34 (4) has been discharged by a criminal justice agency for commission or conviction of:

35 (A) a motor vehicle offense requiring the revocation of the officer's driver's license; or

36 (B) any other offense involving moral turpitude;

- 1 (5) has been discharged by a criminal justice agency because the officer lacks the mental or physical
2 capabilities to properly fulfill the responsibilities of a criminal justice officer;
- 3 (6) has knowingly made a material misrepresentation of any information required for certification or
4 accreditation;
- 5 (7) has knowingly and willfully, by any means of false pretense, deception, defraudation,
6 misrepresentation or cheating whatsoever, obtained or attempted to obtain credit, training or
7 certification from the Commission;
- 8 (8) has knowingly and willfully, by any means of false pretense, deception, defraudation,
9 misrepresentation or cheating whatsoever, aided another person in obtaining or attempting to obtain
10 credit, training or certification from the Commission;
- 11 (9) has failed to make either of the notifications as required by 12 NCAC 09B ~~.0101(8);~~ .0101(13);
- 12 (10) has been removed from office by decree of the Superior Court in accord with the provisions of G.S.
13 128-16 or has been removed from office by sentence of the court in accord with the provisions of
14 G.S. 14-230;
- 15 (11) fails to satisfactorily complete the minimum in-service training requirements as prescribed in 12
16 NCAC 09E;
- 17 (12) has refused to submit to an applicant or lateral transferee drug screen as required by the rules in this
18 Chapter, or has refused to submit to an in-service drug screen pursuant to the guidelines set forth in
19 the Drug Screening Implementation Guide as required by the agency through which the officer is
20 certified;
- 21 (13) has produced a positive result on a drug screen reported to the Commission as specified in 12 NCAC
22 09C .0310, where the positive result cannot be explained to the Commission's satisfaction;
- 23 (14) has been denied certification or had certification suspended or revoked by the North Carolina
24 Sheriffs' Education and Training Standards Commission, the North Carolina Criminal Justice
25 Education and Training Standards Commission; the North Carolina Company/Campus Police
26 Program; or a similar North Carolina, out of state or federal approving, certifying or licensing
27 agency;
- 28 (15) has performed activities or duties for which certification by the Commission is required without
29 having first obtained the appropriate certification; or
- 30 (16) has been convicted of any offense proscribed by 18 USC 922(g)(8) that would prohibit possession
31 of a firearm or ammunition.

32 (c) Following suspension, revocation, or denial of the person's certification, the person may not remain employed or
33 appointed as a criminal justice officer and the person may not exercise any authority of a criminal justice officer during
34 a period for which the person's certification is suspended, revoked, or denied.

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36 *History Note: Authority G.S. 17C-6; 17C-10;*
37 *Eff. January 1, 1981;*
38 *Amended Eff. November 1, 2024; April 1, 2009; February 1, 2006; August 1, 2001; August 1, 1995;*
39 *November 1, 1993; March 1, 1992; July 1, 1990;*

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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 09A .0205 is being submitted for amendment, with changes, as follows:

12 NCAC 09A .0205 PERIOD OF SUSPENSION: REVOCATION: OR DENIAL

(a) When the Commission revokes or denies the certification of a criminal justice officer, the period of the sanction shall be permanent where the cause of sanction is:

- (1) commission or conviction of a felony offense, except as provided by G.S. 17C-13(a);
- (2) commission or conviction of a criminal offense for which punishment is authorized by law to include imprisonment for more than two years, except as provided by G.S. 17C-13(a); or
- (3) the second suspension of an officer's certification for any of the causes requiring a five-year period of suspension pursuant to 12 NCAC 09A .0204.

(b) When the Commission suspends or denies the certification of a criminal justice officer, the period of sanction shall be not less than five years; however, the Commission shall reduce or suspend the period of sanction or substitute a period of probation in lieu of suspension of certification, or impose a combination of reduction, suspension, or probation as determined on a case-by-case basis following a consent order or an administrative hearing, where the cause of sanction is:

- (1) commission or conviction of a criminal offense other than those listed in Paragraph (a) of this Rule;
- (2) refusal to submit to the applicant or lateral transferee drug screen required by these Rules;
- (3) production of a positive result on a drug screen reported to the Commission under 12 NCAC 09C .0310, where the positive result cannot be explained to the satisfaction of the agency's Medical Review Officer, who shall be a licensed physician;
- (4) material misrepresentation of any information required for certification or accreditation;
- (5) obtaining, attempting to obtain, aiding another person to obtain, or aiding another person to attempt to obtain credit, training or certification by any means of false pretense, deception, fraud, misrepresentation or cheating;
- (6) failure to make either of the notifications as required by 12 NCAC 09B .0101(13);
- (7) removal from office under the provisions of G.S. 128-16 or the provisions of G.S. 14-230;
- (8) performing activities or duties for which certification by the Commission is required without having first obtained the appropriate certification; or

(9) commission or conviction of four or more crimes or unlawful acts as defined as "Class B misdemeanor" in 12 NCAC .0103(24)(b) regardless of the date of conviction. commission or conviction of a crime or unlawful act as defined as a Class B misdemeanor in 12 NCAC 09A .0103 which occurred within 5 years prior to the date of appointment; or

[(10) commission or conviction of four or more crimes or unlawful acts as defined as "Class B misdemeanor" in 12 NCAC 09A .0103(24)(b), except the applicant may be employed if the last conviction occurred more than two years prior to the date of certification; or]

(10) commission or conviction of four or more crimes or unlawful acts defined as Class A misdemeanors in 12 NCAC 09A .0103, unless the last conviction occurred more than two years prior to the date of certification; or

~~[(11) commission or conviction of a combination of four or more "Class A Misdemeanor" or "Class B Misdemeanor" offenses regardless of the date.]~~

(11) commission or conviction of a crime or unlawful acts as defined as Class B misdemeanor in 12 NCAC 09A .0103 which occurred after the date of appointment; or

~~(12) commission or conviction of four or more crimes or unlawful acts defined as "Class B misdemeanors" Class B misdemeanors in 12 NCAC 09A .0103(24)(b), regardless of the date of conviction. .0103 commission or conviction; or~~

(13) commission or conviction of a combination of four or more Class A misdemeanor or Class B misdemeanor offenses, regardless of the date of commission or conviction.

(c) When the Commission suspends or denies the certification of a criminal justice officer, the period of sanction shall be for an indefinite period, but continuing so long as the stated deficiency, infraction, or impairment continues to exist, where the cause of sanction is:

- (1) failure to meet or satisfy relevant basic training requirements pursuant to 12 NCAC 09B .0205, .0225, .0235, and .0236;
- (2) failure to meet or maintain the minimum standards of employment pursuant to 09B .0101, .0111, .0114, .0116, .0117;
- (3) discharge from a criminal justice agency for impairment of physical or mental capabilities; or
- (4) failure to meet or satisfy the in-service training requirements as prescribed in 12 NCAC 09E.

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

Eff. January 1, 1981;

Amended Eff. February 1, 2006; August 1, 2001; November 1, 1993; July 1, 1990; July 1, 1989; October 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; March 1, 2024; January 1, 2022; July 1, 2020.

1 12 NCAC 09A .0208 is being submitted for adoption as follows:

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3 **12 NCAC 09A .0208 PUBLIC COMMENTS AT HEARINGS**

4 For hearings in which public comments are allowed or required, the following rules apply:

5 (1) The Chair may:

- 6 (a) authorize the designation of any agency employee to act as the hearing officer;
7 (b) set out the type of hearings that the designated employees are authorized to conduct;
8 (c) reference the rules of procedure for conducting public rulemaking hearings.

9 (2) The Chair may set time limits on oral presentations.

- 10 (a) Unless the Chair specifies otherwise, oral presentations are limited to five minutes per
11 person or requesting entity;
12 (b) The Chair may require that oral presentations be limited to representative spokespersons
13 for those advocating or opposing agenda items;
14 (c) In making the above decisions, the Chair should consider:
15 (i) the length of the agenda and of the meeting;
16 (ii) the number of rules or agenda items subject to comment;
17 (iii) the complexity of the issues;
18 (iv) the public interest in a particular rule, report or agenda item;
19 (v) the number of people desiring to address the agency;
20 (vi) the variations in the speakers' arguments and level of agreement within their
21 positions or relationships;
22 (vii) the nature of the comments in relation to the agency's scope of review; and
23 (viii) the amount of notice given to the agency, commission, or committee.

24 (3) The Chair will set the date, time, and place of any public hearing, and, when required, comply with North
25 Carolina General Statutes Chapter 150B.

26 (a) If no hearing end time is designated prior to the beginning of the meeting, the Chair may
27 end the hearing at any appropriate time.

28 (b) If a hearing end time has been designated for a hearing in which comments will be
29 accepted, the hearing officer will remain in the meeting until such end time is reached.

30 (4) When a hearing officer is designated, the hearing officer will collect written and oral submission
31 presented during the hearing and submit to the agency, commission or committee as appropriate
32 following the close of the record.

33 (5) Nothing in this rule is meant to require the agency, commission, or committee to allow public comment
34 when not required by statute.

35 (6) For purposes of this rule, Chair means the person designated as chairperson for the agency, commission

1 or committee, holding the hearing. In the event the Chair is not present at hearing, the Vice-Chair will
2 preside, and if the Vice-Chair is also not present, then the hearing officer will preside, and either will act,
3 for purposes of this rule and for the hearing, with the authority of the Chair.

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5 History Note: Authority G.S. 150-B
6 Eff. November 1, 2024

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 ~~basic law enforcement training course~~ Commission approved Basic Law Enforcement 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 the United States Armed Forces, as outlined in 10 U.S. Code 1094, holds a current license to practice medicine,~~ 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~~ physician's assistant or nurse practitioner with:

- (1) the Medical History Statement Form (F-1), which must be read, completed, and signed; and
- (2) the Instructions to Agency and Examiner for Completion of Medical Examination Report (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) 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.

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

- (1) the applicant's beginning the Commission approved Basic Law Enforcement Training Course; and
- (2) the agency submission of application for certification to the Commission.

History Note: Authority G.S. 17C-6; 17C-10;
Eff. January 1, 1981;
Amended Eff. April 1, 2018; October 1, 2017; November 1, 1993; February 1, 1991; March 1, 1990;
April 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; ~~October 1, 2022~~

1 12 NCAC 09B .0201 is being submitted for amendment as follows:

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3 **12 NCAC 09B .0201 ADMINISTRATION OF CRIMINAL JUSTICE SCHOOLS**

4 (a) The executive officer or officers of the institution or agency sponsoring any criminal justice training program or
5 course of instruction shall have primary responsibility for implementation of all of the rules contained in Subchapter
6 09B Section .0200 and for administration of the school. The executive officer or officers of the institution or agency
7 shall secure School Accreditation pursuant to 12 NCAC 09C .0401 prior to offering any criminal justice training
8 course.

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

18 (c) The School Director shall permanently maintain records of all criminal justice training courses sponsored or
19 delivered by the school, reflecting:

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

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

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

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

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

7 (f) The North Carolina Justice Academy is the only accredited criminal justice school to administer Specialized
8 Instructor Programs, with the exception of the North Carolina State Highway Patrol, who may also administer the
9 Specialized Driving Instructor Program.

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

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14 *History Note: Authority G.S. 17C-6;*
15 *Eff. January 1, 1981;*
16 *Amended Eff. November 1, 1981;*
17 *Readopted Eff. July 1, 1982;*
18 *Amended Eff. August 1, 2004; August 1, 2000; January 1, 1996; March 1, 1992; January 1, 1985;*
19 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25,*
20 *2019.*
21 *Amended Eff. November 1, 2024*
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12 NCAC 09B .0202 is being submitted for amendment, with changes, as follows:

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)~~ (3) Ensure each instructor utilizes Commission approved lesson plans and instructional materials;
- ~~(6)~~ (4) Arrange for the availability of appropriate audiovisual aids and materials, publications, facilities, and equipment for training in all topic areas;
- ~~(7)~~ (5) 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)~~ (6) If appropriate, recommend housing and dining facilities for trainees;
- ~~(9)~~ (7) Administer the course delivery in accordance with Commission approved lesson plans; ~~plans and course management guides~~;
- ~~(10)~~ (8) 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 State comprehensive ~~final~~ examination shall be administered by the Criminal Justice Education and Training Standards ~~Commission~~; Commission (CJETS); and
- ~~(11)~~ (9) 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~~ Commission-accredited 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)(1) Schedule course presentation to include 12 hours of instruction each week during consecutive calendar weeks, except that there may be as many as ~~three~~ six one-week breaks until course requirements are completed. If the Governor declares a State of Emergency pursuant to G.S. 166A-19.3(19), the Director of the Criminal Justice Standards Division shall allow additional breaks in a specific course delivery when the Director determines that doing so is necessary based on consideration of the following factors:
- (A) Whether instruction has begun in the course or whether course initiation may be postponed;
 - (B) The risk of harm to students that may be caused by continuation of the course;
 - (C) Whether those enrolled in the course have been or will likely be called to action to help address the State of Emergency;
 - (D) The specific need for the waiver; and
 - (E) The degree of benefit to the public in allowing a break in instruction.
- Notice of waivers granted pursuant to the Section shall be posted on the CJETS website <https://ncdoj.gov/law-enforcement-training/criminal-justice/>. The waivers granted pursuant to this Section shall only apply to courses that began during the effective period of the State of Emergency;
- (3)(2) 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)(3) With the exception of the First Responder, ~~Physical Fitness~~, Officer Health and Wellness, Explosives and Hazardous ~~Materials~~, Materials Emergencies, 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)(4) Schedule one specialized instructor certified by the Commission for every eight trainees while engaged in a practical performance exercise in the topical ~~areas~~ areas "Subject Control Arrest Techniques"; Techniques" or Compliance and Control Tactics;
- (6)(5) Schedule no single individual to instruct more than 35 percent of the total hours of the 640-hour curriculum or 25 percent of the total hours of the 868-hour curriculum during any one delivery of the Basic Law Enforcement Training Course presentation;
- (7)(6) 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 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 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)~~(7) 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 this evaluation, the School Director shall recommend approval or denial of requests for General Instructor Certification. For all other instructors, these evaluations shall be prepared on the Criminal Justice Instructor Evaluation (Form F-16), be kept on file by the school for a period of three years, and shall be made available for inspection by a representative of the Commission upon request. In the event the evaluation of an instructor indicates that his or her performance was less than acceptable, the School Director shall forward a copy of the evaluation to the Commission. Any instructor who is evaluating the instructional presentation of another instructor shall hold certification in the same instructional topic area as that for which the instructor is being evaluated;
- ~~(9)~~(8) Administer or designate a ~~staff person~~ Qualified Assistant to administer course specific tests during course delivery:
- (A) to determine and record the level of trainee comprehension and retention of instructional subject matter;
 - (B) to provide a basis for a final determination or recommendation regarding the minimum degree of knowledge and skill of each trainee to function as an inexperienced law enforcement officer; and
 - (C) to determine subject or topic areas of deficiency for the application of Rule .0405(a)(3) of this Subchapter; and
- ~~(10)~~(9) Not more than 10 days after the conclusion of a school's offering of Basic Law Enforcement Training, ensure all student test scores and class documents have been uploaded to the Acadis platform, and submit to the Commission a Post-Delivery Report of Training Course Presentation (Form F-10B) that shall include:
- (A) a "Student Course Completion" form for each individual enrolled on the day of orientation;
 - (B) a "Certification and Test Score Release" form; and
 - (C) the "Police Officer Physical Ability Test (POPAT) Post-Course" ~~final form; and final~~.

1 (D) ~~the orientation class enrollment roster.~~

2 (c) In addition to Paragraph (a) of this Rule, in planning, developing, coordinating, and delivering each Commission-
3 certified "Criminal Justice Instructor Training Course," the School Director shall:

4 (1) Schedule course presentation pursuant to Rule .0209 of this Subchapter;

5 (2) Schedule evaluators as follows:

6 (A) each evaluator, as well as the instructors, shall have completed a Commission-certified
7 instructor training course or an equivalent instructor training course utilizing the
8 Instructional Systems Design model, an international model with applications in education,
9 military training, and private enterprise; and

10 (B) each instructor and evaluator shall document successful participation in a program
11 presented by the North Carolina Justice Academy for purposes of familiarization and
12 supplementation relevant to delivery of the instructor training course and trainee
13 evaluation;

14 (3) Not fewer than 30 days before commencing delivery of the course, submit to the Commission a Pre-
15 Delivery Report of Training Course ~~Presentation [Form F-10A(ITC)]~~ Presentation, Form F-10A,
16 with the following attachments:

17 (A) a course schedule showing the arrangement of topical presentations and proposed
18 instructional assignments;

19 (B) the names and ~~last four digits of the social security~~ Acadis identification numbers of all
20 instructors and evaluators; and

21 (C) a copy of any rules and requirements for the school; and

22 (4) Not more than 10 days after course completion, submit to the Commission a Post-Delivery Report
23 ~~[Form F-10B(ITC)]~~ Report, Form F-10B, containing the following:

24 (A) class enrollment roster;

25 (B) a course schedule with the designation of instructors and evaluators utilized in delivery;

26 (C) scores recorded for each trainee on the 70 minute skill presentation; and

27 (D) designation of trainees who completed the course in its entirety and whom the School
28 Director finds to be competent to instruct.

29 (d) In addition to Paragraph (a) of this Rule, in planning, developing, coordinating, and delivering each Commission-
30 certified RADAR, RADAR and Time-Distance, Time-Distance, or LIDAR speed measurement operator training
31 course or re-certification course, the School Director shall:

32 (1) select and schedule speed measurement instrument instructors who are certified by the Commission
33 as instructors for the specific speed measurement instruments in which the trainees are to receive
34 instruction as follows:

35 (A) provide to the instructor the Commission form(s) for motor skill examination on each
36 trainee;

(B) require the instructor to complete the motor skill examination form on each trainee indicating the level of proficiency obtained on each specific instrument; and

(C) require each instructor to sign each individual form and submit the original to the School Director;

(2) not fewer than 30 days before the scheduled starting date, submit to the Director of the Standards Division a Pre-Delivery Report of Speed Measuring Instrument Course ~~Presentation [Form F-10A (SMI)]~~ Presentation, Form F-10A(SMI), that shall contain a period of course delivery including the proposed starting date, course location, requested date and location for the administration of the State exam, and the number of trainees to be trained on each type of approved speed measurement instrument. The Director of the Standards Division shall review the request and notify the School Director within thirty business days if the request is approved or denied; and

(3) upon completing delivery of the Commission-certified course, and not more than 10 days after the conclusion of a school's offering of a certified RADAR, RADAR and Time-Distance, Time-Distance, or LIDAR speed measurement operator training course or re-certification course, the School Director shall notify the Commission regarding the progress and achievements of each trainee by submitting a Post-Delivery Report of Training Course ~~Presentation [Form F-10B (SMI)]~~ Presentation, Form F-10B(SMI). This report shall include the original motor-skill examination form(s) completed and signed by the certified instructor responsible for administering the motor-skill examination to the respective trainee.

*History Note: Authority G.S. 17C-6;
Eff. January 1, 1981;
Amended Eff. November 1, 1981;
Readopted w/change Eff. July 1, 1982;
Amended Eff. January 1, 2015; June 1, 2013; April 1, 2009; November 1, 2007; January 1, 2006;
May 1, 2004; August 1, 2000; January 1, 1996; November 1, 1993; December 1, 1987; January 1, 1985;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25, 2019;
Amended Eff. January, 1, 2025; April 1, 2022; July 1, 2021; January 1, 2021; July 1, 2020.*

12 NCAC 09B .0203 is being submitted for amendment as follows:

12 NCAC 09B .0203 ADMISSION OF TRAINEES

(a) The school shall not admit any individual as a trainee in a presentation of the Commission-accredited Basic Law Enforcement Training Course who is not a citizen of the United States.

(b) The school shall not admit any individual younger than 20 years of age as a trainee in any non-academic basic criminal justice training course. Individuals under 20 years of age may be granted authorization for early enrollment as trainees in a presentation of the Commission-accredited Basic Law Enforcement Training Course with prior written approval from the Director of the Standards Division. The Director shall approve early enrollment if the individual will be 20 years of age prior to the date of the State Comprehensive Examination for the course.

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

(d) The school shall not admit any individual as a trainee in a presentation of the Commission-accredited Criminal Justice Instructor Training Course "~~Criminal Justice Instructor Training Course~~" who does not meet the education and experience requirements for instructor certification under Rule .0302 of this Subchapter within 60 days of successful completion of the Instructor Training State Comprehensive Examination.

(e) The school shall not admit an individual, including partial or limited enrollees, as a trainee in a presentation of the Commission-accredited Basic Law Enforcement Training Course unless the individual, within one year prior to admission to the Commission-accredited Basic Law Enforcement Training Course, scores at or above mastery level on the NROC Edready™ Skills Inventory for English or places into course DRE 098 or above at a North Carolina Community College as a result of taking the Reading and English component of the North Carolina Diagnostic Assessment and Placement test as approved by the State Board of Community Colleges on October 17, 2014, (<http://www.nccommunitycolleges.edu/state-board-community-colleges/meetings/october-17-2014>), or has taken the reading component of a nationally standardized test and has scored at or above the tenth grade level or the equivalent. For the purposes of this Rule:

(1) Partial or limited enrollee does not include enrollees who hold or have held within 12 months prior to the date of enrollment, general certification pursuant to 12 NCAC 09C .0304.

(2) A "nationally standardized test" means a test that:

(A) reports scores as national percentiles, stanines, or grade equivalents; and

(B) compares student test results to a national norm.

(f) The school shall not admit any individual as a trainee in a presentation of the Commission-accredited Basic Law Enforcement Training Course unless the individual has provided to the School Director a medical examination report, completed by a ~~physician licensed to practice medicine in North Carolina~~, physician, a physician's assistant, or a nurse practitioner, who holds a current license to practice medicine, to determine the individual's fitness to perform the essential job functions of a criminal justice officer. The Director of the Standards Division shall grant an exception to this standard for a period of time not to exceed the commencement of the physical fitness topical area when failure to receive the medical examination report is not due to neglect on the part of the trainee.

1 (g) The school shall not admit any individual as a trainee in a presentation of the Commission-accredited Basic Law
2 Enforcement Training Course unless the individual is a high school, college, or university graduate or has received a
3 high school equivalency credential recognized by the issuing state. High school diplomas earned through
4 correspondence enrollment in an entity that charges a fee and requires the individual to complete little or no education
5 or coursework to obtain a high diploma shall not be recognized toward the educational requirements.

6 (h) The school shall not admit any individual trainee in a presentation of the Commission-accredited Basic Law
7 Enforcement Training Course unless the individual has provided the School Director one of the following types of
8 record checks in the manner set forth in Paragraph (i) of this Rule:

9 (1) a written notification, known as a "Criminal Record Conviction History for B.L.E.T. Enrollment,"
10 Form F-25, located at [https://www.ncdoj.gov/About-DOJ/Law-Enforcement-Training-and-](https://www.ncdoj.gov/About-DOJ/Law-Enforcement-Training-and-Standards/Criminal-Justice-Education-and-Training-Standards/Forms-and-Publications.aspx)
11 [Standards/Criminal-Justice-Education-and-Training-Standards/Forms-and-Publications.aspx](https://www.ncdoj.gov/About-DOJ/Law-Enforcement-Training-and-Standards/Criminal-Justice-Education-and-Training-Standards/Forms-and-Publications.aspx), from
12 a department head stating that a criminal record check for local and state records has been conducted
13 and no criminal convictions as listed in Paragraph (j) of this Rule were found that prohibit the
14 individual trainee's enrollment in a presentation of the Commission-accredited Basic Law
15 Enforcement Training Course. The hiring agency or the individual trainee shall also provide
16 certified court documentation for each criminal conviction;

17 (2) a certified criminal record check for local and state records, and certified court documentation for
18 each criminal conviction. For the purpose of this Rule "Certified court documentation" and "record
19 check" mean a document with either a raised seal or other visible verification that the document is
20 authentic as a copy of the court's official record as authorized by law;

21 (3) if the individual trainee has only resided in North Carolina since obtaining the age of majority,
22 provide a fingerprint-based criminal history background check known as a "Right to Review"
23 performed by the North Carolina State Bureau of Investigation. For the purpose of this Rule
24 "Resided in" means any place the trainee has lived, worked, attended school, or participated in an
25 internship. The individual shall also provide certified court documentation for each criminal
26 conviction;

27 (4) a fingerprint-based criminal history background check known as a "Right to Review" performed by
28 a federal agency including all locations where the trainee has lived since obtaining the age of
29 majority. The individual shall also provide certified court documentation for each criminal
30 conviction; or

31 (5) trainees who have served in the United States Armed Forces, in addition to one of the types of
32 criminal records checks listed in Subparagraphs (1) through (4) of this Paragraph shall provide a
33 copy of their Certificate of Discharge, DD Form 214, that shows their "Character of Service" and
34 "Narrative Reason for Separation." Individuals showing a "Character of Service" as "Bad Conduct"
35 or "Dishonorable" shall provide certified copies of their court-martial proceedings to include the
36 final disposition. Trainees shall also provide documentation to show that they have requested their
37 official military personnel file, which shall be provided upon receipt.

- 1 (6) A trainee who has been naturalized as a United States Citizen is exempt from providing the criminal
2 record checks for locations where they resided outside of the United States prior to naturalization.
- 3 (7) A trainee who has resided outside the United States, other than those described in Subparagraph (5)
4 and (6), who cannot obtain a criminal record check from any location outside the United States shall
5 document the following, to be forwarded to the Standards Division for review on a case by case
6 basis:
- 7 (A) the name of the agencies contacted,
8 (B) the date the agencies were contacted,
9 (C) the contact information for the agencies contacted, and
10 (D) the reason the information cannot be provided.
- 11 (i) Documents obtained in accordance with Paragraph (h) of this Rule shall meet the following requirements:
- 12 (1) any records provided shall fall within the time period beginning when the trainee obtains the age of
13 majority and continuing through the date of application;
- 14 (2) any records provided shall include all locations where the trainee has resided since obtaining the
15 age of majority; and
- 16 (3) any records provided shall include all legal names utilized by the trainee since obtaining the age of
17 majority.
- 18 (j) The school shall not admit any individual as a trainee in a presentation of the Commission-accredited Basic Law
19 Enforcement Training Course who has been convicted of the following:
- 20 (1) a felony;
- 21 (2) a crime for which the punishment could have been imprisonment for more than two years;
- 22 (3) a crime or unlawful act defined as a Class B Misdemeanor within the five year period prior to the
23 date of application for employment, unless the individual intends to seek certification through the
24 North Carolina Sheriffs' Education and Training Standards Commission;
- 25 (4) four or more crimes or unlawful acts defined as Class B Misdemeanors, regardless of the date of
26 conviction;
- 27 (5) four or more crimes or unlawful acts defined as Class A Misdemeanors, except the trainee may be
28 enrolled if the last conviction date occurred more than two years prior to the date of enrollment; or
- 29 (6) a combination of four or more Class A Misdemeanors or Class B Misdemeanors regardless of the
30 date of conviction, unless the individual intends to seek certification through the North Carolina
31 Criminal Justice Education and Training Standards Commission.
- 32 (k) Individuals charged with crimes specified in Paragraph (j) of this Rule may be admitted into the Commission-
33 accredited Basic Law Enforcement Training Course if such offenses were dismissed or the person was found not
34 guilty, but completion of the Commission-accredited Basic Law Enforcement Training Course does not ensure that
35 certification as a law enforcement officer or justice officer through the North Carolina Criminal Justice Education and
36 Training Standards Commission will be issued. Every individual who is admitted as a trainee in a presentation of the
37 Basic Law Enforcement Training Course shall notify the School Director of all criminal offenses the trainee is arrested

1 for or charged with, pleads no contest to, pleads guilty to, or is found guilty of, and of all Domestic Violence Protective
2 Orders (G.S. 50B) that are issued by a judicial official after a hearing that provides an opportunity for both parties to
3 be present. This includes all criminal offenses except minor traffic offenses and includes any offense of Driving Under
4 the Influence (DUI) or Driving While Impaired (DWI). A "minor traffic offense" is defined, for the purposes of this
5 Paragraph, as an offense where the maximum punishment allowable by law is 60 days or fewer. Other offenses under
6 G.S. 20 (Motor Vehicles) or similar laws of other jurisdictions that shall be reported to the School Director are G.S.
7 20-138.1 (driving while under the influence), G.S. 20-28 (driving while license permanently revoked or permanently
8 suspended), G.S. 20-30(5)(fictitious name or address in application for license or learner's permit), G.S. 20-37.8
9 (fraudulent use of a fictitious name for a special identification card), G.S. 20-102.1 (false report of theft or conversion
10 of a motor vehicle), G.S. 20-111(5)(fictitious name or address in application for registration), G.S. 20-130.1 (unlawful
11 use of red or blue lights), G.S. 20-137.2 (operation of vehicles resembling law enforcement vehicles), G.S. 20-141.3
12 (unlawful racing on streets and highways), G.S. 20-141.5 (speeding to elude arrest), and G.S. 20-166 (duty to stop in
13 event of accident). The notifications required under this Paragraph shall be in writing and specify the nature of the
14 offense, the court where the case was handled, the date of the arrest or criminal charge, the date of issuance of the
15 Domestic Violence Protective Order (50B), and the final disposition and the date thereof. The notifications required
16 under this Paragraph shall be received by the School Director within 30 days of the date the case was disposed of in
17 court. The requirements of this Paragraph are applicable at all times during which the trainee is enrolled in a Basic
18 Law Enforcement Training Course. The requirements of this Paragraph are in addition to the notifications required
19 under 12 NCAC 10B .0301 and 12 NCAC 09B .0101(8).

20 (l) The school shall not admit any individual as a trainee in the presentation of the Commission-accredited Basic Law
21 Enforcement Training Course unless the individual has provided to the School Director:

- 22 (1) copies of all active Domestic Violence Orders of Protection and Civil Non-Contact Orders issued
23 to the individual; or
24 (2) a signed and dated written statement from the individual certifying that no such active Orders exist
25 related to the individual.

26 (m) The school shall not admit any individual as a trainee in the presentation of the Basic Law Enforcement Training
27 Course unless the individual has provided to the School Director a copy of their valid driver's license.

28
29 *History Note: Authority G.S. 17C-6; 17C-10; 93B-9;*
30 *Eff. January 1, 1981;*
31 *Amended Eff. January 1, 2019; April 1, 2018; January 1, 2017; February 1, 2016; November 1,*
32 *2015; March 1, 2015; January 1, 2015; June 1, 2012; February 1, 2011; June 1, 2010; December*
33 *1, 2004; July 1, 2004; August 1, 2002; August 1, 2000; January 1, 1995; March 1, 1992; July 1,*
34 *1989; January 1, 1985;*
35 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25,*
36 *2019;*
37 *Amended Eff. January 1, 2025; July 1, 2020.*
38

1 **12 NCAC 09B .0204 is being submitted for amendment as follows:**

2
3 **12 NCAC 09B .0204 TRAINING COURSE ENROLLMENT**

4 (a) Any school offering a Commission-accredited Basic Law Enforcement Training Course shall have enrolled 10
5 trainees in the offering.

6 (b) Any school may make written request to the Director of the Standards Division to deliver the Commission-
7 accredited Basic Law Enforcement Training Course with no fewer than eight enrolled trainees. The Director shall
8 approve the request if it includes a summary of the efforts the school has made to notify its respective community of
9 the availability of the course and the reasons supporting the school's need to enroll fewer than 10 trainees.

10 (c) The school may not enroll any trainee later than the initial day of delivery of a certified training course unless the
11 trainee's enrollment is pursuant to an authorization of limited enrollment in a subsequent course pursuant to Rule .0405
12 of this Subchapter or pursuant to prescribed supplementary or remedial training required pursuant to Rule .0402 of
13 this Subchapter.

14 (d) The school may not enroll more than 18 trainees in a presentation of the "Criminal Justice Instructor Training
15 Course" as constituted under Rule .0209 of this Section.

16
17 *History Note:* *Authority G.S. 17C-6;*
18 *Eff. January 1, 1981;*
19 *Amended Eff. April 1, 2018; April 1, 2017; August 1, 2005; August 1, 2000; January 1, 1985;*
20 *November 1, 1981;*
21 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25,*
22 *2019.*
23 *Amended Eff. January 1, 2025*
24

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

12 NCAC 09B .0205 BASIC LAW ENFORCEMENT TRAINING 640 Hour Curriculum

(a) No Basic Law Enforcement Training 640-Hour Curriculum Pre-Delivery (F-10A) course documents will be approved for course administration on or after January 1, 2025.

(b) The basic training course for law enforcement officers shall consist of instruction designed to provide the trainee with the skills and knowledge to perform those tasks essential to function in law enforcement.

(c) The course entitled "Basic Law Enforcement Training" shall consist of a minimum of 640 hours of instruction and shall include the following identified topical areas and minimum instructional hours for each:

(1) LEGAL UNIT

(A)	Motor Vehicle Laws	20 Hours
(B)	Controlled Substance	12 Hours
(C)	Elements of Criminal Law	24 Hours
(D)	Juvenile Laws and Procedures	8 Hours
(E)	Arrest, Search and Seizure/Constitutional Law	28 Hours
(F)	Alcohol Beverage Control (ABC)Laws and Procedures	4 Hours
UNIT TOTAL		96 Hours

(2) PATROL DUTIES UNIT

(A)	Techniques of Traffic Law Enforcement	24 Hours
(B)	Explosives and Hazardous Materials Emergencies	12 Hours
(C)	Traffic Crash Investigation	24 Hours
(D)	In-Custody Transportation	8 Hours
(E)	Crowd Management	12 Hours
(F)	Patrol Techniques	28 Hours
(G)	Law Enforcement Communication and Information Systems	8 Hours
(H)	Anti-Terrorism	4 Hours
(I)	Rapid Deployment	8 Hours
UNIT TOTAL		128 Hours

(3) LAW ENFORCEMENT COMMUNICATION UNIT

(A)	Responding to Victims and the Public	10 Hours
(B)	Domestic Violence Response	16 Hours
(C)	Ethics for Professional Law Enforcement	4 Hours
(D)	Individuals with Mental Illness and Developmental Disabilities	24 Hours
(E)	Crime Prevention Techniques	6 Hours
(F)	Communication Skills for Law Enforcement Officers	8 Hours
(G)	Preparing for Court and Testifying in Court	12 hours

1	UNIT TOTAL	80 Hours
2	(4) INVESTIGATION UNIT	
3	(A) Fingerprinting and Photographing Arrestee	6 Hours
4	(B) Field Note-taking and Report Writing	12 Hours
5	(C) Criminal Investigation	34 Hours
6	(D) Interviews	16 Hours
7	(E) Human Trafficking	2 Hours
8	UNIT TOTAL	70 Hours
9	(5) PRACTICAL APPLICATION UNIT	
10	(A) First Responder	32 Hours
11	(B) Firearms	48 Hours
12	(C) Law Enforcement Driver Training	40 Hours
13	(D) Physical Fitness (classroom instruction)	8 Hours
14	(E) Fitness Assessment and Testing	12 Hours
15	(F) Physical Exercise 1 hour daily, 3 days a week	34 Hours
16	(G) Subject Control Arrest Techniques	40 Hours
17	UNIT TOTAL	214 Hours
18	(6) SHERIFF-SPECIFIC UNIT	
19	(A) Civil Process	24 Hours
20	(B) Sheriffs' Responsibilities: Detention Duties	4 Hours
21	(C) Sheriffs' Responsibilities: Court Duties	6 Hours
22	UNIT TOTAL	34 Hours
23	(7) COURSE ORIENTATION	2 Hours
24	(8) TESTING	16 Hours
25	TOTAL COURSE HOURS	640 Hours

12 NCAC 09B .0205 BASIC LAW ENFORCEMENT TRAINING 868 Hour Curriculum Effective January 1, 2025

(d) The basic training course for law enforcement officers shall consist of instruction designed to provide the trainee with the skills and knowledge to perform those tasks essential to function in law enforcement.

(e) The course entitled "Basic Law Enforcement Training" shall consist of a minimum of 868 hours of instruction and shall include the following identified topical areas and minimum instructional hours for each:

(1) Module 1

(A)	<u>Orientation</u>	8 Hours
(B)	<u>Ethical Problem Solving</u>	16 Hours
(C)	<u>Communication and De-escalation Skills</u>	24 Hours
(D)	<u>Crisis Intervention: Interacting With Special Needs Populations</u>	24 Hours

1	(E)	<u>Officer Health and Wellness</u>	<u>54 Hours</u>
2	(F)	<u>Field Notes and Report Writing</u>	<u>16 Hours</u>
3	(G)	<u>Arrest, Search, Seizure, and Constitutional Law</u>	<u>24 Hours</u>
4	(H)	<u>Interviews and Interrogations</u>	<u>24 Hours</u>
5	(I)	<u>Compliance and Control Tactics</u>	<u>64 Hours</u>
6	(J)	<u>Firearms</u>	<u>96 Hours</u>
7	(K)	<u>Law Enforcement Driver Training</u>	<u>48 Hours</u>
8	(L)	<u>First Responder</u>	<u>24 Hours</u>
9	(2)	<u>Module 2</u>	
10	(A)	<u>Criminal Investigations</u>	<u>40 Hours</u>
11	(B)	<u>Testifying in Court</u>	<u>16 Hours</u>
12	(C)	<u>Responding to Crime Victims</u>	<u>8 Hours</u>
13	(D)	<u>Person Crimes</u>	<u>16 Hours</u>
14	(E)	<u>Property Crimes</u>	<u>16 Hours</u>
15	(F)	<u>Crimes Against the Public</u>	<u>16 Hours</u>
16	(G)	<u>Juvenile Laws and Procedures</u>	<u>12 Hours</u>
17	(H)	<u>Domestic Violence</u>	<u>16 Hours</u>
18	(I)	<u>Sexual Assaults</u>	<u>16 Hours</u>
19	(J)	<u>Human Trafficking</u>	<u>4 Hours</u>
20	(K)	<u>Hate Crimes</u>	<u>8 Hours</u>
21	(L)	<u>Controlled Substances</u>	<u>16 Hours</u>
22	(M)	<u>Missing Persons</u>	<u>4 Hours</u>
23	(N)	<u>Deceased Persons</u>	<u>4 Hours</u>
24	(3)	<u>Module 3</u>	
25	(A)	<u>Motor Vehicle Law</u>	<u>20 Hours</u>
26	(B)	<u>Traffic Law Enforcement</u>	<u>24 Hours</u>
27	(C)	<u>Traffic Crash Investigations</u>	<u>24 Hours</u>
28	(D)	<u>Standardized Field Sobriety Testing</u>	<u>28 Hours</u>
29	(4)	<u>Module 4</u>	
30	(A)	<u>Patrol Techniques</u>	<u>28 Hours</u>
31	(B)	<u>Crowd Management</u>	<u>16 Hours</u>
32	(C)	<u>Courtroom Security</u>	<u>8 Hours</u>
33	(D)	<u>Homeland Security</u>	<u>8 Hours</u>
34	(E)	<u>Rapid Deployment to an Active Attacker</u>	<u>16 Hours</u>
35	(F)	<u>Civil Process</u>	<u>24 Hours</u>
36	(G)	<u>Transporting and Processing</u>	<u>8 Hours</u>
37	(H)	<u>Crime Prevention</u>	<u>4 Hours</u>

(I)	<u>Explosives and Hazardous Materials Emergencies</u>	<u>16 Hours</u>
(5)	<u>Testing</u>	<u>30 Hours</u>
	<u>Total Course Hours</u>	<u>868 Hours</u>

~~(e) The "Basic Law Enforcement Training Manual" published by the North Carolina Justice Academy shall be used as the curriculum for this training course. Copies of this publication may be inspected at the office of 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 obtained at the cost of printing and postage from the North Carolina Justice Academy at the following address:~~

~~North Carolina Justice Academy~~

~~Post Office Drawer 99~~

~~Salemburg, North Carolina 28385~~

~~(d) (e) The "Basic Law Enforcement Training Course Management Guide" published by the North Carolina Justice Academy shall be used by school directors in planning, implementing, and delivering basic training courses. Copies of this guide may be obtained at the cost of printing and postage from the Justice Academy.~~

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

Eff. January 1, 1981;

Temporary Amendment Eff. December 14, 1983 for a period of 120 days to expire on April 12, 1984;

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

January 1, 2015; February 1, 2014; July 1, 2011; July 1, 2009; January 1, 2006; August 1, 2002;

August 1, 2000; November 1, 1998; July 1, 1997; January 1, 1995; February 1, 1991; July 1, 1989;

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

Amended Eff. January 1, 2025.

12 NCAC 09B .0232 is being submitted for amendment, with changes, as follows:

12 NCAC 09B .0232 SPECIALIZED COMPLIANCE AND CONTROL TACTICS

SUBJECT CONTROL ARREST TECHNIQUES-INSTRUCTOR TRAINING

(a) The instructor training course required for Specialized Compliance and Control Tactics ~~Subject Control Arrest Techniques~~ Instructor Certification shall consist of a minimum of 29 ~~23~~ hours of classroom instruction plus time required to complete the tasks associated with Compliance and Control Tactics ~~Subject Control Arrest Techniques~~ Instructional Methods and Demonstration presented during a continuous period of not more than two weeks. If the Governor declares a State of Emergency pursuant to G.S. 166A-19.3(19), the Director of the Criminal Justice Standards Division shall allow ~~additional~~ breaks in a specific course delivery when the Director determines that doing so is necessary based on consideration of the following factors:

- (1) Whether instruction has begun in the course or whether course initiation may be postponed;
- (2) The risk of harm to students that may be caused by continuation of the course;
- (3) Whether those enrolled in the course have been or will likely be called to action to help address the State of Emergency;
- (4) The specific need for the waiver; and
- (5) The degree of benefit to the public in allowing a break in instruction.

Notice of waivers granted pursuant to the Section shall be posted on the CJETS website <https://ncdoj.gov/law-enforcement-training/criminal-justice/>. The waivers granted pursuant to this Section shall only apply to courses that began during the effective period of the State of Emergency.

(b) Each Specialized Compliance and Control Tactics ~~Subject Control Arrest Techniques~~ Instructor Training course shall be designed to provide the trainee with the skills and knowledge to perform the function of a criminal justice Specialized Compliance and Control Tactics ~~Subject Control Arrest Techniques~~ Instructor in a the Commission-accredited Basic Law Enforcement Training Course or a Law Enforcement Officers' Annual In-Service Training Program.

(c) Each applicant for Specialized Compliance and Control Tactics ~~Subject Control Arrest Techniques~~ Instructor Training shall:

- (1) have completed the Criminal Justice Instructor Training course;
- (2) present a letter from a ~~licensed physician~~ physician, physician assistant, or nurse practitioner, who holds a current license to practice medicine, stating the applicant's physical fitness to participate in the course;
- (3) present a written endorsement by either
 - (A) a certified School Director indicating the student is qualified to instruct Compliance and Control Tactics ~~subject control arrest techniques~~ in the Commission-accredited Basic Law Enforcement Training ~~Courses~~; Course; or
 - (B) a Department Head, certified School Director, or In-Service Training Coordinator indicating the student may be utilized to instruct Compliance and Control Tactics ~~subject~~

- control arrest techniques for the Law Enforcement Officers' Annual In-Service Training program; and
- (4) Within 365 days prior to enrollment in the Compliance and Control Tactics Subject Control Arrest Techniques Instructor Training course the prospective student shall complete the following assessments administered by the North Carolina Justice Academy:
- (A) a qualification requiring the individual to demonstrate 100 percent proficiency on the Basic Law Enforcement Training Compliance and Control Tactics; Subject Control Arrest Techniques; and
- (B) achieve at least the 60th percentile on a physical fitness assessment.
- (d) Each Specialized Compliance and Control Tactics Subject Control Arrest Techniques Instructor Training course shall include the following identified topic areas and minimum instructional hours for each area:
- | | |
|---|----------------------|
| (1) Orientation | 1 Hour |
| (2) Response to Injury | 4 2 Hours |
| (3) Combat Conditioning | 4 8 Hours |
| (4) Safety Guidelines/Rules | 2 1 Hour |
| (5) <u>Fundamentals of Professional Liability</u> <u>Legal Considerations for Control Tactics Instructors</u> | 4 2 Hours |
| (6) Practical Skills Enhancement | 4 6 Hours |
| (7) <u>Student Instructional Practicum</u> <u>History of Use of Force</u> | 6 1 Hours |
| (8) BLET Lesson Plan Review | 4 2 Hours |
| (9) Completion of tasks associated with <u>Compliance and Control Tactics Subject Control Arrest Techniques</u> Instructional Methods and Demonstrations. 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. | |
- (4) The "Specialized Subject Control Arrest Techniques Instructor Training Manual" as published by the North Carolina Justice Academy shall be the curriculum for the Specialized Subject Control Arrest Techniques Instructor Training course. Copies of this publication may be inspected at the:
- Criminal Justice Standards Division
North Carolina Department of Justice
1700 Tryon Park Drive
Post Office Drawer 149
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 Box 99
Salemberg, North Carolina 28385
- (5) The Commission certified school that is certified to offer the "Specialized Subject Control Arrest

1 ~~Techniques Instructor Training" course is the North Carolina Justice Academy.~~

2
3 *History Note:* *Authority G.S. 17C-6;*
4 *Eff. February 1, 1987;*
5 *Amended Eff. February 1, 2016; January 1, 2015; February 1, 2013; December 1, 2009; August*
6 *1, 2006; August 1, 2000; November 1, 1998; August 1, 1995; March 1, 1990; July 1, 1989;*
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, 2025; April 1, 2022; January 1, 2021.*

12 NCAC 09B .0304 is being submitted for amendment as follows:

12 NCAC 09B .0304 SPECIALIZED INSTRUCTOR CERTIFICATION

(a) The Commission shall issue a Specialized Instructor Certification to an applicant who has developed specific motor skills and abilities by virtue of special training and demonstrated experience in one or more of the following topical areas:

- (1) ~~Subject Control Arrest Techniques; Compliance and Control Techniques;~~
- (2) First Responder;
- (3) Firearms;
- (4) Law Enforcement Driver Training;
- (5) Physical Fitness;
- (6) Restraint, Control and Defense Techniques (Department of Public Safety, Division of ~~Adult~~ ~~Correction and Juvenile Justice~~);
- (7) Medical Emergencies (Department of Public Safety, Division of ~~Adult Correction and Juvenile Justice~~); ~~or~~
- (8) Explosive and Hazardous Materials ~~Emergencies~~; Emergencies; or
- (9) Standardized Field Sobriety Testing.

(b) To qualify for and maintain ~~any~~ Specialized Instructor ~~Certification~~; Certification in topical areas in Paragraph (a)(1) through (a)(8) of this Rule, an applicant shall possess a valid CPR Certification that includes cognitive and skills testing, through the American Red Cross, American Heart Association, American Safety and Health Institute, or National Safety Council.

(c) An applicant shall achieve a minimum score of 75 percent on the comprehensive written exam, as specified in Rule .0414 of this Subchapter in order to qualify for Specialized Instructor Certification in the following topical areas:

- (1) ~~Subject Control Arrest Techniques; Compliance and Control Techniques;~~
- (2) Firearms;
- (3) Law Enforcement Driver Training;
- (4) Physical Fitness; and
- (5) Explosive and Hazardous Materials Emergencies.

(d) To qualify for Specialized Instructor Certification in the ~~Subject Control Arrest Techniques~~ Compliance and Control Techniques topical area, an applicant shall meet the following requirements:

- (1) Hold General Instructor Certification, either probationary status or full general instructor status, as specified in Rule .0303 of this Section;
- (2) Complete the pertinent Commission-approved specialized instructor course; and
- (3) Obtain the recommendation of a Commission-certified school director or in-service training coordinator.

(e) To qualify for Specialized Instructor Certification in the First Responder topical area, an applicant shall satisfy one of the following two options:

1 (1) The first option is:

2 (A) Hold CPR instructor certification through the American Red Cross, American Heart
3 Association, American Safety and Health Institute, or National Safety Council;

4 (B) Hold, or have held, basic Emergency Medical Technician certification;

5 (C) Have completed the Department of Transportation's 40 hour EMT Instructor Course or
6 equivalent within the last three years or hold a North Carolina Professional Educator's
7 License, issued by the Department of Public Instruction; and

8 (D) Obtain the recommendation of a Commission-certified school director or in-service
9 training coordinator.

10 (2) The second option is:

11 (A) Hold General Instructor Certification, either probationary status or full general instructor
12 status, as specified in Rule .0303 of this Section;

13 (B) Hold CPR instructor certification through the American Red Cross, American Heart
14 Association, American Safety and Health Institute or National Safety Council;

15 (C) Hold, or have held, basic EMT certification; and

16 (D) Obtain the recommendation of a Commission-certified school director or in-service
17 training coordinator.

18 (f) To qualify for Specialized Instructor Certification in the Firearms topical area, an applicant shall meet the following
19 requirements:

20 (1) Hold General Instructor Certification, either probationary status or full general instructor status, as
21 specified in Rule .0303 of this Section;

22 (2) Complete the Commission-approved specialized firearms instructor training course; and

23 (3) Obtain the recommendation of a Commission-certified school director or in-service training
24 coordinator.

25 (g) To qualify for Specialized Instructor Certification in the Law Enforcement Driver Training topical area, an
26 applicant shall meet the following requirements:

27 (1) Hold General Instructor Certification, either probationary status or full general instructor status, as
28 specified in Rule .0303 of this Section;

29 (2) Complete the Commission-approved specialized driver instructor training course; and

30 (3) Obtain the recommendation of a Commission-certified school director or in-service training
31 coordinator.

32 (h) To qualify for Specialized Instructor Certification in the Physical Fitness topical area, an applicant shall become
33 certified through one of the following two methods:

34 (1) The first method is:

35 (A) hold General Instructor Certification, either probationary status or full general instructor
36 status, as specified in Rule .0303 of this Section;

- 1 (B) complete the Commission-approved specialized physical fitness instructor training course;
2 and
3 (C) obtain the recommendation of a Commission-certified School Director.
- 4 (2) The second method is:
- 5 (A) Complete the Commission-approved specialized physical fitness instructor training course;
6 (B) obtain the recommendation of a Commission-certified School director or in-service
7 training coordinator; and
8 (C) meet one of the following qualifications:
9 (i) hold a valid North Carolina Professional Educator's License, issued by the
10 Department of Public Instruction, hold a baccalaureate degree in physical
11 education, and be presently teaching in physical education topics; or
12 (ii) be presently instructing physical education topics in a community college,
13 college, or university and hold a baccalaureate degree in physical education.
- 14 (i) To qualify for Specialized Certification in the Standardized Field Sobriety Testing topical area, an applicant shall:
15 (1) Be certified by the North Carolina Department of Health and Human Services, Forensic Test for
16 Alcohol Branch, as a Standardized Field Sobriety Instructor.
17 (2) Obtain the recommendation of a Commission-certified school director or in-service training
18 coordinator.
- 19 ~~(j)(i)~~ To qualify for Specialized Instructor Certification in the Department of Public Safety, Division of Adult
20 ~~Correction and~~ Juvenile Justice Restraint, Control and Defense Techniques topical area, an applicant shall meet the
21 following requirements:
22 (1) Hold General Instructor Certification, either probationary status or full general instructor status, as
23 specified in Rule .0303 of this Section;
24 (2) Complete the Commission-approved corrections specialized instructor training – controls,
25 restraints, and defensive techniques course; and
26 (3) Obtain the recommendation of a Commission-certified school director.
- 27 ~~(j)(k)~~ To qualify for Specialized Instructor Certification in the Department of Public Safety, Division of Adult
28 ~~Correction and~~ Juvenile Justice Medical Emergencies topical area, an applicant shall meet the following requirements:
29 (1) Have completed a Commission-certified basic instructor training course or an equivalent instructor
30 training course utilizing the Instructional Systems Design model, an international model with
31 applications in education, military training, and private enterprise;
32 (2) Hold instructor certification in CPR and First Aid by the American Red Cross, American Heart
33 Association, American Safety and Health Institute, or National Safety Council; and
34 (3) Obtain the recommendation of a Commission-certified school director.
- 35 ~~(k)(l)~~ To qualify for Specialized Instructor Certification in the Explosive and Hazardous Materials Emergencies
36 topical area, an applicant shall satisfy one of the following two options:
37 (1) The first option is:

- 1 (A) hold General Instructor Certification, either probationary status or full general instructor
2 status, as specified in Rule .0303 of this Section;
- 3 (B) Complete the Commission-approved specialized explosives and hazardous materials
4 instructor training course; and
- 5 (C) obtain the recommendation of a Commission-certified school director or in-service training
6 coordinator.
- 7 (2) The second option is:
- 8 (A) have completed the Fire Service Instructor Methodology Course or the equivalent utilizing
9 the Instructional Systems Design model, an international model with applications in
10 education, military training, and private enterprise;
- 11 (B) Complete the Commission-approved specialized explosives and hazardous materials
12 instructor training course; and
- 13 (C) obtain the recommendation of a Commission-certified school director or in-service training
14 coordinator.

15
16 *History Note:* *Authority G.S. 17C-6;*
17 *Eff. January 1, 1981;*
18 *Amended Eff. August 1, 2000; July 1, 1991; March 1, 1990; July 1, 1989; December 1, 1987;*
19 *Temporary Amendment Eff. January 1, 2001;*
20 *Amended Eff. January 1, 2015; June 1, 2013; April 1, 2009; August 1, 2006; January 1, 2006;*
21 *December 1, 2004; August 1, 2002;*
22 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25,*
23 *2019.*
24 *Amended Eff. January 1, 2024*
25

12 NCAC 09B .0305 is being submitted for amendment, with changes, as follows:

**12 NCAC 09B .0305 TERMS AND CONDITIONS OF SPECIALIZED INSTRUCTOR
CERTIFICATION**

(a) An applicant meeting the requirements for Specialized Instructor Certification as set forth in Rule .0304 of this Section shall be issued a certification to expire three years from the date of issuance. The applicant shall apply for certification as a Specialized Instructor within 60 days after the date the applicant achieved a passing score on the state comprehensive exam for the respective Specialized Instructor training course.

~~(b) Where certification for both General Probationary Instructor as set forth in Rule .0303 of this Section and Specialized Instructor Certification are issued on the same date, the~~ The instructor is required to instruct, within three years after Specialized Instructor Certification is issued, ~~certification~~, a minimum of 12 hours in each of the topics for which Specialized Instructor Certification was granted, and that instruction was provided in a Commission-accredited basic training, Specialized Instructor Training, Commission-recognized in-service training course, or training course delivered pursuant to 12 NCAC 10B .0601, .1302, or .2005. The instructor may satisfy the teaching ~~requirement~~ requirement, as outlined in 12 NCAC 09B .0303(b)(2), for the General Probationary Instructor certification by teaching any specialized topic for which certification has been issued.

~~(c) When Specialized Instructor Certification is issued during an existing period of General Probationary Instructor Certification, the specialized instructor may satisfy the teaching requirement for the General Probationary Certification by teaching the specialized subject for which certification has been issued.~~

~~(d)~~ (c) The term of certification as a specialized instructor shall be three years. An application for renewal shall contain, in addition to the requirements listed in Rule .0304 of this Section, documentary evidence that the applicant has remained active in the instructional process during the previous three-year period. Such documentary evidence shall include the following:

(1) proof that the applicant has, within the three-year period preceding application for renewal, instructed at least 12 hours in each of the topics for which Specialized Instructor Certification was granted, and that instruction was provided in a Commission-accredited basic training, Specialized Instructor Training, Commission-recognized in-service training course, or training course delivered pursuant to 12 NCAC 10B .0601, .1302, or .2005. Acceptable documentary evidence shall include official Commission records submitted by School Directors or In-Service Training Coordinators and written certification from a School Director or In-Service Training Coordinator;

(2) proof that the applicant has, within the three-year period preceding application for renewal, attended and completed all instructor updates that have been issued by the Commission. Acceptable documentary evidence shall include official Commission records submitted by School Directors or In-Service Training Coordinators, or copies of certificates of completion issued by the institution which provided the instructor updates; and

(A) a favorable written recommendation from a School Director or In-Service Training Coordinator completed on a Commission Application for Instructor and Professional

Lecturer Certification Form (Form F-12) stating the instructor taught at least 12 hours in each of the topics for which Specialized Instructor Certification was granted. The teaching shall have been provided in a Commission-accredited basic training, Specialized Instructor Training course, pursuant to Rule 12 NCAC 09C .0401, Commission-recognized in-service training course, or training course delivered pursuant to 12 NCAC 09F .0101, 12 NCAC 09H, 12 NCAC 10B .0601, .1302, or .2005;

(B) a favorable written evaluation by a School Director, Qualified Assistant, In-Service Training Coordinator, or another Specialized Instructor certified in the same specialized subject, based on an on-site classroom evaluation of a presentation by the instructor in a Commission-accredited basic training, Specialized Instructor Training, Commission-recognized in-service training course, or in-service training course delivered pursuant to 12 NCAC 10B .0601, .1302, or .2005 during the three-year period of Specialized Instructor Certification. Such evaluation shall be certified on a Criminal Justice Instructor Evaluation Form F-16, located on the agency's website: <http://www.ncdoj.gov/getdoc/c2eba6aa-12bc-4303-bf4b-5fa0431ef5a1/F-16-6-11.aspx>;

(C) proof that the applicant has met the requirement set forth in Rule .0303(d) of this Section;

(D) proof that the individual applying for renewal as a Specialized Firearms Instructor has achieved a minimum score of 92 on the day and night Basic Law Enforcement Training firearms qualification courses, administered by a certified Specialized Firearms Instructor, within the three-year period preceding the application for renewal;

(E) proof that the individual applying for renewal as a Specialized Physical Fitness Instructor has passed the Basic Law Enforcement Training Police Officer Physical Abilities Test, administered by a certified Specialized Physical Fitness Instructor, within the three-year period preceding the application for renewal.

(F) proof that the individual applying for renewal as a Specialized Driver Instructor has achieved the following minimum scores in accordance with the procedural and evaluative requirements listed in the "Course Description Packet (CDP) for Driver Instructor Certification Renewal" as published by the North Carolina Justice Academy within the three-year period preceding the application for renewal. The individual applying for renewal must achieve a minimum score of 85 on two out of three attempts for the "Off-Set Lane Maneuver" and "Serpentine" courses during the daytime, a minimum score of 85 on two out of three attempts for the "Precision" course during both day and night evaluation, a score of "Pass" on two out of three attempts for each command for the "Evasive Action/Maneuver" course during the daytime, and a score of Pass on two out of three attempts in each direction for the "Fixed Radius Curve" course during the daytime. Evaluations will be administered by a certified Specialized Driving Instructor.

(G) proof that the individual applying for renewal as a Specialized Subject Control Arrest Techniques Instructor or Compliance and Control Techniques Instructor (CCT) has satisfactorily completed the technique evaluations skills of the Basic Law Enforcement Training SCAT or CCT courses, administered by a certified Specialized SCAT or CCT Instructor, within the three-year period preceding the application for renewal.

(e) Certification as a Specialized Instructor in the Standard Field Sobriety Testing, First Responder, Physical Fitness, Explosive and Hazardous Materials, and Juvenile Justice Medical Emergencies topic areas as outlined in Rule ~~.0304(d)(1), (g)(2), (i)(1), and (j)(1)~~ .0304(e), (h), (k), and (l) of this Section shall remain in effect for 36 months from the date of issuance. During the 36 month term all non-Commission certificates required in Rule ~~.0304(d)(1), (g)(2), (i)(1), and (j)(1)~~ .0304(e), (h), (k), and (l) for Specialized Instructor certification in the Standard Field Sobriety Testing, First Responder, Physical Fitness, Explosive and Hazardous Materials, and Juvenile Justice Medical Emergencies topical areas shall be maintained.

(f) Those individuals who have previously held Specialized Instructor Certification and have not exceeded a three year time period from when his or her Specialized Instructor Certification expired are eligible to reapply for re-issuance of the previously held Specialized Instructor Certification. An application for re-issuance shall contain documentation that the applicant:

- (1) holds a current General Instructor certification;
- (2) has completed all pre-qualification requirements for that specialty;
- (3) has passed the state examination for that specialty with a minimum score of 75;
- (4) has completed eight hours of evaluated instruction in the specialty where re-issuance of certification is taught, as documented on an F-16 located on the agency's website: <https://ncdoj.gov/law-enforcement-training/criminal-justice/forms-and-publications/>. The eight hours of instruction shall be taught within 60 days of the Specialized Instructor Certification being reissued and evaluated by a Specialized Instructor certified in that specialty. Failure to complete the required eight hours of evaluated instruction will result in the reissued Specialized Instructor Certification being revoked; and
- (5) has maintained non-Commission certificates required in Rule ~~.0304(d)(1), (g)(2), (i)(1), and (j)(1)~~ .0304(e), (h), (k), and (l) for Specialized Instructor certification in the Standard Field Sobriety Testing, First Responder, Physical Fitness, Explosive and Hazardous Materials, and Juvenile Justice Medical Emergencies topical areas.

(g) Applicants for re-issuance of the Specialized Instructor Certification shall have one opportunity to pass the prequalification skills assessment and the state examination for that specialty. Should an applicant not achieve a passing score on either the prequalification skills assessment or the state examination for that specialty, the applicant shall complete the specific Specialized Instructor Course in its entirety.

(h) Applicants whose Specialized Instructor Certification is suspended or revoked shall not qualify for re-issuance. The applicant shall complete the specific Specialized Instructor Course in its entirety.

(i) The use of guest participants in a delivery of the "Basic Law Enforcement Training Course" shall be permissible. However, such guest participants are subject to the on-site supervision of a Commission-certified instructor and shall be authorized by the School Director. A guest participant shall be used only to complement the primary certified instructor of the block of instruction and shall not replace the primary instructor.

*History Note: Authority G.S. 17C-6;
Eff. January 1, 1981;
Amended Eff. January 1, 2017; February 1, 2016; August 1, 2015; May 1, 2014; June 1, 2012;
November 1, 2007; January 1, 2006; December 1, 2004; August 1, 2004; August 1, 2000; July 1,
1991; July 1, 1989; December 1, 1987; February 1, 1987;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25,
2019;
Amended Eff. January 1, 2025; May 1, 2023; January 1, 2022; January 1, 2020; August 1, 2019.*

12 NCAC 09B .0404 is submitted for amendment, with changes, as follows:

12 NCAC 09B .0404 TRAINEE ATTENDANCE

(a) Each trainee enrolled in a ~~certified~~ Commission-accredited Basic Law Enforcement Training Course shall attend all class sessions. The school director shall monitor the trainee's attendance at criminal justice training courses in which the trainee is enrolled.

(b) The school director may excuse a trainee from attendance at specific class sessions. However, in no case may excused or unexcused absences exceed five percent of the total class hours for the course offering. A trainee shall not be eligible for administration of the State comprehensive examination and shall be dismissed from the course if the cumulative total of class absences exceeds five percent regardless of the prior completion of make-up work.

(c) If the school director grants an excused absence from a class session, he or she shall schedule make-up work and ensure the completion of such work during the current course presentation. The school director shall schedule instructors and reimburse those instructors for the purpose of completion of the make-up work. ~~Absences that occur during the last 40 hours of the training course may be made up in a subsequent delivery; however, the school director shall notify the Standards Division prior to scheduling the make-up work.~~ Make-up work shall consist of an in-person, one-hour instruction period for each hour of missed training, in the lesson plan where the missing training occurred, and shall be taught by an instructor certified to teach that block of instruction. Make-up work must be documented on the F-26 BLET Student Absence/Make Up Training Report. The F-26 BLET Student Absence/Make Up Training Report must contain the following:

- (1) School/Academy Name;
- (2) Class Name;
- (3) Student name and ACADIS ID number;
- (4) Course topic, date, and hours missed;
- (5) Reason for missed time;
- (6) Student and School Director signatures;
- (7) Course topic and hours made up; and
- (8) Instructor name and signature

(d) If the Governor declares a State of Emergency pursuant to G.S. 166A-19.3(19), the Director of the Criminal Justice Standards Division shall allow additional breaks in instruction for an individual trainee in a specific course delivery, not to exceed 90 hours, when the Director determines that doing so is necessary based on consideration of the following factors:

- (1) Whether instruction has begun in the course or whether course initiation may be postponed;
- (2) The risk of harm to students that may be caused by continuation of the course;
- (3) Whether those enrolled in the course have been or will likely be called to action to help address the State of Emergency;
- (4) The specific need for the waiver; and
- (5) The degree of benefit to the public in allowing a break in instruction.

1 Notice of waivers granted pursuant to this Section shall be posted on the CJETS website at [https://ncdoj.gov/law-](https://ncdoj.gov/law-enforcement-training/criminal-justice/)
2 enforcement-training/criminal-justice/. The waivers granted pursuant to this Section shall only apply to courses
3 that began during the effective period of the State of Emergency.

4 (e) the School Director shall provide the following information to the Director of the Criminal Justice Standards
5 Division for consideration of a waiver under Paragraph (d) of this Rule:

- 6 (1) a memorandum justifying the absence waiver;
- 7 (2) specific documentation related to the trainee's request; and
- 8 (3) a training completion plan pursuant to Paragraph (c) of this Rule.

9 (f) A school director may terminate a trainee from course participation or may deny certification of successful
10 course completion where the trainee is tardy to or departs early from class meetings or field exercises.

11 (g) Where a trainee is enrolled in a program as required in 12 NCAC 09B .0212, .0213, .0214, .0215, .0218,
12 .0219, .0220, .0221, .0222, .0237, .0238, .0239, or .0240, and the scheduled course hours exceed the requirements
13 of the Commission, the trainee, upon the authorization of the school director, may be deemed to have satisfactorily
14 completed the required number of hours for attendance provided the trainee's attendance is not less than 100
15 percent of the instructional hours as required by the Commission.

16 (h) A trainee enrolled in a presentation of the "Criminal Justice Instructor Training Course" under Rule .0209 of
17 this Subchapter shall not be absent from class attendance for more than 10 percent of the total scheduled delivery
18 period in order to receive successful course completion.

19 (i) A trainee, enrolled in a presentation of the "Specialized Firearms Instructor Training" course under Rule .0226
20 of this Subchapter, the "Specialized Driver Instructor Training" course under Rule .0227 of this Subchapter, the
21 "Specialized ~~Subject Control Arrest Techniques~~ Compliance and Control Tactics Instructor Training" course
22 under Rule .0232 of this Subchapter, ~~or the~~ "Specialized Physical Fitness Instructor Training" course under Rule
23 .0233 of this Subchapter, the "Specialized Explosives and Hazardous Materials Emergencies Instructor Training"
24 course under Rule .0417 of this Subchapter, or the "Juvenile Justice Specialized Instructor Training – Restraints,
25 Controls and Defensive Techniques" course under Rule .0241 of this Subchapter shall not be absent from class
26 attendance for more than 10 percent of the total scheduled delivery period in order to receive successful course
27 completion. Make-up work must be completed during the current course presentation for all absenteeism. Make-
28 up work shall consist of an in-person, one-hour instruction period for each hour of missed training, in the lesson
29 plan where the missing training occurred, and shall be taught by an instructor certified to teach that block of
30 instruction.

31 (j) The Director of the Criminal Justice Standards Division may grant a waiver for completion of course
32 requirements in a course delivery scheduled within 12 months, for just cause based upon the circumstances that
33 created the need for the absence. For the purposes of this Rule, "just cause" includes an accident, illness,
34 emergency, or course cancellation that precluded the student from completing the entire course in one continuous
35 course delivery.

36 (k) A trainee, enrolled in a presentation of the "RADAR Instructor Training Course" under Rule .0210 of this
37 Subchapter, the "Time-Distance Instructor Training Course" under Rule .0211 of this Subchapter, or the "LIDAR

1 Instructor Training Course" under Rule .0237 of this Subchapter shall not be absent from class attendance for
2 more than 10 percent of the total scheduled delivery period in order to receive successful course completion.
3 Make-up work must be completed during the current course presentation for all absenteeism. Make-up work shall
4 consist of an in-person, one-hour instruction period for each hour of missed training, in the lesson plan where the
5 missing training occurred, and shall be taught by an instructor certified to teach that block of instruction.

6
7 *History Note: Authority G.S. 17C-6; 17C-10;*
8 *Eff. January 1, 1981;*
9 *Amended Eff. November 1, 1981;*
10 *Readopted Eff. July 1, 1982;*
11 *Amended Eff. February 1, 2006; May 1, 2004; August 1, 2000; April 1, 1999; November 1,*
12 *1993;*
13 *July 1, 1989; February 1, 1987; June 1, 1986;*
14 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25,*
15 *2019;*
16 *Amended Eff. January 1, 2025; April 1, 2022; August 1, 2021.*

12 NCAC 09B .0405 is being submitted for amendment, with changes, as follows:

12 NCAC 09B .0405 COMPLETION OF BASIC LAW ENFORCEMENT TRAINING COURSE

(a) Each delivery of ~~an accredited basic training course~~ a Commission-accredited Basic Law Enforcement Training Course (BLET) includes all units for the 640-hour curriculum and the modules for the 868-hour curriculum as specified in Rule .0205 of this Subchapter. Each trainee shall attend and satisfactorily complete the full course as specified in Paragraph (b) of this Rule during a scheduled delivery. The school director may develop supplemental rules as set forth in Rule .0202(a)(7) of this Subchapter, but may not add substantive courses, or change or expand the substance of the courses as set forth in Rule .0205 of this Subchapter for purposes of Commission credit. This Rule does not prevent the instruction on local agency rules or standards; however, such instruction shall not be considered or endorsed by the Commission for purposes of certification. The Director of the Standards Division may issue prior written authorization for a specified trainee's limited enrollment in a subsequent delivery of the same course where the trainee provides evidence that:

(1) ~~the trainee attended and satisfactorily completed specified class hours and topics of [Basic Law Enforcement Training Course BLET] but through extended absence occasioned by illness, accident, emergency, or other good cause was absent for more than five percent of the total class hours of the course offering;~~

(2) ~~the trainee was granted excused absences by the school director that did not exceed five percent of the total class hours for the course offering and the school director has obtained approval from the Standards Division pursuant to Rule .0404 of this Section for make up work to be completed in a subsequent enrollment; or~~

(3) ~~the trainee participated in [a BLET]an accredited course but had an identified deficiency in essential knowledge or skill in no more than two of the specific topic areas incorporated in course content as prescribed under Rule .0205 of this Subchapter;~~

~~The trainee who is deficient in more than two topical areas shall be dismissed from the course delivery and shall be required to complete a subsequent training delivery in its entirety.~~

(b) The trainee shall demonstrate proficiency in the ~~school's~~ cognitive topical area tests by achieving a minimum score of 70 percent on each topical area ~~test; test and shall also demonstrate proficiency in the motor skills and performance subjects;~~

(1) a trainee who fails to achieve a passing score on the first attempt shall have one opportunity for reexamination following remediation;

(2) a trainee enrolled in the 640-hour BLET course shall be allowed failure, remediation, and reexamination in no more than four topical area tests. A trainee enrolled in the 868-hour BLET course shall be allowed failure, remediation, and reexamination in no more than seven topical area tests;

(3) for trainees enrolled in the 640-hour BLET course, upon initial failure of a fifth topical area test, the trainee shall not be allowed remediation or reexamination and shall be immediately dismissed from

1 the course and shall be required to complete a subsequent delivery of the ~~Basic Law Enforcement~~
2 ~~Training~~ BLET in its entirety. For trainees enrolled in the 868-hour BLET course, upon initial
3 failure of an eighth topical area test, the trainee shall not be allowed remediation or reexamination
4 and shall be immediately dismissed from the course and shall be required to complete a subsequent
5 delivery of the BLET in its entirety.

6 (c) The trainee shall also demonstrate proficiency in the motor skills subjects:

- 7 (1) Compliance and Control Tactics (868-hour curriculum);
- 8 (2) Standardized Field Sobriety Testing (868-hour curriculum);
- 9 (3) Subject Control Arrest Techniques (640-hour curriculum);
- 10 (4) Physical Fitness (640-hour curriculum);
- 11 (5) Officer Health and Wellness (868-hour curriculum);
- 12 (6) Law Enforcement Driver Training (868 and 640-hour curriculums);
- 13 (7) First Responder (868 and 640-hour curriculums); and
- 14 (8) Law Enforcement firearms (868 and 640-hour curriculums).

15 (e) ~~An authorization of limited enrollment in a subsequent delivery of the [Basic Law Enforcement Training Course~~
16 ~~BLET] may not be issued by the Standards Division unless in addition to the evidence required by Paragraph (a) of~~
17 ~~this Rule:~~

- 18 (1) ~~The school director of the previous course offering submits to the Standards Division a certification~~
19 ~~of the particular topics and class hours attended and satisfactorily completed by the trainee during~~
20 ~~the original enrollment; and~~
- 21 (2) ~~The school director makes written application to the Standards Division for authorization of the~~
22 ~~trainee's limited enrollment.~~

23 (d) The trainee who is deficient in no more than two of any cognitive topical areas and/or motor skills shall:

- 24 (1) complete the current course delivery and then shall be required to remediate the deficiency as a
25 limited enrollee in a subsequent training course, or
- 26 (2) complete the current course delivery and then remediate up to two deficiencies within the current
27 delivery with the approval of the Division Director.

28 (e) The trainee who is deficient in more than two cognitive topical areas and/or motor skills shall immediately be
29 dismissed and then shall complete a subsequent BLET course in its entirety.

30 (f) The Director of the Standards Division may issue written authorization for a specified trainee's limited enrollment
31 in a subsequent delivery of the same course where the trainee provides evidence that:

- 32 (1) the trainee attended and satisfactorily completed specified class hours and topics of BLET but through
33 extended absence occasioned by illness, accident, emergency, or other good cause was absent for
34 more than five percent of the total class hours of the course offering; or
- 35 (2) the trainee was granted excused absences by the school director that did not exceed five percent of
36 the total class hours for the course offering and the school director has obtained approval from the
37 Standards Division pursuant to Rule .0404 of this Section for make up work to be completed in a

subsequent enrollment; or

- (3) the trainee participated in a BLET course but had an identified deficiency in any topical area or skill areas as outlined in paragraph (c).

(g) An authorization of limited enrollment in a subsequent delivery of the BLET may not be issued by the Standards Division unless in addition to the evidence required by Paragraph (a) of this Rule:

- (1) The school director of the previous course offering submits to the Standards Division a certification of the particular topics and class hours attended and satisfactorily completed by the trainee during the original enrollment; and

- (2) The school director makes written application to the Standards Division for authorization of the trainee's limited enrollment.

~~(d)~~ (h) An authorization of limited enrollment in a subsequent course delivery permits the trainee to attend an offering of the ~~Basic Law Enforcement Training Course~~ BLET commencing within 120 calendar days from the date of administration of the state comprehensive examination in the trainee's prior course delivery.

- (1) The trainee shall attend and satisfactorily complete in its entirety each topical area identified by the school director as an area of trainee deficiency in the prior course participation with the exception of the ~~"Physical Fitness"~~ "Officer Health and Wellness" topical area.

- (2) There are two options available for satisfying a deficiency in the ~~"Physical Fitness"~~ "Officer Health and Wellness" topical area with the school director's approval:

(A) the student shall be allowed to make up the deficiency at the original training site without enrolling in a subsequent delivery of BLET. Under this option, the student shall be given 120 calendar days from the date that the comprehensive state examination was administered to the original BLET course in order to successfully satisfy this deficiency. Students who select this option shall be allowed two attempts to complete the entire Police Officer Physical Abilities Test (POPAT) Course with a minimum of 24 hours of rest between attempts during the 120-day period to satisfy the deficiency; or

(B) the student shall be allowed to enroll in a subsequent delivery of BLET as a "limited enrollee." This delivery shall begin within 120 calendar days from the date that the comprehensive state examination was administered to the original BLET course in order to successfully satisfy this deficiency. Students who select this option shall be allowed two attempts to complete the entire POPAT Course with a minimum of 24 hours of rest between attempts during the delivery period of the subsequent BLET course.

A certified ~~"Physical Fitness"~~ "Officer Health and Wellness" instructor is the only person qualified to administer and grade the fitness re-test. At the time of the re-test, the school director or the Qualified Assistant shall be present.

- (3) Following limited enrollment in the subsequent course offering, scheduled class attendance, and active participation with passing grades on all required topic and motor-skill tests, and having no

1 deficiencies, the trainee shall be eligible for administration of the State comprehensive ~~written~~
2 examination by the Commission, as set forth in Rule .0406 of this Section.

3
4 *History Note: Authority G.S. 17C-6; 17C-10;*
5 *Eff. January 1, 1981;*
6 *Amended Eff. February 1, 2014; August 1, 2000; July 1, 1989; July 1, 1985; April 1, 1984; January*
7 *1, 1983;*
8 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25,*
9 *2019.*
10 *Amended Eff. January 1, 2025.*
11

12 NCAC 09B .0406 is being submitted for amendment, with changes, as follows:

**12 NCAC 09B .0406 COMPREHENSIVE ~~WRITTEN~~ STATE EXAMINATION - BASIC LAW
ENFORCEMENT TRAINING**

(a) Within 60 days of the conclusion of a school's offering of the Commission-accredited Basic Law Enforcement Training Course, the Commission shall administer a comprehensive ~~written~~ state examination online via the Acadis platform to each trainee who has completed all of the required course work pursuant to Rule .0405 of this Section. A trainee shall not be administered the comprehensive ~~written-state~~ examination until such time as all of the course work is completed or he or she is granted a medical waiver by the Director of the Criminal Justice Standards Division in accordance with Paragraph ~~(f)~~ (e) of this Rule.

~~(b) The examination shall be comprised of six units as specified in 12 NCAC 09B .0205(b).~~

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

~~(d) [(e) (b)]~~ A trainee shall achieve a passing score on the comprehensive ~~written-state~~ examination upon answering a minimum of 70 percent of the questions correctly. ~~correctly on each of the six units as prescribed in Paragraph (b) of this Rule.~~

~~(e) [(d) (c)]~~ A trainee who has ~~participated in~~ completed a scheduled delivery of an ~~accredited training course~~ the Commission-accredited Basic Law Enforcement Training Course and has achieved a passing score in each motor-skill or performance area of the course curriculum and has achieved a minimum score of 60 percent but below the passing score of 70 percent on ~~but has failed to achieve the minimum score of 70 percent on no more than two units of~~ the Commission's comprehensive ~~written-state~~ examination may request the Director of the Standards Division to authorize a re-examination of the trainee; ~~trainee in only those units for which he or she failed to make a passing score of 70 percent.~~

(1) The trainee's request for re-examination shall be made in writing on the Commission's Re-Examination Request ~~form~~ form (F-23), and shall be received by the Standards Division within 30 days of the examination. ~~The Re-examination Request form is located on the agency's website:-~~

~~[http://ncdoj.gov/getdoc/deb72ee9-fa01-4664-a7a0-ef33ac0941ee/Exam Admission Form_F_23_4_19-17.aspx](http://ncdoj.gov/getdoc/deb72ee9-fa01-4664-a7a0-ef33ac0941ee/Exam%20Admission%20Form_F_23_4_19-17.aspx)~~. The examination request form shall include the following information:

- (A) first-time examination training type;
- (B) trainee information; and
- (C) school information and appropriate signatures.

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

(3) A trainee shall have, within 60 days of the original examination(s), only one opportunity for re-examination and shall achieve a passing score of 70 percent. ~~score on the subsequent unit examination.~~

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

(5) Should the trainee on re-examination not achieve a minimum score of 70 percent on the examination, the trainee shall not be eligible for probationary certification, as prescribed in 12 NCAC 09C .0303(d). The trainee shall enroll and complete a subsequent offering of the Basic Law Enforcement Training Course before further examination is permitted.

~~(f)~~ (e) A trainee who sustains injury prior to the final POPAT attempt and who achieved a passing score on the last attempt, who has completed the required coursework with the exception of the final POPAT, may request from the Director of the Criminal Justice Standards Division a medical waiver to take the comprehensive written examination prior to completion of the final POPAT. The medical waiver request shall include the following information:

(6) a memorandum from the School Director justifying a medical ~~wavier~~, waiver;

(7) copies of the last POPAT assessment; and

(8) medical documentation from a ~~surgeon~~, physician, physician assistant, or nurse ~~practitioner~~ practitioner, holding a current medical license, showing the diagnosis of the injury and the estimated medical release date.

Upon receipt of the information contained in this Paragraph, the Director of the Criminal Justice Standards Division shall approve the medical waiver request. The School Director shall submit the medical waiver approval from the Director of the Criminal Justice Standards Division with the comprehensive state examination admission form. The trainee must complete the final POPAT attempt within 120 calendar days of the original comprehensive state written examination date.

~~(g)~~ (f) A trainee who fails to achieve a passing minimum score of 70-60 percent on ~~three or more of the units as~~ as set forth in Rule .0205(b) of this Subchapter the comprehensive state examination shall not be given the opportunity for re-examination, and shall ~~enroll in a complete a subsequent offering of the Commission accredited Basic Law Enforcement Training Course.~~

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

Eff. January 1, 1981;

Amended Eff. July 1, 2018; January 1, 2015; August 1, 2000; July 1, 1989; July 1, 1985;

January 1, 1983;

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

Amended Eff. January 1, 2025.

12 NCAC 09B .0414 is being submitted for amendment as follows:

**12 NCAC 09B .0414 ~~COMPREHENSIVE WRITTEN STATE~~ EXAM - SPECIALIZED
INSTRUCTOR TRAINING**

(a) The Commission shall administer a comprehensive ~~written state~~ examination within 60 days of the completed required course work for the following courses:

- (1) Specialized Firearms Instructor Training;
- (2) Specialized Driver Instructor Training;
- (3) Specialized ~~Subject Control Arrest Techniques~~ Compliance and Control Tactics Instructor Training;
- (4) Specialized Physical Fitness Instructor Training;
- (5) Specialized Explosives and Hazardous Materials Emergencies Instructor Training;
- (6) Radar Instructor Training;
- (7) Criminal Justice Time-Distance/Speed Measurement Instrument (TD/SMI) Instructor Training;
- (8) LIDAR Instructor Training;
- (9) Re-Certification Training for Radar Instructors;
- (10) Re-Certification Training for TD/SMI Instructors; and
- (11) Re-Certification Training for LIDAR Instructors.

(b) The examination shall be an objective test covering the topic areas contained in the certified course curriculum.

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

(d) A trainee shall achieve a passing score on the comprehensive ~~written state~~ examination if he or she achieves 75 percent correct answers.

(e) A trainee who fails to achieve a minimum score of 75 percent on the Commission's comprehensive ~~written state~~ examination shall enroll and complete a subsequent offering of the specialized instructor training course before further examination may be permitted.

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

Eff. February 1, 1987;

Amended Eff. January 1, 2015; June 1, 2013; May 1, 2004; August 1, 2000; April 1, 1999; July 1, 1989;

*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 09B .0415 is being submitted for amendment as follows:
2

3 12 NCAC 09B .0415 SATISFACTION OF MINIMUM TRAINING - SPECIALIZED INSTRUCTOR

4 (a) To acquire successful completion of the "Specialized Firearms Instructor Training," "Specialized Driver
5 Instructor Training," "Specialized Compliance and Control Tactics ~~Subject Control Arrest Techniques~~ Instructor
6 Training," "Specialized Physical Fitness Instructor," and the "Specialized Explosives and Hazardous Materials_
7 Emergencies Instructor Training" courses, the trainee ~~shall~~ shall satisfactorily complete all required coursework
8 and demonstrate proficiency in all required motor-skill and performance subjects as specified in 12 NCAC 09B
9 .0226, 09B .0227, 09B .0232, 09B .0233, or 09B .0417 of this Section.

- 10 (1) ~~—satisfactorily complete all required coursework as specified in the course abstract of the~~
11 ~~"Specialized Firearms Instructor Training Manual," the "Specialized Driver Instructor Training~~
12 ~~Manual," the "Specialized Compliance and Control Tactics ~~Subject Control Arrest Techniques~~~~
13 ~~Instructor Training Manual," the "Specialized Physical Fitness Instructor Training Manual," and~~
14 ~~the "Specialized Explosives and Hazardous Materials Emergencies Instructor Training Manual"~~
15 ~~as published by the North Carolina Justice Academy and~~
16 (2) ~~—demonstrate proficiency in all required motor skill and performance subjects as specified in~~
17 ~~each specialized instructor training manual.~~

18 (b) Should a trainee fail to meet the minimum criteria on a motor skill or performance area, he or she shall be
19 authorized one opportunity for a re-test at the discretion of the school director. Such re-test must be completed
20 during the original course and prior to the trainee's being administered the comprehensive ~~written state~~ state
21 examination. Failure to meet the required criteria on a re-test requires enrollment in a subsequent course.

22
23 *History Note: Authority G.S. 17C-6; 17C-10;*

24 *Eff. February 1, 1987;*

25 *Amended Eff. June 1, 2013; August 1, 2000; July 1, 1989;*

26 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25,—*
27 *2019. 2019;*

28 *Amended Eff. January 1, 2025.*

12 NCAC 09B .0504 is being submitted for amendment 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;
- (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.

(b) 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-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.~~

(c) ~~(e)~~ When 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 12 NCAC 09B .0202.

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

Eff. January 1, 2020.

Amended Eff. November 1, 2024

12 NCAC 09B .0505 is being submitted for amendment 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 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 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, 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.

12 NCAC 09C .0309 is being submitted for amendment as follows:

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

(a) An officer, supervisor or administrator with general certification may transfer from one local confinement facility to another local confinement facility, or may transfer from one county confinement facility to another county confinement facility with less than a 12-month break in service. Prior to employing the individual, the employing agency shall:

- (1) verify the certification of the individual with the Standards Division;
- (2) submit an up-to-date fingerprint check in the same manner as prescribed for non-certified new applicants; no certification will be transferred if the holder has been convicted since initial certification of any offense for which revocation or suspension or certification is authorized;
- (3) advise the individual that he will be serving under a probationary appointment with the agency for one year;
- (4) notify the Commission, by submitting a Report of Appointment, that the individual is being employed and stating the date on which employment will commence.

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

- (1) complete a Medical History Statement Form within one year prior to the transfer to the employing agency;
- (2) submit to examination by a physician ~~licensed to practice medicine in North Carolina~~ who holds a current license to practice medicine in the same manner prescribed for non-certified new applicants in 12 NCAC 09B .0104 within one year prior to the transfer to the employing agency;
- (3) submit results of the physical examination to the employing agency for placement in the individual's permanent personnel file; and
- (4) produce a negative result on a drug screen administered according to the specifications outlined in 12 NCAC 09B .0101(5).

(c) Local confinement personnel previously certified who were not previously required to meet the educational or basic training requirements are not required to meet such requirements when laterally transferring to another agency with less than a 12-month break in service.

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

1 **12 NCAC 09C .0310 is being submitted for amendment, with changes, as needed:**

2
3 **12 NCAC 09C .0310 AGENCY REPORTING OF DRUG SCREENING RESULTS**

4 (a) Every law enforcement officer shall produce a negative result on a drug screen administered according to the
5 following specifications:

- 6 (1) the drug screen shall be a urine test consisting of an initial screening test using an immunoassay
7 method and a confirmatory test on an initial positive result using a gas chromatography/mass
8 spectrometry (GC/MS) or other initial and confirmatory tests authorized or mandated by the
9 Department of Health and Human Services for Federal Workplace Drug Testing Programs;
- 10 (2) a chain of custody shall be maintained on the specimen from collection to the eventual discarding
11 of the specimen. If the specimen is handled only by a medical professional or a third party provider
12 and the laboratory utilizes federally mandated chain of custody procedures, then the agency does
13 not need an inter-agency chain of custody procedure. If agency staff will be handling the urine
14 specimen at any point, then agency staff shall document the collection, storage, and processing of
15 the specimen for testing purposes.
- 16 (3) the drug screen shall test for the presence of at least cannabis, cocaine, phencyclidine (PCP), opiates,
17 and amphetamines or their metabolites; and
- 18 (4) the test threshold values meet the requirements established by the Department of Health and Human
19 Services for Federal Workplace Drug Testing Programs, as found in 82 FR 7920 (2017) incorporated
20 by reference, including later amendments and editions found at no cost at
21 [https://www.federalregister.gov/documents/2017/01/23/2017-00979/mandatory-guidelines-for-](https://www.federalregister.gov/documents/2017/01/23/2017-00979/mandatory-guidelines-for-federal-workplace-drug-testing-programs)
22 [federal-workplace-drug-testing-programs](https://www.federalregister.gov/documents/2017/01/23/2017-00979/mandatory-guidelines-for-federal-workplace-drug-testing-programs);
- 23 (5) conduct the test within 90 days of **certification; employment;**
- 24 (6) the laboratory conducting the test shall be certified for federal workplace drug testing programs, and
25 shall adhere to applicable federal rules, regulations, and guidelines pertaining to the handling,
26 testing, storage, and preservation of samples.

27 (b) Each agency shall report in writing to the Criminal Justice Standards Division all refusals and all positive results
28 of required drug screening obtained from applicants and lateral transfers. If the positive result were explained by the
29 applicant or lateral transfer to the satisfaction of the agency's Medical Review Officer, who holds a current license to
30 practice medicine, shall be a licensed physician, the positive results are not required to be reported.

31 (c) Each agency, if it conducts a drug screen for in-service officers, shall report in writing positive results or refusals
32 to submit to an in-service drug screening to the Criminal Justice Standards Division within 30 days of the positive
33 result or refusal, unless the officer has explained the positive result to the satisfaction of the agency's Medical Review
34 Officer, who shall be a licensed physician, to the extent the drug screen conducted conforms to the specifications of
35 this Rule.

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

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

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

10
11 *History Note:* Authority G.S. 17C-6; 17C-10;
12 Eff. July 1, 1990;
13 Amended Eff. October 1, 2018; May 1, 2009;
14 Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25,
15 2019;
16 Amended Eff. November 1, 2024; ~~October 1, 2022~~
17

12 NCAC 09C .0403 is being submitted for amendment as follows:

12 NCAC 09C .0403 REPORTS OF TRAINING COURSE PRESENTATION AND COMPLETION

(a) Each presentation of the ~~"Basic Law Enforcement Training"~~ course a Commission-accredited training course shall be reported to the Commission as follows:

(1) After acquiring accreditation for the course and before commencing each delivery of the course, the school director shall notify the Commission of the school's intent to offer the training course by submitting a Form ~~F-10A F-10A(LE)~~ Pre-delivery Report of Training Course Presentation; and

(2) Not more than 10 days after completing delivery of the accredited course, the school director shall notify the Commission regarding the progress and achievement of each enrolled trainee by submitting a Form ~~F-10B F-10B(LE)~~ Post-delivery Report of Training Course ~~Presentation.~~ Presentation and entering all student scores and class documents in the Acadis platform.

~~Forms F-10A(LE) and F-10B(LE) are located on the agency's website at: <http://www.ncdoj.gov/About DOJ/Law Enforcement Training and Standards/Criminal Justice Education and Training Standards/Forms and Publications.aspx>.~~

~~Note: Special arrangements shall be made between the Standards Division and the school director for the reporting of law enforcement achievement in a Public Safety Officer course.~~

(b) Upon completion of a Commission-accredited training course by Juvenile Justice Officer and Chief/Juvenile Court Counselor trainees, the director of the school conducting such course shall notify the Commission of the achievement of trainees by submitting a Report of Training Course Completion (Form F-11). ~~This form is located on the agency's website: http://www.ncdoj.gov/getattachment/fbf3480c-05a1-4e0c-a81a-04070dea6199/F-11-Form_10-2-14.pdf.aspx.~~

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

Eff. January 1, 1981;

Amended Eff. January 1, 2015; August 1, 2002; August 1, 2000; December 1, 1987;

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

Amended Eff. January 1, 2025.

12 NCAC 09D .0102 is being submitted for amendment, with changes, as follows:

12 NCAC 09D .0102 GENERAL PROVISIONS

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

- (1) The officer shall presently hold general law enforcement officer certification. A person serving under a probationary certification is not eligible for consideration. An officer subject to suspension or revocation proceedings, ~~or who is currently~~ on probation subsequent to suspension or revocation proceedings, or ~~is~~ under investigation for possible decertification action by the Commission, the Company and Campus Police Program, or the North Carolina Sheriffs' Education and Training Standards Commission shall not be eligible for professional awards for the pendency of the proceeding or the period of probation;
- (2) The officer shall be familiar with and subscribe to the Law Enforcement Code of Ethics;
- (3) The officer shall be a full-time, sworn, paid member of a law enforcement agency within the state;
- (4) Applicants shall be given credit for the satisfactory completion of all in-service law enforcement training which is not mandated by the Commission pursuant to 12 NCAC 09E .0105;
- (5) Applicants shall not be given credit for the satisfactory completion of Commission-mandated Basic Law Enforcement Training courses; and
- (6) Full-time, paid employees of a law enforcement agency within the State who have successfully completed a Commission-accredited law enforcement officer basic training program and have previously held general law enforcement officer certification as specified in Subparagraph (1) of this Paragraph, but are presently, by virtue of promotion or transfer, serving in non-sworn positions not subject to certification are eligible to participate in the professional certificate program. Eligibility for this exception requires continuous employment with the law enforcement agency from the date of promotion or transfer from a sworn, certified position to the date of application for a professional certificate.

(b) Awards are based upon a formula which combines formal education, law enforcement training, and actual experience as a law enforcement officer. Points are computed in the following manner:

- (1) Each semester hour of college credit shall equal one point and each quarter hour shall equal two-thirds of a point;
- (2) Twenty classroom hours of Commission-approved law enforcement training shall equal one point; and
- (3) Only experience as a full-time, sworn, paid member of a law enforcement agency or equivalent experience shall be acceptable for consideration.

*History Note: Authority G.S. 17C-6;
Eff. January 1, 1981;
Amended Eff. June 1, 2012; August 1, 2002; August 1, 1995; May 1, 1986; April 1, 1984; January 1, 1983;*

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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 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~~ **physician's** 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 to practice medicine, to help determine his

or her fitness to carry out the physical requirements of the position of correctional officer or probation/parole officer.

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

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

(2) the Instructions to Agency and Examiner for Completion of Medical Examination Report (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.

1 12 NCAC 09G .0211 is being submitted for amendment, with changes, as follows:

2
3 12 NCAC 09G .0211 AGENCY REPORTING OF DRUG SCREENING RESULTS

4 (a) Every correctional or probation/parole officer shall have produced a negative result on a drug screen administered
5 according to the following specifications:

- 6 (1) the drug screen shall be a urine test consisting of an initial screening test using an immunoassay
7 method and a confirmatory test on an initial positive result using a gas chromatography/mass
8 spectrometry (GC/MS) or other initial and confirmatory tests authorized or mandated by the
9 Department of Health and Human Services for Federal Workplace Drug Testing Programs;
- 10 (2) a chain of custody shall be maintained on the specimen from collection to the eventual discarding
11 of the specimen. If the specimen is handled only by a medical professional or a third party provider
12 and the laboratory utilizes federally mandated chain of custody procedures, then the agency does
13 not need an inter-agency chain of custody procedure. If agency staff will be handling the urine
14 specimen at any point, then the agency needs a firmly established chain of custody procedure;
- 15 (3) the drug screen shall test for the presence of at least cannabis, cocaine, phencyclidine (PCP), opiates,
16 and amphetamines or their metabolites; and
- 17 (4) the test threshold values meet the requirements established by the Department of Health and Human
18 Services for Federal Workplace Drug Testing Programs, as found in 82 FR 7920 (2017) incorporated
19 by reference, including later amendments and editions found at no cost at
20 [https://www.federalregister.gov/documents/2017/01/23/2017-00979/mandatory-guidelines-for-](https://www.federalregister.gov/documents/2017/01/23/2017-00979/mandatory-guidelines-for-federal-workplace-drug-testing-programs)
21 [federal-workplace-drug-testing-programs](https://www.federalregister.gov/documents/2017/01/23/2017-00979/mandatory-guidelines-for-federal-workplace-drug-testing-programs);
- 22 (5) conduct the test within 90 days of certification; employment;
- 23 (6) the laboratory conducting the test shall be certified for federal workplace drug testing programs, and
24 shall adhere to applicable federal rules, regulations, and guidelines pertaining to the handling,
25 testing, storage, and preservation of samples.

26 (b) The agency shall report in writing to the Criminal Justice Standards Division all refusals and all positive results
27 of required drug screening obtained from applicants. If the positive result was explained by the applicant to the
28 satisfaction of the agency's Medical Review Officer, who ~~shall be a licensed physician~~, holds a current license to
29 practice medicine, the positive results are not required to be reported.

30 (c) The agency, if it conducts a drug screen for in-service officers, shall report in writing positive results or refusals
31 to submit to an in-service drug screening to the Criminal Justice Standards Division within 30 days of the positive
32 result or refusal, unless the officer has explained the positive result to the satisfaction of the agency's Medical Review
33 Officer, ~~who shall be a licensed physician~~, holds a current license to practice medicine, to the extent the drug screen
34 conducted conforms to the specifications of this Rule.

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

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

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

7
8 *History Note: Authority G.S. 17C-6; 17C-10;*
9 *Eff. May 1, 2023.*
10 *Amended Eff: November 1, 2024*
11

1 **12 NCAC 09G .0304 is being submitted for amendment as follows:**

2
3 **12 NCAC 09G .0304 GENERAL CERTIFICATION**

4
5 (a) The Commission shall grant an officer General Certification when evidence is received by the Standards Division
6 that an officer has completed the training requirements of 12 NCAC 09G .0410, .0411, .0412, within the officer's
7 probationary period and the officer has met all requirements for General Certification as specified in Rules ~~.0202,~~
8 .0203, .0204, .0205, and .0303 of this Subchapter.

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

12 (c) Certified officers who, through promotional opportunities, or non-disciplinary transfer, move into non-certified
13 positions within the Department, may have their certification reinstated without re-completion of the basic training
14 requirements of 12 NCAC 09G .0410, .0411, or .0412, ~~or .0413~~, and are exempted from reverification of employment
15 standards of 12 NCAC 09G ~~.0202~~, .0205, .0208 (except 12 NCAC 09G .0208(4)), and .0209 (except 12 NCAC 09G
16 .0209(4)) when returning to a position requiring certification if they have maintained employment within the
17 Department.

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

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

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

30
31 *History Note: Authority G.S. 17C-2; 17C-6; 17C-10;*
32 *Temporary Adoption Eff. January 1, 2001;*
33 *Eff. August 1, 2002;*
34 *Amended Eff. January 1, 2015; August 1, 2004;*
35 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25,*
36 *2019;*
37 *Amended Eff. November 1, 2024; May 1, 2023.*
38

12 NCAC 09G .0417 is being submitted for amendment 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;
- (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.

(b) 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)~~ (c) When 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 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 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 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*

1 12 NCAC 09G .0602 is being submitted for amendment, with changes, as follows:

2
3 12 NCAC 09G .0602 GENERAL PROVISIONS

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

6 (1) The officer shall hold a general correctional officer certification. A person serving under a
7 probationary certification is not eligible for consideration. An officer subject to suspension or
8 revocation ~~proceedings~~ proceedings, ~~[or who is currently]~~ on probation subsequent to suspension or
9 ~~revocation~~ proceedings, or under investigation for possible decertification action by the
10 Commission, the North Carolina Company Police Program, the North Carolina Campus Police
11 Program, or the North Carolina Sheriffs' Education and Training Standards Commission shall not
12 be eligible for professional awards for the pendency of the proceeding or the period of probation.

13 (2) The officer shall hold general certification with the Commission in one of the following categories:

14 (A) correctional officer; or

15 (B) probation/parole officer.

16 (3) The officer shall be a permanent, full-time, paid employee of the Department of Public Safety,
17 Division of Adult Correction and Juvenile Justice.

18 (4) Permanent, paid employees of the Department of ~~Public Safety, Division of~~ Adult Correction and
19 ~~Juvenile Justice~~ who have completed a Commission-certified corrections officer basic training
20 program or out-of-state equivalent and have previously held general certification as specified in 12
21 NCAC 09G .0602(a)(1) and 12 NCAC 09G .0602(a)(2), but are presently, by virtue of promotion
22 or transfer, serving in positions not subject to certification are eligible to participate in the
23 professional certificate program. ~~Eligibility for this exception requires employment with the~~
24 ~~Department of Public Safety, Division of Adult Correction and Juvenile Justice from the date of~~
25 ~~promotion or transfer from a certified position to the date of application for a professional certificate.~~

26 (b) Awards are based upon a formula that combines formal education, corrections training, and actual experience as
27 a corrections officer. Points are computed in the following manner:

28 (1) each semester hour of college credit shall equal one point and each quarter hour shall equal two-
29 thirds of a point;

30 (2) 20 classroom hours of Commission-approved corrections training shall equal one point; and

31 (3) only experience as a permanent, paid employee of the Department of Public Safety, Division of
32 Adult Correction and Juvenile Justice or the equivalent experience as determined by the
33 Commission shall be acceptable of consideration.

34 Point requirements for each award are described in 12 NCAC 09G .0604 and .0605.

35 (c) Certificates shall be awarded in an officer's area of expertise only. The State Corrections Certificate is appropriate
36 for permanent, paid corrections employees employed by the Department of Public Safety, Division of Adult Correction
37 and Juvenile Justice.

1
2
3 *History Note: Authority G.S. 17C-6;*
4 *Temporary Adoption Eff. January 1, 2001;*
5 *Eff. August 1, 2002;*
6 *Amended Eff. January 1, 2015; June 1, 2012; August 1, 2004;*
7 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25,*
8 *2019.*
9 *Amended Eff. November 1, 2024*
10