Subject: FW: [External] RE: Emailing: 2022.02 - CJETS Request for Technical Changes 1

From: May, Amber Cronk <amber.may@oah.nc.gov>
Sent: Monday, March 14, 2022 1:18 PM
To: Williams, Charminique <cdwilliams@ncdoj.gov>
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>
Subject: RE: [External] RE: Emailing: 2022.02 - CJETS Request for Technical Changes 1

Thanks, Charminique!

From: Williams, Charminique <<u>cdwilliams@ncdoj.gov</u>>
Sent: Monday, March 14, 2022 11:16 AM
To: May, Amber Cronk <<u>amber.may@oah.nc.gov</u>>
Cc: Burgos, Alexander N <<u>alexander.burgos@oah.nc.gov</u>>
Subject: RE: [External] RE: Emailing: 2022.02 - CJETS Request for Technical Changes 1

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I have emailed all revised rules with technical changes to oah. Thank you, Charminique

From: May, Amber Cronk <amber.may@oah.nc.gov>
Sent: Monday, March 14, 2022 10:23 AM
To: Williams, Charminique <cdwilliams@ncdoj.gov>
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>
Subject: RE: [External] RE: Emailing: 2022.02 - CJETS Request for Technical Changes 1

And a great morning to you as well.

.0242 looks good to me. For .0404 (e), could you do something like the following: (e) The School Director shall provide the following information to the Director of the Criminal Justice Standards Division for [consideration:] consideration of a waiver under Paragraph (d) of this Rule:

(1) a memorandum justifying the absence waiver;

(2) specific documentation related to the trainee's request; and

(3) a training completion plan pursuant to Section (c) of this rule.

I don't need to see these again. Please just correct .0404 and then send all of the revised rules over to <u>oah.rule@oah.nc.gov</u>.

Thanks so much! Amber

-----Original Message-----From: Williams, Charminique <<u>cdwilliams@ncdoj.gov</u>> Sent: Monday, March 14, 2022 9:43 AM To: May, Amber Cronk <<u>amber.may@oah.nc.gov</u>> Subject: RE: [External] RE: Emailing: 2022.02 - CJETS Request for Technical Changes 1

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Great morning Amber, Please see CJETS revisions for 12 NCAC 09B .0242 and .0404. Charminique

-----Original Message-----

#### **Burgos, Alexander N**

Subject: FW: [External] RE: Emailing: 2022.02 - CJETS Request for Technical Changes 1

-----Original Message-----From: May, Amber Cronk <amber.may@oah.nc.gov> Sent: Friday, March 11, 2022 4:50 PM To: Williams, Charminique <cdwilliams@ncdoj.gov> Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov> Subject: RE: [External] RE: Emailing: 2022.02 - CJETS Request for Technical Changes 1

Hi Charminique,

I hope that you're well. Thank you so much for sending these over. I have just two additional notes:

#### .0242

In (a), please delete or define "proficiently." The responses indicate that this was done; however, it is still showing for me.

#### .0404

In (e), please make it clear that this is related to the waiver in Paragraph (d).

Otherwise, I am comfortable recommending approval. Please get back with me as soon as possible, but no later than Monday at 3 p.m. on these additional notes.

Thank you!

Amber

-----Original Message-----From: Williams, Charminique <cdwilliams@ncdoj.gov> Sent: Thursday, March 10, 2022 10:31 AM To: May, Amber Cronk <amber.may@oah.nc.gov> Subject: [External] RE: Emailing: 2022.02 - CJETS Request for Technical Changes 1

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Hi Amber, Attached are CJETS permanent rules with technical changes. If you have any questions please let me know. Charminique

-----Original Message-----From: May, Amber Cronk <amber.may@oah.nc.gov> Sent: Monday, February 28, 2022 12:26 PM To: Williams, Charminique <cdwilliams@ncdoj.gov> Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov> Subject: Emailing: 2022.02 - CJETS Request for Technical Changes 1 Hi Charminique,

I hope that you're well. Please find attached technical change requests for the Rules filed for the March RRC meeting.

Please let me know if you have any questions or if I can be of any other assistance.

Thank you,

Amber

Amber May Rules Review Commission Counsel Office of Administrative Hearings - Rules Division 984-236-1936

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AGENCY: Criminal Justice Education and Training Standards Commission

RULE CITATION: All Rules submitted for March RRC Review

### DEADLINE FOR RECEIPT: Friday, March 11, 2022

## <u>NOTE:</u> This request when viewed on computer extends several pages. Please be sure you have reached the end of the document.

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

In the new language, please change "which" to "that" in "which may be caused..." and "which began during the effective..." Corrections made to the relevant rules.

In the new language, please be sure to track all changes. Here, the change from "waiver" to "waivers" should be tracked as "waiver-waivers" Corrections made to the relevant rules.

AGENCY: Criminal Justice Education and Training Standards Commission

RULE CITATION: 12 NCAC 09B .0202

### DEADLINE FOR RECEIPT: Friday, March 11, 2022

## <u>NOTE:</u> This request when viewed on computer extends several pages. Please be sure you have reached the end of the document.

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

In (b)(2), please change the semi-colon to a period after "completed;" on line 5. Please also capitalize "if" in "if the Governor…" Corrections made.

On line 18, please change the period to a semi-colon to match the rest of the Sub-Paragraphs. Corrections made.

AGENCY: Criminal Justice Education and Training Standards Commission

RULE CITATION: 12 NCAC 09B .0210

### DEADLINE FOR RECEIPT: Friday, March 11, 2022

## <u>NOTE:</u> This request when viewed on computer extends several pages. Please be sure you have reached the end of the document.

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

In (a), please delete or define "proficiently" Corrections made.

In (c), begin each Sub-Paragraph with lower-case letters and change the periods to semi-colons at the end of (c)(1) and (2). Please also add an "and" at the end of (c)(2). Corrections made.

In Paragraph (e), please change "schools" to "school" and "are" to "is" and remove the semi-colon so that it reads "course is the North Carolina Justice Academy." *Corrections made.* 

AGENCY: Criminal Justice Education and Training Standards Commission

RULE CITATION: 12 NCAC 09B .0211

### DEADLINE FOR RECEIPT: Friday, March 11, 2022

## <u>NOTE:</u> This request when viewed on computer extends several pages. Please be sure you have reached the end of the document.

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

In (a), please delete or define "proficiently" Corrections made.

In Paragraph (e), please change "schools" to "school" and "are" to "is" and remove the semi-colon so that it reads "course is the North Carolina Justice Academy." *Corrections made.* 

#### AGENCY: Criminal Justice Education and Training Standards Commission

RULE CITATION: 12 NCAC 09B .0212, .0213, .0214, .0226, .0232, .0233, .0237, .0238, .0242, .0244, .0404, .0417; 09G .0414, .0415, and .0416

#### DEADLINE FOR RECEIPT: Friday, March 11, 2022

## <u>NOTE:</u> This request when viewed on computer extends several pages. Please be sure you have reached the end of the document.

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

Please add the amended effective date to the History Note. These Rules were published in the Register with an effective date of 4/1/22. Corrections made to all rules listed above.

AGENCY: Criminal Justice Education and Training Standards Commission

RULE CITATION: 12 NCAC 09B .0212

### DEADLINE FOR RECEIPT: Friday, March 11, 2022

# <u>NOTE:</u> This request when viewed on computer extends several pages. Please be sure you have reached the end of the document.

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

### In (a), delete or define "proficiently" Corrections made.

### In (b), delete or define "successfully" Corrections made.

In (b), line 22, please add a comma after "deputy sheriffs" Corrections made.

#### In (b), lines 22 and 26, please delete "but not be limited to" Corrections made.

AGENCY: Criminal Justice Education and Training Standards Commission

RULE CITATION: 12 NCAC 09B .0213

### DEADLINE FOR RECEIPT: Friday, March 11, 2022

## <u>NOTE:</u> This request when viewed on computer extends several pages. Please be sure you have reached the end of the document.

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

- In (a), delete or define "proficiently" Corrections made.
- In (b), lines 23 and 26, delete or define "successfully" Corrections made.
- In (b), lines 24 and 29, please delete "but not limited to" Corrections made.

AGENCY: Criminal Justice Education and Training Standards Commission

RULE CITATION: 12 NCAC 09B .0214

### DEADLINE FOR RECEIPT: Friday, March 11, 2022

# <u>NOTE:</u> This request when viewed on computer extends several pages. Please be sure you have reached the end of the document.

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

- In (a), delete or define "proficiently" Corrections made.
- In (b), lines 21 and 25, delete or define "successfully" Corrections made.
- In (b), lines 23 and 27, please delete "but not limited to" Corrections made.

AGENCY: Criminal Justice Education and Training Standards Commission

RULE CITATION: 12 NCAC 09B .0226

### DEADLINE FOR RECEIPT: Friday, March 11, 2022

## <u>NOTE:</u> This request when viewed on computer extends several pages. Please be sure you have reached the end of the document.

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

Please add a colon at the end of (c)(2). Corrections made.

Please end (c)(3) with a period, rather than a comma. Corrections made.

Please review (d)(15) for clarity. Are the "tasks associated with Range Operations" those set forth in (A) through (D)? If so, please make that clear. Concern addressed.

AGENCY: Criminal Justice Education and Training Standards Commission

RULE CITATION: 12 NCAC 09B .0237

### DEADLINE FOR RECEIPT: Friday, March 11, 2022

## <u>NOTE:</u> This request when viewed on computer extends several pages. Please be sure you have reached the end of the document.

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

In (a), delete or define "proficiently" Corrections made.

In (c), begin each Sub-Paragraph with lower-case letters and change the periods to semi-colons at the end of (c)(1) and (2). Please also add an "and" at the end of (c)(2). Corrections made.

In Paragraph (e), please change "schools" to "school" and "are" to "is" and remove the semi-colon so that it reads "course is the North Carolina Justice Academy." *Corrections made.* 

AGENCY: Criminal Justice Education and Training Standards Commission

RULE CITATION: 12 NCAC 09B .0238

### DEADLINE FOR RECEIPT: Friday, March 11, 2022

## <u>NOTE:</u> This request when viewed on computer extends several pages. Please be sure you have reached the end of the document.

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

#### In (a), delete or define "proficiently" Corrections made.

#### In (b), lines 21 and 24, delete or define "successfully" Corrections made.

AGENCY: Criminal Justice Education and Training Standards Commission

RULE CITATION: 12 NCAC 09B .0242

### DEADLINE FOR RECEIPT: Friday, March 11, 2022

## <u>NOTE:</u> This request when viewed on computer extends several pages. Please be sure you have reached the end of the document.

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

#### In (a), delete or define "proficiently" Corrections made.

#### In (b), lines 21 and 25, delete or define "successfully" Corrections made.

AGENCY: Criminal Justice Education and Training Standards Commission

RULE CITATION: 12 NCAC 09B .0244

### DEADLINE FOR RECEIPT: Friday, March 11, 2022

## <u>NOTE:</u> This request when viewed on computer extends several pages. Please be sure you have reached the end of the document.

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

In (a), delete or define "proficiently" Corrections made.

In (b), lines 23 and 26, delete or define "successfully" Corrections made.

*In (b), line 25, it appears as though there is an errant "the" in "courses the on a space…" Corrections made.l* 

AGENCY: Criminal Justice Education and Training Standards Commission

RULE CITATION: 12 NCAC 09B .0404

### DEADLINE FOR RECEIPT: Friday, March 11, 2022

## <u>NOTE:</u> This request when viewed on computer extends several pages. Please be sure you have reached the end of the document.

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

In (e), for consideration of what? The waiver? Or is this related to Paragraph (c)? In consideration of the waiver. It's related to paragraph (d).

1	12 NCAC 09B .0	202 is amended with changes as published in 36:12 NCAC 1032-1047 as follows:
2		
3	12 NCAC 09B .(	202 RESPONSIBILITIES OF THE SCHOOL DIRECTOR
4	(a) In planning,	developing, coordinating, and delivering each Commission-certified criminal justice training course,
5	the School Direct	tor shall:
6	(1)	Formalize and schedule the course curriculum in accordance with the curriculum standards
7		established in this Subchapter;
8	(2)	Select and schedule instructors who are certified by the Commission;
9	(3)	Provide each instructor with a current Commission course outline and all necessary additional
10		information concerning the instructor's duties and responsibilities;
11	(4)	Notify each instructor that he or she shall comply with the Basic Law Enforcement Training Course
12		Management Guide and provide him or her access to the most current version of the Course
13		Management Guide;
14	(5)	Ensure each instructor utilizes Commission approved lesson plans and instructional materials;
15	(6)	Arrange for the availability of appropriate audiovisual aids and materials, publications, facilities,
16		and equipment for training in all topic areas;
17	(7)	Develop, adopt, reproduce, and distribute any supplemental rules and requirements determined by
18		the school to be necessary or appropriate for:
19		(A) effective course delivery;
20		(B) establishing responsibilities and obligations of agencies or departments employing or
21		sponsoring course trainees; and
22		(C) regulating trainee participation and demeanor, ensuring trainee attendance, and
23		maintaining performance records;
24	(8)	If appropriate, recommend housing and dining facilities for trainees;
25	(9)	Administer the course delivery in accordance with Commission approved lesson plans and course
26		management guides;
27	(10)	Maintain direct supervision, direction, and control over the performance of all persons to whom any
28		portion of the planning, development, presentation, or administration of a course has been delegated.
29		The comprehensive final examination shall be administered by the Criminal Justice Education and
30		Training Standards Commission; and
31	(11)	Report the completion of each presentation of a Commission-certified criminal justice training
32		course to the Commission, utilizing forms required for submission, which are located on the
33		Agency's website: https://ncdoj.gov/law-enforcement-training/criminal-justice/forms-and-
34		publications/.
35	(b) In addition to	Paragraph (a) of this Rule, in planning, developing, coordinating, and delivering each Commission-

36 certified Basic Law Enforcement Training Course, the School Director shall:

03.2022

1	(1)	Deliver training in accordance with the most current version of the Basic Law Enforcement Training
2		Course Management Guide as published by the North Carolina Justice Academy;
3	(2)	Schedule course presentation to include 12 hours of instruction each week during consecutive
4		calendar weeks, except that there may be as many as three one-week breaks until course
5		requirements are <del>completed; completed. if If</del> the Governor declares a State of Emergency pursuant
6		to N.C.G.S. 166A-19.3(19), the Director of the Criminal Justice Standards Division shall allow
7		additional breaks in a specific course delivery when the Director determines that doing so is
8		necessary based on consideration of the following factors:
9		(A) Whether instruction has begun in the course or whether course initiation may be postponed;
10		(B) The risk of harm to students which that may be caused by continuation of the course;
11		(C) Whether those enrolled in the course have been or will likely be called to action to help
12		address the State of Emergency:
13		(D) The specific need for the waiver; and
14		(E) The degree of benefit to the public in allowing a break in instruction.
15		Notice of waivers granted pursuant to the Section shall be posted on the CJETS website
16		https://ncdoj.gov/law-enforcement-training/criminal-justice/. The waviers waivers granted pursuant
17		to this Section shall only apply to courses which that began during the effective period of the State
18		of Emergency. Emergency;
19	(3)	Schedule only specialized instructors certified by the Commission to teach those high-liability areas
20		as specified in Rule .0304(a) of this Subchapter as either the lead instructor or as assistant instructors
21		or role players;
22	(4)	With the exception of the First Responder, Physical Fitness, Explosives and Hazardous Materials,
23		and topical areas outlined in Rule .0304(a) of this Subchapter, schedule one specialized instructor
24		certified by the Commission for every six trainees while engaged in a practical performance
25		exercise;
26	(5)	Schedule one specialized instructor certified by the Commission for every eight trainees while
27		engaged in a practical performance exercise in the topical area "Subject Control Arrest Techniques";
28	(6)	Schedule no single individual to instruct more than 35 percent of the total hours of the curriculum
29		during any one delivery of the Basic Law Enforcement Training Course presentation;
30	(7)	Not less than 30 days before commencing delivery of the Basic Law Enforcement Training Course,
31		submit to the Commission a Pre-Delivery Report of Training Course Presentation pursuant to 12
32		NCAC 09C .0211. The Pre-Delivery Report (Form F-10A) shall indicate a requested date and
33		location for the administration of the State comprehensive exam, and include the following
34		attachments:
35		(A) a course schedule showing the arrangement of topical presentations and proposed
36		instructional assignments; and

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- (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;
- 4 (8)Monitor, or designate an instructor certified by the Commission to monitor, a presentation of each 5 instructor once during each three year certification period in each topic taught by the instructor and 6 prepare a written evaluation on the instructor's performance and suitability for subsequent 7 instructional assignments. The observations shall be of sufficient duration to ensure that the 8 instructor is using the Instructional System Design model, and that the delivery is objective-based, 9 documented by, and consistent with a Commission-approved lesson plan. For each topic area, the 10 School Director's evaluation shall be based upon the course delivery observations, the instructor's 11 use of the approved lesson plan, and the results of the student evaluations of the instructor. For 12 probationary instructors, the evaluations conducted by another instructor shall be prepared on the 13 Criminal Justice Instructor Evaluation (Form F-16) and forwarded to the Commission. Based on 14 this evaluation, the School Director shall recommend approval or denial of requests for General 15 Instructor Certification. For all other instructors, these evaluations shall be prepared on the Criminal 16 Justice Instructor Evaluation (Form F-16), be kept on file by the school for a period of three years, 17 and shall be made available for inspection by a representative of the Commission upon request. In 18 the event the evaluation of an instructor indicates that his or her performance was less than 19 acceptable, the School Director shall forward a copy of the evaluation to the Commission. Any 20 instructor who is evaluating the instructional presentation of another instructor shall hold 21 certification in the same instructional topic area as that for which the instructor is being evaluated; 22 (9) Administer or designate a staff person to administer course specific tests during course delivery:

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(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
- 30 (10)Not more than 10 days after the conclusion of a school's offering of Basic Law Enforcement 31 Training, submit to the Commission a Post-Delivery Report of Training Course Presentation (Form 32 F-10B) that shall include:
  - a "Student Course Completion" form for each individual enrolled on the day of orientation; (A)
    - a "Certification and Test Score Release" form; (B)
- 35 (C) the "Police Officer Physical Ability Test (POPAT) Post-Course" final form; and
  - (D) the orientation class enrollment roster.

1	(c) In addition t	o Paragi	raph (a) of this Rule, in planning, developing, coordinating, and delivering each Commission-
2	certified "Crimit	nal Justi	ce Instructor Training Course," the School Director shall:
3	(1)	Sched	ule course presentation pursuant to Rule .0209 of this Subchapter;
4	(2)	Sched	ule evaluators as follows:
5		(A)	each evaluator, as well as the instructors, shall have completed a Commission-certified
6			instructor training course or an equivalent instructor training course utilizing the
7			Instructional Systems Design model, an international model with applications in education,
8			military training, and private enterprise; and
9		(B)	each instructor and evaluator shall document successful participation in a program
10			presented by the North Carolina Justice Academy for purposes of familiarization and
11			supplementation relevant to delivery of the instructor training course and trainee
12			evaluation;
13	(3)	Not fe	wer than 30 days before commencing delivery of the course, submit to the Commission a Pre-
14		Delive	ery Report of Training Course Presentation [Form F-10A(ITC)] with the following
15		attach	ments:
16		(A)	a course schedule showing the arrangement of topical presentations and proposed
17			instructional assignments;
18		(B)	the names and last four digits of the social security numbers of all instructors and
19			evaluators; and
20		(C)	a copy of any rules and requirements for the school; and
21	(4)	Not m	ore than 10 days after course completion, submit to the Commission a Post-Delivery Report
22		[Form	F-10B(ITC)] containing the following:
23		(A)	class enrollment roster;
24		(B)	a course schedule with the designation of instructors and evaluators utilized in delivery;
25		(C)	scores recorded for each trainee on the 70 minute skill presentation; and
26		(D)	designation of trainees who completed the course in its entirety and whom the School
27			Director finds to be competent to instruct.
28	(d) In addition t	o Paragi	raph (a) of this Rule, in planning, developing, coordinating, and delivering each Commission-
29	certified RADA	R, RAI	DAR and Time-Distance, Time-Distance, or LIDAR speed measurement operator training
30	course or re-cer	tificatior	a course, the School Director shall:
31	(1)	select	and schedule speed measurement instrument instructors who are certified by the Commission
32		as inst	ructors for the specific speed measurement instruments in which the trainees are to receive
33		instruc	ction as follows:
34		(A)	provide to the instructor the Commission form(s) for motor skill examination on each
35			trainee;
36		(B)	require the instructor to complete the motor skill examination form on each trainee
37			indicating the level of proficiency obtained on each specific instrument; and

1		(C) require each instructor to sign each individual form and submit the original to the School
2		Director;
3	(2)	not fewer than 30 days before the scheduled starting date, submit to the Director of the Standards
4		Division a Pre-Delivery Report of Speed Measuring Instrument Course Presentation [Form F-10A
5		(SMI)] that shall contain a period of course delivery including the proposed starting date, course
6		location, requested date and location for the administration of the State exam, and the number of
7		trainees to be trained on each type of approved speed measurement instrument. The Director of the
8		Standards Division shall review the request and notify the School Director within thirty business
9		days if the request is approved or denied; and
10	(3)	upon completing delivery of the Commission-certified course, and not more than 10 days after the
11		conclusion of a school's offering of a certified RADAR, RADAR and Time-Distance, Time-
12		Distance, or LIDAR speed measurement operator training course or re-certification course, the
13		School Director shall notify the Commission regarding the progress and achievements of each
14		trainee by submitting a Post-Delivery Report of Training Course Presentation [Form F-10B (SMI)].
15		This report shall include the original motor-skill examination form(s) completed and signed by the
16		certified instructor responsible for administering the motor-skill examination to the respective
17		trainee.
18		
19	History Note:	Authority G.S. 17C-6;
20		Eff. January 1, 1981;
21		Amended Eff. November 1, 1981;
22		Readopted w/change Eff. July 1, 1982;
23		Amended Eff. January 1, 2015; June 1, 2013; April 1, 2009; November 1, 2007; January 1, 2006;
24		May 1, 2004; August 1, 2000; January 1, 1996; November 1, 1993; December 1, 1987; January 1,
25		1985;
26		Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25,
27		2019;
28		Amended Eff. <u>April 1, 2022;</u> July 1, 2021; January 1, 2021; July 1, 2020.
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30		

1	12 NCAC 09B .0	209 is amended with changes as published in 36:12 NCAC 1032-1047	as follows:
2			
3	12 NCAC 09B .0	2209 CRIMINAL JUSTICE INSTRUCTOR TRAINING	
4	(a) The Instructor	r Training course required for General Instructor certification shall cons	ist of a minimum of 40 hours
5	of classroom inst	rruction, plus the time required to conduct practical exercises, student p	resentations, and post testing
6	presented during	a period of no more than 15 business days. If the Governor declares a	State of Emergency pursuant
7	to N.C.G.S. 1664	A-19.3(19), the Director of the Criminal Justice Standards Division shall	<u>l allow additional breaks in a</u>
8	specific course of	delivery when the Director determines that doing so is necessary ba	sed on consideration of the
9	following factors	<u>::</u>	
10		(A) Whether instruction has begun in the course or whether course	initiation may be postponed;
11		(B) The risk of harm to students which that may be caused by con	ntinuation of the course;
12		(C) Whether those enrolled in the course have been or will likely	be called on action to help
13		address the State of Emergency;	
14		(D) The specific need for the waiver; and	
15		(E) The degree of benefit to the public in allowing a break in inst	ruction.
16		Notice of waivers granted pursuant to the Section shall be posted on the	ne CJETS website
17		https://ncdoj.gov/law-enforcement-training/criminal-justice/. The way	i <del>ers waivers</del> granted pursuant
18		to this Section shall only apply to courses which that began during the	e effective period of the State
19		of Emergency.	
20	(b) Each Instruct	tor Training course shall be designed to provide the trainee with the skil	lls and knowledge to perform
21	the functions of a	a criminal justice instructor.	
22	(c) Each Instru	ctor Training course shall include the following identified topic areas	and minimum instructional
23	hours for each ar	ea:	
24	(1)	Orientation and Pre-Test	1 Hour
25	(2)	Instructional Systems Design (ISD)	5 Hours
26	(3)	Law Enforcement Instructor Liabilities and Legal Responsibilities	2 Hours
27	(4)	Criminal Justice Instructional Leadership	4 Hours
28	(5)	Lesson Plan Preparation: Professional Resources	2 Hours
29	(6)	Lesson Plan Development and Formatting	3 Hours
30	(7)	Adult Learning	2 Hours
31	(8)	Instructional Styles and Platform Skills	5 Hours
32	(9)	Classroom Management	3 Hours
33	(10)	Active Learning: Demonstration and Practical Exercises	3 Hours
34	(11)	The Evaluation Process of Learning	4 Hours
35	(12)	Audio Visual Aids	5 Hours
36	(13)	Course Closing and Post-test	1 Hour

1	(14)	Completion of tasks associated with practical exercises, student presentations, and post testing; the
2		number of hours required to complete this portion of the curriculum shall be based on the number
3		of enrolled students, available facilities, and number of instructors.
4	(d) The "Instru	ctor Training" manual published by the North Carolina Justice Academy shall be the curriculum for
5	instructor traini	ng courses. Copies of this publication may be inspected at the agency:
6		Criminal Justice Standards Division
7		North Carolina Department of Justice
8		1700 Tryon Park Drive
9		Post Office Drawer 149
10		Raleigh, North Carolina 27602
11	and may	be purchased at the cost of printing and postage from the Academy at the following address:
12		North Carolina Justice Academy
13		Post Office Drawer 99
14		Salemburg, North Carolina 28385
15		
16	History Note:	Authority G.S. 17C-6;
17		Eff. January 1, 1981;
18		Amended Eff. July 1, 2018; April 1, 2018; January 1, 2018; January 1, 2015; December 1, 2009;
19		August 1, 2005; November 1, 1998; January 1, 1995; March 1, 1990; July 1, 1989; January 1,
20		1985;
21		Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25,
22		2019;
23		Amended Eff. <u>April 1, 2022;</u> July 1, 2021; January 1, 2021.
24		
25		

1	12 NCAC 09B .0210 is adopted with changes as published in 36:12 NCAC 1032-1047 as follows:	
2	12 NEAC 07D 10210 is adopted <u>white changes</u> as published in 50.12 NEAC 1052-1047 as follows.	
2	12 NCAC 09B .0210 RADAR INSTRUCTOR TRAINING COURSE	
4	(a) The radar instructor training course shall be designed to provide the trainee with the skills and knowledge	e to
5	proficiently perform the function of a criminal justice radar instructor. This course shall be for a period not to exc	
6	six consecutive weeks. If the Governor declares a State of Emergency pursuant to N.C.G.S. 166A-19.3(19),	
7	Director of the Criminal Justice Standards Division shall allow additional breaks in a specific course delivery w	
8	the Director determines that doing so is necessary based on consideration of the following factors:	
9	(A) Whether instruction has begun in the course or whether course initiation may be postponed;	
10	(B) The risk of harm to students which that may be caused by continuation of the course;	
11	(C) Whether those enrolled in the course have been or will likely be called to action to help address	the
12	State of Emergency;	
13	(D) The specific need for the waiver; and	
14	(E) The degree of benefit to the public in allowing a break in instruction.	
15	Notice of waivers granted pursuant to the Section shall be posted on the CJETS website https://ncdoj.gov/l	<u>aw-</u>
16	enforcement-training/criminal-justice/. The waiver waivers granted pursuant to this Section shall only apply	<u>y to</u>
17	courses which that began during the effective period of the State of Emergency.	
18	(b) The radar instructor training course required for radar instructor certification shall include the topic areas	and
19	minimum number of hours as outlined in the Radar Instructor Training Course. To qualify for radar instru	ctor
20	certification, an applicant shall meet the requirements as outlined in the Radar Instructor Training Course and n	neet
21	the requirements of 12 NCAC 09B .0408 and .0409.	
22	(c) Each applicant for radar instructor training shall:	
23	(1) Present present the endorsement of a Commission-recognized school director or agency execu	tive
24	officer or his <del>designee.</del> <u>designee:</u>	
25	(2) Possess possess full criminal justice general instructor certification as required in 12 NCAC (	)9B
26	. <del>.0302.</del> 0302; and	
27	(3) Possess possess a current and valid radar operator certification.	
28	(d) The "Radar Instructor Training Course" as published by the North Carolina Justice Academy shall be applied	d as
29	basic curriculum for the radar instructor training course for radar instructors as administered by the Commiss	ion.
30	Copies of this publication may be inspected at the office of the agency:	
31	Criminal Justice Standards Division	
32	North Carolina Department of Justice	
33	1700 Tryon Park Drive	
34	114 West Edenton Street	
35	Old Education Building	
36	Post Office Drawer 149	
37	Raleigh, North Carolina 27602	

1		and may be obtained at cost from the Academy at the following address:
2		North Carolina Justice Academy
3		Post Office Box 99
4		Salemburg, North Carolina 28385
5	(e) Commissio	n-certified <mark>schools <u>school</u> that <del>are is</del> certified to offer the "Radar Instructor Training Course" <del>are: is</del></mark>
6	The North Caro	lina Justice Academy.
7		
8	History Note:	Authority G.S. 17C-6;
9		Eff. November 1, 1981;
10		Readopted w/change Eff. July 1, 1982;
11		Amended Eff. January 1, 2006; April 1, 1999; November 1, 1998; August 1, 1995; July 1, 1989;
12		February 1, 1987; August 1, 1984;
13		Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25,
14		2019.
15		Amended Eff. <u>April 1, 2022.</u>

1	12 NCAC 09B .0211 is adopted with changes as published in 36:12 NCAC 1032-1047 as follows:
2	
3	12 NCAC 09B.0211 TIME-DISTANCE INSTRUCTOR TRAINING COURSE
4	(a) The time-distance instructor training course shall be designed to provide the trainee with the skills and knowledge
5	to proficiently perform the function of a time-distance instructor. This course shall be for a period not to exceed eight
6	consecutive weeks. If the Governor declares a State of Emergency pursuant to N.C.G.S. 166A-19.3(19), the Director
7	of the Criminal Justice Standards Division shall allow additional breaks in a specific course delivery when the
8	Director determines that doing so is necessary based on consideration of the following factors:
9	(A) Whether instruction has begun in the course or whether course initiation may be postponed;
10	(B) The risk of harm to students which that may be caused by continuation of the course;
11	(C) Whether those enrolled in the course have been or will likely be called to action to help address the
12	State of Emergency:
13	(D) The specific need for the waiver; and
14	(E) The degree of benefit to the public in allowing a break in instruction.
15	Notice of waivers granted pursuant to the Section shall be posted on the CJETS website https://ncdoj.gov/law-
16	enforcement-training/criminal-justice/. The waivers granted pursuant to this Section shall only apply to courses which
17	that began during the effective period of the State of Emergency.
18	(b) Each applicant for the time-distance speed measurement instrument instructor training course shall meet the
19	requirements of 12 NCAC 09B .0210(c)(1) and (2) and 12 NCAC 09B .0309. The time-distance instructor training
20	course required for time-distance instructor certification shall include the topic areas and minimum number of hours
21	as outlined in the Time-Distance Instructor Training Course. To qualify for time-distance instructor certification, an
22	applicant shall meet the requirements as outlined in the Time-Distance Instructor Training Course and meet the
23	requirement of 12 NCAC 09B .0408 and .0409.
24	(c) The "Time-Distance Instructor Training Course" as published by the North Carolina Justice Academy shall be
25	applied as basic curriculum for the criminal justice time-distance speed measurement instrument instructor training
26	course for time-distance speed measurement instructors as administered by the Commission. Copies of this publication
27	may be inspected at the office of the agency:
28	Criminal Justice Standards Division
29	North Carolina Department of Justice
30	1700 Tryon Park Drive
31	114 West Edenton Street
32	Old Education Building
33	Post Office Drawer 149
34	Raleigh, North Carolina 27602
35	and may be obtained at cost from the Academy at the following address:
36	North Carolina Justice Academy
37	Post Office Box 99

1		Salemburg, North Carolina 28385
2	(d) Commission	n-certified schools school that are is certified to offer the "Time Distance Instructor Training Course"
3	<del>are:</del> is The Nort	h Carolina Justice Academy.
4		
5	History Note:	Authority G.S. 17C-6;
6		Eff. November 1, 1981;
7		Readopted w/change Eff. July 1, 1982;
8		Amended Eff. November 1, 2007; April 1, 1999; November 1, 1998; November 1, 1993; July 1,
9		1989; February 1, 1987; August 1, 1984;
10		Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25,
11		2019.
12		Amended Eff. <u>April 1, 2022.</u>

1	12 NCAC 09B .0212 is amended with changes as published in 36:12 NCAC 1032-1047 as follows:	
2		
3	12 NCAC 09B .0212 CERTIFICATION TRAINING FOR RADAR OPERATORS	
4	(a) The radar operator training course for law enforcement officers shall be	
5	designed to provide the trainee with the skills and knowledge to <mark>proficiently</mark> perform the function of a law enforceme	nt
6	radar operator. This course shall be for a period not to exceed four consecutive weeks. If the Governor declares a Sta	ite
7	of Emergency pursuant to N.C.G.S. 166A-19.3(19), the Director of the Criminal Justice Standards Division	
8	shall allow additional breaks in a specific course delivery when the Director determines that doing so is necessary	
9	based on consideration of the following factors:	
10	(A) Whether instruction has begun in the course or whether course initiation may be postponed:	
11	(B) The risk of harm to students which that may be caused by continuation of the course;	
12	(C) Whether those enrolled in the course have been or will likely be called to action to help address t	<u>he</u>
13	State of Emergency:	
14	(D) The specific need for the waiver; and	
15	(E) The degree of benefit to the public in allowing a break in instruction.	
16	Notice of waivers granted pursuant to the Section shall be posted on the CJETS website https://ncdoj.gov/lav	<u>W-</u>
17	enforcement-training/criminal-justice/. The waiver-waivers granted pursuant to this Section shall only apply	to
18	courses which that began during the effective period of the State of Emergency.	
19	(b) Only employed or appointed personnel of a law enforcement agency shall be enrolled in the radar operator training	ng
20	course. Such a trainee shall not be certified as a radar operator until the basic law enforcement training course h	as
21	been successfully completed and probationary or general law enforcement certification has been granted. Sherif	fs,
22	deputy <mark>sheriffs <u>sheriffs</u>,</mark> and federal law enforcement personnel, including <del>but not limited to</del> armed forces personn	el,
23	shall be allowed to participate in the radar operator training courses on a space available basis at the discretion of t	he
24	school director without having enrolled in or having successfully completed the basic law enforcement training cour	se
25	and without being currently certified in a probationary status or hold general law enforcement certification. The rad	lar
26	operator training course required for radar operator certification shall include but not be limited to the topic areas a	nd
27	minimum number of hours as outlined in the Radar Operator Training Course. To qualify for radar operat	or
28	certification, an applicant shall meet the minimum requirements as outlined in the Radar Operator Training Cour	se
29	and meet the requirements of 12 NCAC 09B .0408 and .0409.	
30	(c) The "Radar Operator Training Course" as published by the North Carolina Justice Academy is to be applied	as
31	basic curriculum for the radar operator training course for radar operators as administered by the Commission. Copi	es
32	of this publication may be inspected at the office of the agency:	
33	Criminal Justice Standards Division	
34	North Carolina Department of Justice	
35	1700 Tryon Park Drive	
36	114 West Edenton Street	
37	Old Education Building	

1		Post Office Drawer 149
2		Raleigh, North Carolina 27602
3		and may be obtained at cost from the Academy at the following address:
4		North Carolina Justice Academy
5		Post Office Box 99
6		Salemburg, North Carolina 28385
7		
8	History Note:	Authority G.S. 17C-6;
9		Eff. November 1, 1981;
10		Readopted w/change Eff. July 1, 1982;
11		Temporary Amendment Eff. February 24, 1984 for a period of 120 days to expire on June 22, 1984;
12		Amended Eff. April 1, 1999; November 1, 1998; August 1, 1995; February 1, 1991; July 1, 1989;
13		August 1, 1984;
14		Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25,
15		2019.
16		Amended Eff. <u>April 1, 2022;</u>
17		

1	12 NCAC 09B .0213 is amended with changes as published in 36:12 NCAC 1032-1047 as follows:		
2			
3			
4	12 NCAC 09B .0213 CERTIFICATION TRAINING FOR RADAR/TIME-DISTANCE OPERATORS		
5	(a) The radar/time-distance operator training course for law enforcement officers shall be designed to provide the		
6	trainee with the skills and knowledge to proficiently perform the function of a radar/time-distance operator. This		
7	course shall be for a period not to exceed four consecutive weeks. If the Governor declares a State of Emergency		
8	pursuant to N.C.G.S. 166A-19.3(19), the Director of the Criminal Justice Standards Division shall allow additional		
9	breaks in a specific course delivery when the Director determines that doing so is necessary based on		
10	consideration of the following factors:		
11	(A) Whether instruction has begun in the course or whether course initiation may be postponed;		
12	(B) The risk of harm to students which that may be caused by continuation of the course;		
13	(C) Whether those enrolled in the course have been or will likely be called to action to help address the		
14	State of Emergency;		
15	(D) The specific need for the waiver; and		
16	(E) The degree of benefit to the public in allowing a break in instruction.		
17	Notice of waivers granted pursuant to the Section shall be posted on the CJETS website https://ncdoj.gov/law-		
18	enforcement-training/criminal-justice/. The waiver waivers granted pursuant to this Section shall only apply to		
19	courses which that began during the effective period of the State of Emergency.		
20	(b) Only employed or appointed personnel of a law enforcement agency may be enrolled in the radar and		
21	time-distance speed measurement instrument operator training course. Such a trainee shall not be certified as a radar		
22	and time-distance speed measurement instrument operator until the basic law enforcement training course has been		
23	successfully completed and probationary or general law enforcement certification has been granted. Sheriffs, deputy		
24	sheriffs, and federal law enforcement personnel, including but not limited to armed forces personnel, shall be allowed		
25	to participate in radar and time-distance speed measurement instrument operator training courses on a space available		
26	basis at the discretion of the school director without having enrolled in or having successfully completed the basic law		
27	enforcement training course and without being currently certified in a probationary status or holding general law		
28	enforcement certification. The radar/time-distance operator training course required for radar/time-distance operator		
29	certification shall include but not be limited to the topic areas and minimum number of hours as outlined in the		
30	Radar/Time-Distance Operator Training Course. To qualify for radar/time-distance operator certification, an applicant		
31	shall meet the minimum requirements as outlined in the Radar/Time-Distance Operator Training Course and meet the		
32	requirements of 12 NCAC 9B .0408 and .0409.		
33	(c) The "Radar/Time-Distance Operator Training Course" as published by the North Carolina Justice Academy is to		
34	be applied as basic curriculum for the radar/time-distance operator training course for radar/time-distance instrument		
35	operators as administered by the Commission. Copies of this publication may be inspected at the office of the agency:		
36	Criminal Justice Standards Division		
37	North Carolina Department of Justice		

1		1700 Tyron Park Drive
2		114 West Edenton Street
3		Old Education Building
4		Post Office Drawer 149
5		Raleigh, North Carolina 27602
6		and may be obtained at cost from the Academy at the following address:
7		North Carolina Justice Academy
8		Post Office Box 99
9		Salemburg, North Carolina 28385
10		
11	History Note:	Authority G.S. 17C-6;
12		Eff. November 1, 1981;
13		Readopted w/change Eff. July 1, 1982;
14		Amended Eff. April 1, 1999; November 1, 1998; August 1, 1995; February 1, 1991; July 1, 1989;
15		August 1, 1984;
16		Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25,
17		2019.
18		Amended Eff. April 1, 2022;

1	12 NCAC 09B .0214 is amended with changes as published in 36:12 NCAC 1032-1047 as follows:		
2			
3	12 NCAC 09B.0214 CERTIFICATION TRAINING FOR TIME-DISTANCE OPERATORS		
4	(a) The time-distance operator training course for law enforcement officers shall be designed to provide the trainee		
5	with the skills and knowledge to <del>proficiently</del> perform the function of a time-distance operator. This course shall not		
6	exceed four consecutive weeks. If the Governor declares a State of Emergency pursuant to N.C.G.S. 166A-19.3(19),		
7	the Director of the Criminal Justice Standards Division shall allow additional breaks in a specific course delivery		
8	when the Director determines that doing so is necessary based on consideration of the following		
9	factors:		
10	(A) Whether instruction has begun in the course or whether course initiation may be postponed;		
11	(B) The risk of harm to students which that may be caused by continuation of the course;		
12	(C) Whether those enrolled in the course have been or will likely be called to action to help address the		
13	State of Emergency;		
14	(D) The specific need for the waiver; and		
15	(E) The degree of benefit to the public in allowing a break in instruction.		
16	Notice of waivers granted pursuant to the Section shall be posted on the CJETS website https://ncdoj.gov/law-		
17	enforcement-training/criminal-justice/. The waiver waivers granted pursuant to this Section shall only apply to		
18	courses which that began during the effective period of the State of Emergency.		
19	(b) Only employed or appointed personnel of a law enforcement agency may be enrolled in the time-distance speed		
20	measurement operator training course. Such a trainee shall not be certified as a time-distance speed measurement		
21	operator until the basic law enforcement training course has been successfully completed and probationary or general		
22	law enforcement certification has been granted. Sheriffs, deputy sheriffs, and federal law enforcement personnel,		
23	including but not limited to armed forces personnel, shall be allowed to participate in time-distance speed measurement		
24	operator training courses on a space available basis at the discretion of the school director without having enrolled in		
25	or having successfully completed the basic law enforcement training course and without being currently certified in a		
26	probationary status or holding general law enforcement certification. The time-distance operator training course		
27	required for time-distance operator certification shall include but not be limited to the topic areas and minimum		
28	number of hours as outlined in the Time-Distance Operator Training Course. To qualify for time-distance operator		
29	certification, an applicant shall meet the minimum requirements as outlined in the Time-Distance Operator Training		
30	Course and meet the requirements of 12 NCAC 09B .0408 and .0409.		
31	(c) The "Time-Distance Operator Training Course" as published by the North Carolina Justice Academy is to be		
32	applied as basic curriculum for the time-distance operator training course for time-distance operators as administered		
33	by the Commission. Copies of this publication may be inspected at the office of the agency:		
34	Criminal Justice Standards Division		
35	North Carolina Department of Justice		
36	1700 Tryon Park Drive		
37	114 West Edenton Street		

1		Old Education Building		
2	Post Office Drawer 149			
3		Raleigh, North Carolina 27602		
4	and may be obtained at cost from the Academy at the following address:			
5	North Carolina Justice Academy			
6		Post Office Box 99		
7	Salemburg, North Carolina 28385			
8				
9	History Note:	Authority G.S. 17C-6;		
10		Eff. November 1, 1981;		
11		Readopted w/change Eff. July 1, 1982;		
12		Amended Eff. April 1, 1999; November 1, 1998; August 1, 1995; February 1, 1991; July 1, 1989;		
13		August 1, 1984;		
14		Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25,		
15		2019.		
16		Amended Eff. April 1, 2022;		
17				

1	12 NCAC 09B .0226 is amended with changes as published in 36:12 NCAC 1032-1047 as follows:		
2			
3	12 NCAC 09B .		
4	(a) The instructor training course for Specialized Firearms Instructor Training Certification shall consist of a minimum		
5	of 50 hours of cla	assroom and range instruction plus time re-	quired to complete the tasks associated with Range
6	Operations prese	nted during a continuous period of not mor	re than two weeks. If the Governor declares a State of
7	Emergency pursuant to N.C.G.S. 166A-19.3(19), the Director of the Criminal Justice Standards Division shall		
8	allow additional	breaks in a specific course delivery when the	ne Director determines that doing so is necessary based on
9	consideration of	the following factors:	
10	<u>(A)</u>	Whether instruction has begun in the cou	rse or whether course initiation may be postponed;
11	<u>(B)</u>	<u>The risk of harm to students</u> which that m	ay be caused by continuation of the course;
12	<u>(C)</u>	Whether those enrolled in the course have	been or will likely be called to action to help address the
13		State of Emergency:	
14	<u>(D)</u>	The specific need for the waiver; and	
15	<u>(E)</u>	The degree of benefit to the public in allo	wing a break in instruction.
16	Notice of waive	rs granted pursuant to the Section shall	be posted on the CJETS website https://ncdoj.gov/law-
17	enforcement-trai	ning/criminal-justice/. <u>The <del>waiver</del> waive</u>	rs granted pursuant to this Section shall only apply to
18	<u>courses which th</u>	at began during the effective period of the	State of Emergency.
19	(b) Each Specia	lized Firearms Instructor Training courses	shall be designed to provide the trainee with the skills and
20	knowledge to pe	rform the function of a criminal justice f	irearms instructor in a Basic Law Enforcement Training
21	(BLET) Course or a law enforcement officer in-service firearms training program.		arms training program.
22	(c) Each applica	nt for specialized firearms instructor traini	ng shall:
23	(1)	have completed the criminal justice instru-	ctor training course;
24	(2)	present a written endorsement by either e	ither:
25		(A) a certified school director indica	ting the student may be utilized to instruct firearms in the
26		Basic Law Enforcement Trainin	g Course; or
27		(B) a department head, certified sch	ool director, or in-service training coordinator, indicating
28		the student may be utilized to	nstruct firearms in a law enforcement officer in-service
29		firearms training program; and	
30	(3)	Once within 365 days prior to enrollmer	t each prospective student shall demonstrate proficiency
31		during a qualification administered by	the North Carolina Justice Academy. To successfully
32		complete this qualification each prospect	ve student shall achieve a minimum score of 92 percent 2
33		out of 3 times on both the BLET Day an	d Night Courses of Fire while using a 'Sam Browne' type
34		belt and security holster and agency-issue	d duty or ballistic-equivalent <del>ammunition, <u>ammunition.</u></del>
35	(d) Each Specia	alized Firearms Instructor Training cours	e shall include the following identified topic areas and
36	5 minimum instructional hours for each area:		
37	(1)	Orientation/Pretest	2 Hours

1	(2)	Range	Operations		2 Hours
2	(3)	Civil I	Liability		4 Hours
3	(4)	Night	Firing		2 Hours
4	(5)	Comba	at Shooting Classroom and Ra	ange	8 Hours
5	(6)	Menta	l Conditioning		1 Hours
6	(7)	Shotgu	n Operation and Firing		4 Hours
7	(8)	Servic	e Handgun - Operation and U	se	8 Hours
8	(9)	Rifle -	Operation and Maintenance		4 Hours
9	(10)	Servic	e Handgun - Maintenance and	l Cleaning	2 Hours
10	(11)	Range	Medical Emergencies		2 Hours
11	(12)	In-Ser	vice Firearms Requirements		2 Hours
12	(13)	BLET	Lesson Plan Review		1 Hour
13	(14)	Range	Drills as defined in the Speci	alized Firearms Instructor	
14		Trainii	ng Manual and the Specialized	d Firearms Instructor Training	
15		Course	e Management Guide		8 Hours
16	(15)	Compl	etion of tasks associated w	ith Range Operations and Ope	erations. Completion of tasks
17		<mark>associa</mark>	ated with Instructor Practicum	as hours determined by number of	of students and instructors:
18		(A)	Conduct a BLET Day Cour	rse of Fire	
19		(B)	Conduct a BLET Night Co	urse of Fire	
20		(C)	Conduct a Long Gun Cour	se of Fire	
21		(D)	Develop a Combat Course	of Fire	
22	(e) The "Special	lized Fi	rearms Instructor Training M	anual" published by the North C	Carolina Justice Academy shall
23	be the curriculun	n for the	Specialized Firearms Instruct	tor Training course. Copies of thi	s publication may be inspected
24	at the:				
25			Criminal Just	ice Standards Division	
26			North Carolina	a Department of Justice	
27			1700 T	ryon Park Drive	
28			Post Of	fice Drawer 149	
29			Raleigh, N	orth Carolina 27610	
30	and may	be obta		d postage from the Academy at	the following address:
31				ina Justice Academy	
32			Post	Office Box 99	
33			Salemburg, I	North Carolina 28385	
34				o offer the "Specialized Firearms	s Instructor Training" course is
35	the North Carolin	na Justic	e Academy.		
36					
37	History Note:	Author	rity G.S. 17C-6;		

1	Eff. May 1, 1986;
2	Amended Eff. January 1, 2015; February 1, 2013; August 1, 2006; August 1, 2000; November 1,
3	1998; August 1, 1995; February 1, 1991; March 1, 1990; July 1, 1989;
4	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25,
5	2019;
6	Amended Eff. <mark>April 1, 2022;</mark> January 1, 2021.

1 2	12 NCAC 09B .(	0232 is amended with changes as published in 36:12 NCAC 1032-1047 as follows:
3	12 NCAC 09B.	0232 SPECIALIZED SUBJECT CONTROL ARREST TECHNIQUES INSTRUCTOR
4		TRAINING
5	(a) The instructo	or training course required for Specialized Subject Control Arrest Techniques Instructor Certification
6	shall consist of a	a minimum of 29 hours of classroom instruction plus time required to complete the tasks associated
7	with Subject Co	ntrol Arrest Techniques Instructional Methods and Demonstration presented during a continuous
8	period of not me	ore than two weeks. If the Governor declares a State of Emergency pursuant to N.C.G.S. 166A-
9	<u>19.3(19), the Dir</u>	rector of the Criminal Justice Standards Division shall allow additional breaks in a specific course
10	delivery when th	e Director determines that doing so is necessary based on consideration of the following factors:
11	<u>(A)</u>	Whether instruction has begun in the course or whether course initiation may be postponed;
12	<u>(B)</u>	The risk of harm to students which that may be caused by continuation of the course;
13	<u>(C)</u>	Whether those enrolled in the course have been or will likely be called to action to help address the
14		State of Emergency;
15	<u>(D)</u>	The specific need for the waiver; and
16	<u>(E)</u>	The degree of benefit to the public in allowing a break in instruction.
17		ers granted pursuant to the Section shall be posted on the CJETS website https://ncdoj.gov/law-
18		ning/criminal-justice/. The waiver waivers granted pursuant to this Section shall only apply to
19		at began during the effective period of the State of Emergency.
20		alized Subject Control Arrest Techniques Instructor Training course shall be designed to provide the
21		skills and knowledge to perform the function of a criminal justice Specialized Subject Control Arrest
22	-	uctor in a Basic Law Enforcement Training Course or a Law Enforcement Officers' Annual In-Service
23	Training Program	
24	.,	ant for Specialized Subject Control Arrest Techniques Instructor Training shall:
25	(1)	have completed the Criminal Justice Instructor Training course;
26	(2)	present a letter from a licensed physician stating the applicant's physical fitness to participate in the
27		course;
28	(3)	present a written endorsement by either
29		(A) a certified School Director indicating the student is qualified to instruct subject control
30		arrest techniques in Basic Law Enforcement Training Courses; or
31		(B) a Department Head, certified School Director, or In-Service Training Coordinator
32		indicating the student may be utilized to instruct subject control arrest techniques for the
33		Law Enforcement Officers' Annual In-Service Training program; and
34 25	(4)	Within 365 days prior to enrollment in the Subject Control Arrest Techniques Instructor Training
35		course the prospective student shall complete the following assessments administered by the North
36		Carolina Justice Academy:

1		(A)	a qualification requiring the individual to demonstra	ate 100 percent proficiency on the Basic
2		(11)	Law Enforcement Training Subject Control Arrest	
3		(B)	achieve at least the $60^{\text{th}}$ percentile on a physical fith	•
4	(d) Each Spe		Subject Control Arrest Techniques Instructor Traini	
5			d minimum instructional hours for each area:	6 6
6	(1)	Orient		1 Hour
7	(2)	Respo	nse to Injury	4 Hours
8	(3)	-	at Conditioning	4 Hours
9	(4)	Safety	v Guidelines/Rules	2 Hours
10	(5)	Funda	mentals of Professional Liability	4 Hours
11	(6)	Praction	cal Skills Enhancement	4 Hours
12	(7)	Studer	nt Instructional Practicum	6 Hours
13	(8)	BLET	Lesson Plan Review	4 Hours
14	(9)	Comp	letion of tasks associated with Subject Control Arrest	Techniques Instructional Methods and
15		Demo	nstrations. The number of hours required to complete	this portion of the curriculum shall be
16		based	on the number of enrolled students, available facilities	s, and number of instructors.
17	(e) The "Spec	ialized S	Subject Control Arrest Techniques Instructor Trainin	g Manual" as published by the North
18	Carolina Justic	e Acader	ny shall be the curriculum for the Specialized Subjec	t Control Arrest Techniques Instructor
19	Training course	e. Copies	of this publication may be inspected at the:	
20			Criminal Justice Standards Division	
21			North Carolina Department of Justice	
22			1700 Tryon Park Drive	
23			Post Office Drawer 149	
24			Raleigh, North Carolina 27610	
25	and ma	ay be obt	ained at the cost of printing and postage from the Acad	demy at the following address:
26			North Carolina Justice Academy	
27			Post Office Box 99	
28			Salemburg, North Carolina 28385	
29			ertified school that is certified to offer the "Specializ	ed Subject Control Arrest Techniques
30	Instructor Trair	ning" cou	rse is the North Carolina Justice Academy.	
31		4 .1		
32	History Note:		rity G.S. 17C-6;	
33			ebruary 1, 1987;	
34 25			ded Eff. February 1, 2016; January 1, 2015; February	Ū.
35 26			August 1, 2000; November 1, 1998; August 1, 1995; 1	·
36 27			ant to G.S. 150B-21.3A, rule is necessary without su	iosiantive public interest EJJ. May 25,
37		2019;		

Amended Eff. <u>April 1, 2022;</u> January 1, 2021.

1	12 NCAC 09B .0	0233 is amended with changes as published in 36:12 NCAC 1032-1047 as follows:
2		
3	12 NCAC 09B.	0233 SPECIALIZED PHYSICAL FITNESS INSTRUCTOR TRAINING
4	(a) The instruct	or training course required for Specialized Physical Fitness Instructor Certification shall consist of a
5	minimum of 47 l	nours of classroom and field instruction, plus the tasks associated with Physical Fitness Assessments,
6	Exercise Program	ns, and Instructional Methods, presented during a continuous period of not more than two weeks. If
7	the Governor dee	clares a State of Emergency pursuant to N.C.G.S. 166A-19.3(19), the Director of the Criminal Justice
8	Standards Divisi	on shall allow additional breaks in a specific course delivery when the Director determines that doing
9	so is necessary b	ased on consideration of the following factors:
10	<u>(A)</u>	Whether instruction has begun in the course or whether course initiation may be postponed;
11	<u>(B)</u>	The risk of harm to students which that may be caused by continuation of the course;
12	<u>(C)</u>	Whether those enrolled in the course have been or will likely be called to action to help address the
13		State of Emergency;
14	<u>(D)</u>	The specific need for the waiver; and
15	<u>(E)</u>	The degree of benefit to the public in allowing a break in instruction.
16	Notice of waive	ers granted pursuant to the Section shall be posted on the CJETS website https://ncdoj.gov/law-
17	enforcement-trai	ning/criminal-justice/. The waiver waivers granted pursuant to this Section shall only apply to
18	courses which th	at began during the effective period of the State of Emergency.
19	(b) Each Specia	alized Physical Fitness Instructor Training course shall be designed to provide the trainee with the
20	skills and know	ledge to perform the function of a criminal justice physical fitness instructor in a Basic Law
21	Enforcement Tra	aining Course or a Law Enforcement Officers' Annual In-Service Training Program.
22	(c) Each applica	ant for specialized physical fitness training shall:
23	(1)	qualify through one of the following three options:
24		(A) have completed the criminal justice general instructor training course;
25		(B) hold a current and valid North Carolina Teacher's Certificate, hold a baccalaureate degree
26		in physical education, and be teaching in physical education topics; or
27		(C) be presently instructing physical education topics in a community college, college, or
28		university and possess a baccalaureate degree in physical education;
29	(2)	present a written endorsement by either:
30		(A) a certified School Director indicating the student may be utilized to instruct physical fitness
31		in Basic Law Enforcement Training Courses; or
32		(B) a certified School Director, or In-Service Training Coordinator indicating the student may
33		be utilized to instruct physical fitness for the Law Enforcement Officers' In-Service
34		Training Program;
35	(3)	present a letter from a physician stating fitness to participate in the course; and
36	(4)	Within 365 days prior to enrollment complete a qualification administered by the North Carolina
37		Justice Academy requiring the individual to:

1		(A) complete Scenario #1 of the Police Officer Physical Abilities Test (P	OPAT) in no more
2		than six minutes;	
3		<ul><li>(B) complete Scenario #2 of the POPAT in no more than three minutes; and</li></ul>	ıd
4		<ul><li>(C) complete a physical fitness assessment achieve at a minimum percentil</li></ul>	
5	(d) Each Specia	lized Physical Fitness Instructor Training course shall include the following identi	
6		ictional hours for each area:	inea topie areas ana
7	(1)	Orientation	1 Hour
8	(2)	Physical Fitness Sessions	6 Hours
9	(3)	Physical Fitness Assessments, Exercise Programs, and Instructional Methods	14 Hours
10	(4)	Injury Care and Prevention	4 Hours
11	(5)	Nutrition	7 Hours
12	(6)	Civil Liability	3 Hours
13	(7)	CVD Risk Factors	3 Hours
14	(8)	Developing In-Service Wellness Programs and Validating Fitness Standards	4 Hours
15	(9)	Lesson Plan Review	2 Hours
16	(10)	Exercise Leadership	3 Hours
17	(11)	Completion of tasks associated with Physical Fitness Assessments, Exerc	ise Programs, and
18		Instructional Methods. The number of hours required to complete this portion	n of the curriculum
19		shall be determined by number of students, number of instructors, and available	facilities.
20	(e) The "Physic	cal Fitness Instructor Training Manual" as published by the North Carolina Justice	e Academy shall be
21	the curriculum f	or specialized physical fitness instructor training courses. Copies of this publication	on may be inspected
22	at the:		
23		Criminal Justice Standards Division	
24		North Carolina Department of Justice	
25		1700 Tryon Park Drive	
26		Post Office Drawer 149	
27		Raleigh, North Carolina 27610	
28	and may	y be obtained at the cost of printing and postage from the Academy at the following	ng address:
29		North Carolina Justice Academy	
30		Post Office Box 99	
31		Salemburg, North Carolina 28385	
32	(f) The Commi	ssion-certified school that is certified to offer the "Specialized Physical Fitness I	nstructor Training"
33	course is the No	orth Carolina Justice Academy.	
34			
35	History Note:	Authority G.S. 17C-6;	
36		Eff. July 1, 1989;	

1 Amended Eff. February 1, 2016; January 1, 2015; February 1, 2013; December 1,	, 2009; August 1,
2 2006; August 1, 2002; August 1, 2000; November 1, 1998; March 1, 1990; August	t 1, 1985.
3 Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interv	est Eff. May 25,
4 2019;	
5 Amended Eff. <u>April 1, 2022;</u> January 1, 2021.	
6	
7	

1	12 NCAC 09B .0237 is amended with changes as published in 36:12 NCAC 1032-1047 as follows:
2	
3	12 NCAC 09B .0237 LIDAR INSTRUCTOR TRAINING COURSE
4	(a) The Lidar Instructor Training Course shall be designed to provide the trainee with the skills and knowledge to
5	proficiently perform the function of a lidar instructor. This course shall be for a period not to exceed six consecutive
6	weeks. If the Governor declares a State of Emergency pursuant to N.C.G.S. 166A-19.3(19), the Director of the
7	Criminal Justice Standards Division shall allow additional breaks in a specific course delivery when the Director
8	determines that doing so is necessary based on consideration of the following factors:
9	(A) Whether instruction has begun in the course or whether course initiation may be postponed;
10	(B) The risk of harm to students which that may be caused by continuation of the course;
11	(C) Whether those enrolled in the course have been or will likely be called to action to help address the
12	State of Emergency;
13	(D) The specific need for the waiver; and
14	(E) The degree of benefit to the public in allowing a break in instruction.
15	Notice of waivers granted pursuant to the Section shall be posted on the CJETS website https://ncdoj.gov/law-
16	enforcement-training/criminal-justice/. The waiver-waivers granted pursuant to this Section shall only apply to
17	<u>courses</u> which that began during the effective period of the State of Emergency.
18	(b) The Lidar Instructor Training Course required for lidar instructor certification shall include the topic areas and
19	number of hours as outlined in the Lidar Instructor Training Course. To qualify for lidar instructor certification, an
20	applicant shall meet the requirements as outlined in The Lidar Instructor Training Course and meet the requirements
21	of 12 NCAC 09B .0408 and .0409.
22	(c) Each applicant for lidar instructor training shall:
23	(1) <b><u>Present_present</u></b> the endorsement of a Commission-recognized school director or agency executive
24	officer or his <del>designee.</del> <u>designee:</u>
25	(2) Possess possess full criminal justice General Instructor Certification as required in 12 NCAC 09B
26	. <del>.0302.</del> . <u>.0302; and</u>
27	(3) <b>Possess</b> possess a current and valid lidar operator certification.
28	(d) The "Lidar Instructor Training Course" as published by the North Carolina Justice Academy shall be applied as
29	basic curriculum for the lidar instructor training course for lidar instructors as administered by the Commission. Copies
30	of this publication may be inspected at the office of the agency:
31	Criminal Justice Standards Division
32	North Carolina Department of Justice
33	1700 Tryon Park Drive
34	114 West Edenton Street
35	Old Education Building
36	Post Office Drawer 149
37	Raleigh, North Carolina 27602

1		and may be obtained at cost from the Academy at the following address:
2		North Carolina Justice Academy
3		Post Office Box 99
4		Salemburg, North Carolina 28385
5	(e) Commission	n-certified <mark>schools <u>school</u> that <mark>are is</mark> certified to offer the <del>Lidar</del> <u>LIDAR</u> Instructor Training Course <mark>are:</mark></mark>
6	<u>is</u> The North Ca	rolina Justice Academy.
7		
8	History Note:	Authority G.S. 17C-6;
9		Eff. May 1, 2004;
10		Amended Eff. November 1, 2007;
11		Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25,
12		2019.
13		<u>Amended Eff. April 1, 2022;</u>
14		
15		

1	12 NCAC 09B .0238 is amended with changes as published in 36:12 NCAC 1032-1047 as follows:
2	
3	12 NCAC 09B .0238 CERTIFICATION TRAINING FOR LIDAR OPERATORS
4	(a) The Lidar Operator Training Course for law enforcement officers shall be designed to provide the trainee with
5	the skills and knowledge to <del>proficiently</del> perform the function of a law enforcement lidar operator. This course shall
6	be for a period not to exceed four consecutive weeks. If the Governor declares a State of Emergency pursuant to
7	N.C.G.S. 166A-19.3(19), the Director of the Criminal Justice Standards Division shall allow additional breaks
8	in a specific course delivery when the Director determines that doing so is necessary based on
9	consideration of the following factors:
10	(A) Whether instruction has begun in the course or whether course initiation may be postponed;
11	(B) The risk of harm to students which that may be caused by continuation of the course;
12	(C) Whether those enrolled in the course have been or will likely be called to action to help address the
13	State of Emergency:
14	(D) The specific need for the waiver; and
15	(E) The degree of benefit to the public in allowing a break in instruction.
16	Notice of waivers granted pursuant to the Section shall be posted on the CJETS website https://ncdoj.gov/law-
17	enforcement-training/criminal-justice/. The waiver waivers granted pursuant to this Section shall only apply to
18	courses which that began during the effective period of the State of Emergency.
19	(b) Only employed or appointed personnel of a law enforcement agency shall be enrolled in the Lidar Operator
20	Training Course. Such a trainee shall not be certified as a lidar operator until the Basic Law Enforcement Training
21	Course has been successfully completed and probationary or general law enforcement certification has been granted.
22	Sheriffs, deputy sheriffs and federal law enforcement personnel, including armed forces personnel, shall be allowed
23	to participate in the lidar operator training courses on a space available basis at the discretion of the school director
24	without having enrolled in or having successfully completed the Basic Law Enforcement Training Course and without
25	being currently certified in a probationary status or holding general law enforcement certification. The Lidar Operator
26	Training Course required for lidar operator certification shall include the topic areas and number of hours as outlined
27	in the Lidar Operator Training Course. To qualify for lidar operator certification, an applicant shall meet the
28	requirements as outlined in the Lidar Operator Training Course and meet the requirements of 12 NCAC 09B .0408
29	and .0409.
30	(c) The "Lidar Operator Training Course" as published by the North Carolina Justice Academy shall be applied as
31	basic curriculum for the Lidar Operator Training Course for lidar operators as administered by the Commission.
32	Copies of this publication may be inspected at the office of the agency:
33	Criminal Justice Standards Division
34	North Carolina Department of Justice
35	1700 Tyron Park Drive
36	114 West Edenton Street
37	Old Education Building

1		Post Office Drawer 149
2		Raleigh, North Carolina 27602
3		and may be obtained at cost from the Academy at the following address:
4		North Carolina Justice Academy
5		Post Office Box 99
6		Salemburg, North Carolina 28385
7		
8	History Note:	Authority G.S. 17C-6;
9		Eff. May 1, 2004;
10		Amended Eff. November 1, 2007;
11		Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25,
12		2019.
13		<u>Amended Eff. April 1, 2022;</u>
14		
15		

1	12 NCAC 09B .0242 is amended with changes as published in 36:12 NCAC 1032-1047 as follows:
2	
3	12 NCAC 09B .0242 CERTIFICATION TRAINING FOR RADAR/LIDAR OPERATORS
4	(a) The radar/lidar operator training course for law enforcement officers shall be designed to provide the trainee with
5	the skills and knowledge to proficiently perform the function of a radar and lidar operator. This course shall be for a
6	period not to exceed four consecutive weeks. If the Governor declares a State of Emergency pursuant to N.C.G.S.
7	166A-19.3(19), the Director of the Criminal Justice Standards Division shall
8	allow additional breaks in a specific course delivery when the Director determines that doing so is necessary based or
9	consideration of the following factors:
10	(A) Whether instruction has begun in the course or whether course initiation may be postponed;
11	(B) The risk of harm to students which that may be caused by continuation of the course;
12	(C) Whether those enrolled in the course have been or will likely be called to action to help address the
13	State of Emergency;
14	(D) The specific need for the waiver; and
15	(E) The degree of benefit to the public in allowing a break in instruction.
16	Notice of waivers granted pursuant to the Section shall be posted on the CJETS website https://ncdoj.gov/law
17	enforcement-training/criminal-justice/. The waiver-waivers granted pursuant to this Section shall only apply to
18	courses-which-that began during the effective period of the State of Emergency.
19	(b) Only employed or appointed personnel of a law enforcement agency may be enrolled in the radar/lidar speed
20	measurement instrument operator training course. Such a trainee shall not be certified as a radar and lidar speed
21	measurement instrument operator until the basic law enforcement training course has been successfully completed
22	and probationary or general law enforcement certification has been granted. Sheriffs, deputy sheriffs, and federal law
23	enforcement personnel, including armed forces personnel, shall be allowed to participate in a radar/lidar speed
24	measurement instrument operator training courses on a space available basis at the discretion of the school directo
25	without having enrolled in or having successfully completed the basic law enforcement training course and withou
26	being currently certified in a probationary status or holding general law enforcement certification. The radar/lida
27	operator training course required for radar and lidar operator certification shall include the topic areas and number o
28	hours as outlined in the Radar/Lidar Operator Training Course. To qualify for radar and lidar operator certification
29	an applicant shall meet the requirements as outlined in the Radar/Lidar Operator Training Course and meet the
30	requirements of 12 NCAC 09B .0408 and .0409.
31	(c) The "Radar/Lidar Operator Training Course" as published by the North Carolina Justice Academy shall be applied
32	as basic curriculum for the radar/lidar operator training course for radar and lidar instrument operators as administered
33	by the Commission. Copies of this publication may be inspected at the office of the agency:
34	Criminal Justice Standards Division
35	North Carolina Department of Justice
36	1700 Tryon Park Drive
37	114 West Edenton Street

1		Old Education Building
2		Post Office Drawer 149
3		Raleigh, North Carolina 27602
4		and may be obtained at cost from the Academy at the following address:
5		North Carolina Justice Academy
6		Post Office Box 99
7		Salemburg, North Carolina 28385
8		
9	History Note:	Authority G.S. 17C-6;
10		Eff. November 1, 2007;
11		Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25,
12		2019.
13		<u>Amended Eff. April 1, 2022;</u>

1	12 NCAC 09B .0244 is amended with changes as published in 36:12 NCAC 1032-1047 as follows:
2	
3	12 NCAC 09B .0244 CERTIFICATION TRAINING FOR RADAR/TIME-DISTANCE/LIDA
4	<b>OPERATORS</b>
5	(a) The radar/time-distance/lidar operator training course for law enforcement officers shall be designed to provide
6	the trainee with the skills and knowledge to proficiently perform the function of a radar, time-distance, and lidar
7	operator. This course shall be for a period not to exceed four consecutive weeks. If the Governor declares a State of
8	Emergency pursuant to N.C.G.S. 166A-19.3(19), the Director of the Criminal Justice Standards Division shall
9	allow additional breaks in a specific course delivery when the Director determines that doing so is necessary based of
10	consideration of the following factors:
11	(A) Whether instruction has begun in the course or whether course initiation may be postponed;
12	(B) The risk of harm to students which that may be caused by continuation of the course;
13	(C) Whether those enrolled in the course have been or will likely be called to action to help address the
14	State of Emergency;
15	(D) The specific need for the waiver; and
16	(E) The degree of benefit to the public in allowing a break in instruction.
17	Notice of waivers granted pursuant to the Section shall be posted on the CJETS website https://ncdoj.gov/law
18	enforcement-training/criminal-justice/. The waiver waivers granted pursuant to this Section shall only apply t
19	courses which that began during the effective period of the State of Emergency.
20	(b) Only employed or appointed personnel of a law enforcement agency may be enrolled in the radar/time
21	distance/lidar speed measurement instrument operator training course. Such a trainee shall not be certified as a rada
22	time-distance, and lidar speed measurement instrument operator until the basic law enforcement training course ha
23	been successfully completed and probationary or general law enforcement certification has been granted. Sheriff
24	deputy sheriffs, and federal law enforcement personnel, including armed forces personnel, shall be allowed t
25	participate in radar, time-distance, and lidar speed measurement instrument operator training courses the on a spac
26	available basis at the discretion of the school director without having enrolled in or having successfully completed th
27	basic law enforcement training course and without being currently certified in a probationary status or holding generation of the statement of
28	law enforcement certification. The radar/time-distance/lidar operator training course required for radar, time-distance/lidar operator training course required for radar operator training coperator training course required f
29	and lidar operator certification shall include the topic areas and number of hours as outlined in The Radar/Time
30	Distance/Lidar Operator Training Course. To qualify for radar, time-distance, and lidar operator certification, a
31	applicant shall meet the requirements as outlined in The Radar/Time-Distance/Lidar Operator Training Course an
32	meet the requirements of 12 NCAC 09B .0408 and .0409.
33	(c) The "Radar/Time-Distance/Lidar Operator Training Course" as published by the North Carolina Justice Academ
34	shall be applied as basic curriculum for the radar/time-distance/lidar operator training course for radar, time-distance
35	and lidar instrument operators as administered by the Commission. Copies of this publication may be inspected at the
36	office of the agency:

1		Criminal Justice Standards Division
2		North Carolina Department of Justice
3		1700 Tryon Park Drive
4		114 West Edenton Street
5		Old Education Building
6		Post Office Drawer 149
7		Raleigh, North Carolina 27602
8		and may be obtained at cost from the Academy at the following address:
9		North Carolina Justice Academy
10		Post Office Box 99
11		Salemburg, North Carolina 28385
12		
13	History Note:	Authority G.S. 17C-6;
14		Eff. November 1, 2007;
15		Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25,
16		2019.
17		<u>Amended Eff. April 1, 2022;</u>

12 NCAC 09B .0404 is proposed for amendment as follows:

3 12 NCAC 09B .0404 TRAINEE ATTENDANCE

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

7 (b) The school director may excuse a trainee from attendance at specific class sessions. However, in no case may

8 excused absences exceed five percent of the total class hours for the course offering. A trainee shall not be eligible for

9 administration of the State comprehensive examination and shall be dismissed from the course if the cumulative total

10 of class absences exceeds five percent regardless of the prior completion of make-up work.

11 (c) If the school director grants an excused absence from a class session, he or she shall schedule make-up work and

12 ensure the completion of such work during the current course presentation. The school director shall schedule

13 instructors and reimburse those instructors for the purpose of completion of the make-up work. Absences that occur

- 14 during the last 40 hours of the training course may be made up in a subsequent delivery; however, the school director
- 15 shall notify the Standards Division prior to scheduling the make-up work.
- 16 (d) If the Governor declares a State of Emergency pursuant to N.C.G.S. 166A-19.3(19), the Director of the Criminal
- 17 Justice Standards Division shall allow additional breaks in instruction for an individual trainee in a specific course
- 18 delivery, not to exceed 90 hours, when the Director determines that doing so is necessary based on consideration of the
- 19 <u>following factors:</u>
- 20 (1) Whether instruction has begun in the course or whether course initiation may be postponed;
- 21 (2) The risk of harm to students which that may be caused by continuation of the course;
- 22 (3) Whether those enrolled in the course have been or will likely be called to action to help address the State of
   23 Emergency;
   24
- 25 (4) The specific need for the waiver; and
- 26 (5) The degree of benefit to the public in allowing a break in instruction.
- 27 Notice of waivers granted pursuant to this Section shall be posted on the CJETS website at https://ncdoj.gov/law-
- 28 enforcement-training/criminal-justice/. The waivers granted pursuant to this Section shall only apply to courses which
- 29 that began during the effective period of the State of Emergency.
- 30 (e) The School Director shall provide the following information to the Director of the Criminal Justice
- 31 <u>Standards Division for consideration:</u>
- 32 (1) a memorandum justifying the absence waiver;
- 33 (2) specific documentation related to the trainee's request; and
- 34 (3) a training completion plan pursuant to Section (c) of this rule.
- 35 (f) (d) A school director may terminate a trainee from course participation or may deny certification of successful
- 36 course completion where the trainee is tardy to or departs early from class meetings or field exercises.

1 (g) (e) Where a trainee is enrolled in a program as required in 12 NCAC 09B .0212, .0213, .0214, .0215, .0218, .0219,

2 .0220, .0221, .0222, .0237, .0238, .0239, or .0240, and the scheduled course hours exceed the requirements of the

3 Commission, the trainee, upon the authorization of the school director, may be deemed to have satisfactorily completed

4 the required number of hours for attendance provided the trainee's attendance is not less than 100 percent of the

5 instructional hours as required by the Commission.

6 (h) (f) A trainee enrolled in a presentation of the "Criminal Justice Instructor Training Course" under Rule .0209 of

- 7 this Subchapter shall not be absent from class attendance for more than 10 percent of the total scheduled delivery
- 8 period in order to receive successful course completion.
- 9 (i) (g) A trainee, enrolled in a presentation of the "Specialized Firearms Instructor Training" course under Rule .0226
- 10 of this Subchapter, the "Specialized Driver Instructor Training" course under Rule .0227 of this Subchapter, the
- 11 "Specialized Subject Control Arrest Techniques Instructor Training" course under Rule .0232 of this Subchapter, or
- 12 the "Specialized Physical Fitness Instructor Training" course under Rule .0233 of this Subchapter, shall not be absent

13 from class attendance for more than 10 percent of the total scheduled delivery period in order to receive successful

14 course completion. Make-up work must be completed during the current course presentation for all absenteeism. The

15 Director of the Criminal Justice Standards Division may grant a waiver for completion of course requirements in a

16 course delivery scheduled within 12 months, for just cause based upon the circumstances that created the need for the

absence. For the purposes of this Rule, "just cause" includes an accident, illness, emergency, or course cancellation

18 that precluded the student from completing the entire course in one continuous course delivery.

(j) (h) A trainee, enrolled in a presentation of the "RADAR Instructor Training Course" under Rule .0210 of this Subchapter, the "Time-Distance Instructor Training Course" under Rule .0211 of this Subchapter, or the "LIDAR Instructor Training Course" under Rule .0237 of this Subchapter shall not be absent from class attendance for more than 10 percent of the total scheduled delivery period in order to receive successful course completion. Make-up work must be completed during the current course presentation for all absenteeism.

24

25 History Note: Authority G.S. 17C-6; 17C-10;
26 Eff. January 1, 1981;
27 Amended Eff. November 1, 1981;
28 Readopted Eff. July 1, 1982;
29 Amended Eff. February 1, 2006; May 1, 2004; August 1, 2000; April 1, 1999; November 1, 1993;
30 July 1, 1989; February 1, 1987; June 1, 1986;

Amended Eff. April 1, 2022; August 1, 2021.

**31** *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25,* **32** *2019;* 

33 34

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35

1	12 NCAC 09B .0	417 is an	mended with changes as published in 36:12 NCAC 1032-1047 as follows:
2			
3	12 NCAC 09B .(	)417	SPECIALIZED EXPLOSIVES AND HAZARDOUS MATERIALS INSTRUCTOR
4			TRAINING
5	(a) The instructor	r training	course required for Specialized Explosives and Hazardous Materials Instructor Certification
6	shall consist of a	minimu	m of 59 hours of classroom instruction plus time required to complete Instructor Practicums
7	presented during	a contin	uous period of not more than two weeks If the Governor declares a State of Emergency
8	pursuant to N.C.	<u>G.S. 166</u>	A-19.3(19), the Director of the Criminal Justice Standards Division shall allow additional
9	breaks in a specif	ic course	e delivery when the Director determines that doing so is necessary based on consideration of
10	the following fac	tors:	
11	<u>(A)</u>	Whethe	r instruction has begun in the course or whether course initiation may be postponed;
12	<u>(B)</u>	The risk	<u>c of harm to students which that may be caused by continuation of the course;</u>
13	<u>(C)</u>	Whethe	r those enrolled in the course have been or will likely be called to action to help address the
14		State of	Emergency;
15	<u>(D)</u>	The spe	ecific need for the waiver; and
16	<u>(E)</u>	The deg	gree of benefit to the public in allowing a break in instruction.
17	Notice of waive	rs grante	ed pursuant to the Section shall be posted on the CJETS website https://ncdoj.gov/law-
18	enforcement-train	ning/crin	ninal-justice/. The waiver waivers granted pursuant to this Section shall only apply to
19	<u>courses which that</u>	<mark>at</mark> began	during the effective period of the State of Emergency.
20	(b) Each Special	ized Exp	losives and Hazardous Materials Instructor Training course shall be designed to provide the
21	trainee with the s	kills and	knowledge to perform the function of a criminal justice explosives and hazardous materials
22	instructor in a Basic Law Enforcement Training Course or a Law Enforcement Officers' Annual In-Service Training		
23	Program.		
24	(c) Each applicat	nt for Sp	ecialized Explosives and Hazardous Materials Instructor Training shall:
25	(1)	have co	mpleted either:
26		(A)	the criminal justice instructor training course; or
27		(B)	the Fire Service Instructor Methodology Course or the equivalent utilizing the Instructional
28			Systems Design model, an international model with application in education, military
29			training, and private enterprise;
30	(2)	present	a written endorsement by either:
31		(A)	a certified school director indicating the student will be utilized to instruct explosives and
32			hazardous materials in Basic Law Enforcement Training Courses; or
33		(B)	a department head, certified school director, or in-service training coordinator, indicating
34			the student will be utilized to instruct explosives and hazardous materials training in the
35			Law Enforcement Officer's Annual In-Service Training Program; and

1	(3)	present a completed OSHA Respirator Medical Evaluation Questionnaire	, accompanied by a	
2		statement from a licensed medical professional stating the applicant is physic	ally fit to participate	
3		in the course.		
4	(d) Each Specialized Explosives and Hazardous Materials Instructor Training course shall include the following			
5	identified topic	areas and minimum instructional hours for each area:		
6	(1)	Orientation	2 Hours	
7	(2)	Introduction to Hazardous Materials	1 Hour	
8	(3)	Hazardous Materials Identification	2.5 Hours	
9	(4)	Awareness Level Actions at Hazardous Materials Incidents	1.5 Hours	
10	(5)	Chemical Properties and Hazardous Materials Behavior	3 Hours	
11	(6)	Incident Management	3 Hours	
12	(7)	Strategic Goals and Tactical Objectives	3.5 Hours	
13	(8)	Terrorist and Other Criminal Activity	5 Hours	
14	(9)	Personal Protective Equipment	5 Hours	
15	(10)	Decontamination	5 Hours	
16	(11)	Product Control	4 Hours	
17	(12)	Air Monitoring and Sampling	1.5 Hours	
18	(13)	Victim Rescue and Recovery	4 Hours	
19	(14)	Evidence Preservation and Sampling	3 Hours	
20	(15)	Illicit Laboratories	2 Hours	
21	(16)	Introduction to Explosive Devices	1 Hour	
22	(17)	Improvised Explosive Device Anatomy	2 Hours	
23	(18)	Packaged Improvised Explosive Devices	1 Hour	
24	(19)	Suicide/Homicide Improvised Explosive Devices	1 Hour	
25	(20)	Vehicle Borne Improvised Explosive Devices	1 Hour	
26	(21)	Radio Controlled Improvised Explosive Devices with Live Demonstration	5 Hours	
27	(22)	Improvised Explosive Device Threat Response	1 Hour	
28	(23)	Explosives and Hazardous Materials Emergencies and BLET Lesson Plan		
29		Review	1 Hour	
30	(24)	Completion of tasks associated with Instructor Practicums. The number of	of required hours to	
31		complete this portion of the curriculum shall be based on the number of studen	nts and instructors.	
32	(e) The basic	curriculum for delivery of the Specialized Explosives and Hazardous Material	s Instructor Training	
33	course shall be	the Specialized Explosives and Hazardous Materials Instructor Training Manual,	" as published by the	
34	North Carolina	Justice Academy. Copies of these publications may be inspected at the agency:		
35		Criminal Justice Standards Division		
36		North Carolina Department of Justice		
37		1700 Tryon Park Drive		

1		Raleigh, North Carolina 27610
2	ar	nd may be obtained at no cost to the student from the Academy at the following address:
3		North Carolina Justice Academy
4		Post Office Box 99
5		Salemburg, North Carolina 28385
6	(f) The North	Carolina Justice Academy is certified to offer the Specialized Explosives and Hazardous Materials
7	Instructor Train	ing course.
8		
9	History Note:	Authority G.S. 17C-6; 17C-10;
10		Eff. June 1, 2013;
11		Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25,
12		2019;
13		Amended Eff. <u>April 1, 2022;</u> January 1, 2021.
14		

1	12 NCAC 09G	.0414 is amended with changes as published in 36:12 NCAC 1032-1047 as follows:
2		
3	12 NCAC 09G	.0414 INSTRUCTOR TRAINING
4	(a) The Instruct	tor Training course required for General Instructor certification shall consist of at least the minimum
5	number of hours	s of instruction as defined in 12 NCAC 09B .0209 to be completed within 15 business days. If the
6	Governor declar	res a State of Emergency pursuant to N.C.G.S. 166A-19.3(19), the Director of the Criminal Justice
7	Standards Divis	ion shall allow additional breaks in a specific course delivery when the Director determines that
8	doing so is nece	ssary based on consideration of the following factors:
9	<u>(A)</u>	Whether instruction has begun in the course or whether course initiation may be postponed;
10	<u>(B)</u>	The risk of harm to students which that may be caused by continuation of the course;
11	<u>(C)</u>	Whether those enrolled in the course have been or will likely be called to action to help address the
12		State of Emergency;
13	<u>(D)</u>	The specific need for the waiver; and
14	<u>(E)</u>	The degree of benefit to the public in allowing a break in instruction.
15	Notice of waive	ers granted pursuant to the Section shall be posted on the CJETS website https://ncdoj.gov/law-
16	enforcement-tra	ining/criminal-justice/. The waiver waivers granted pursuant to this Section shall only apply to
17	<u>courses which tl</u>	hat began during the effective period of the State of Emergency.
18	(b) Each Instruc	ctor Training course shall be designed to provide the trainee with the skills and knowledge to perform
19	the functions of	a criminal justice instructor.
20	(c) The "Instru	actor Training Manual" published by the North Carolina Justice Academy shall be applied as the
21	curriculum for i	nstructor training courses. Copies of this publication may be inspected at the agency:
22		Criminal Justice Standards Division
23		North Carolina Department of Justice
24		1700 Tryon Park Drive
25		Post Office Drawer 149
26		Raleigh, North Carolina 27602
27	and may be pure	chased at the cost of printing and postage from the North Carolina Justice Academy at the following
28	address:	
29		North Carolina Justice Academy
30		Post Office Drawer 99
31		Salemburg, North Carolina 28385
32	History Note:	Authority G.S. 17C-6;
33		Temporary Adoption Eff. January 1, 2001;
34		Eff. August 1, 2002;
35		Amended Eff. July 1, 2018; April 1, 2018; January 1, 2018; January 1, 2015;
36		Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25,
37		2019;

Amended Eff. <u>April 1, 2022;</u> July 1, 2021; January 1, 2021.

1	12 NCAC 09G .	0415 is amended with changes as published in 36:12 NCAC 1032-1047 as follows:
2		
3	12 NCAC 09G .	
4		or training course requirement for Corrections Specialized Instructor Training – Firearms certification
5		t least 80 hours of instruction presented during a period of not more than two consecutive weeks. If
6		clares a State of Emergency pursuant to N.C.G.S. 166A-19.3(19), the Director of the Criminal Justice
7		on shall allow additional breaks in a specific course delivery when the Director determines that
8	doing so is neces	ssary based on consideration of the following factors:
9	<u>(A)</u>	Whether instruction has begun in the course or whether course initiation may be postponed;
10	<u>(B)</u>	The risk of harm to students which that may be caused by continuation of the course;
11	<u>(C)</u>	Whether those enrolled in the course have been or will likely be called to action to help address the
12		State of Emergency;
13	<u>(D)</u>	The specific need for the waiver; and
14	<u>(E)</u>	The degree of benefit to the public in allowing a break in instruction.
15	Notice of waive	ers granted pursuant to the Section shall be posted on the CJETS website https://ncdoj.gov/law-
16	enforcement-trai	ning/criminal-justice/. The waiver waivers granted pursuant to this Section shall only apply to
17	<u>courses which th</u>	at began during the effective period of the State of Emergency.
18	(b) Each Correc	tions Specialized Instructor Training - Firearms course shall be designed to provide the trainee with
19	the skills and k	nowledge to perform the function of a corrections firearms instructor in the "Basic Training -
20	Correctional Off	icer" course, "Basic Training - Probation/Parole Officer" course, and in-service training courses for
21	correctional offic	cers and probation/parole officers.
22	(c) Each Correct	tions Specialized Firearms Instructor Training course shall include the following topical areas:
23	(1)	Course Overview;
24	(2)	Legal Considerations for Firearm Instructors;
25	(3)	Department of Public Safety, Division of Adult Correction Firearms Training Courses;
26	(4)	Firearms Safety;
27	(5)	Range Operations;
28	(6)	Medical Emergencies on the Range;
29	(7)	Handgun – Operation, Use and Maintenance:
30		(A) Handgun Training – Classroom and Range;
31		(B) Handgun Low/Limited Light Fire; and
32		(C) Handgun Care and Maintenance;
33	(8)	Advanced Handgun Training – Classroom and Range;
34	(9)	Shotgun Operation, Use and Maintenance:
35		(A) Shotgun Training – Classroom and Range;
36		(B) Shotgun Low/Limited Light Fire – Range; and
37		(C) Shotgun Care and Maintenance;

1	(10)	Special Techniques, Training Aids, and Methods:
2	(11)	Situational Use of Firearms:
3		(A) The Shooting Decision;
4		(B) Situational Use of Firearms;
5		(C) Situational Exercises – Day; and
6		(D) Situational Exercises – Low/Limited Light; and
7	(12)	Administrative Matters, Testing, and Evaluation.
8	(d) The Co	ommission certified school that is certified to offer the "Corrections Specialized Instructor
9	Training - Fire	earms" course is the Office of Staff Development and Training of the North Carolina Department of
10	Public Safety.	
11		
12	History Note:	Authority G.S. 17C-6;
13		Temporary Adoption Eff. January 1, 2001;
14		Eff. August 1, 2002;
15		Amended Eff. May 1, 2014; April 1, 2008; February 1, 2006; August 1, 2004;
16		Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25,
17		2019.
18		Amended Eff. April 1, 2022;

1	12 NCAC 09G	.0416 is amended with changes as published in 36:12 NCAC 1032-1047 as follows:
2		
3	12 NCAC 09G	.0416 CORRECTIONS SPECIALIZED INSTRUCTOR TRAINING - CONTROLS,
4		<b>RESTRAINTS, AND DEFENSIVE TECHNIQUES</b>
5	(a) The instruct	or training course requirement for corrections specialized controls, restraints, and defensive techniques
6	(CRDT) instruct	tor certification shall consist of at least 80 hours of instruction presented during a period of not more
7	than two consec	cutive weeks. If the Governor declares a State of Emergency pursuant to N.C.G.S. 166A-19.3(19), the
8	Director of the	Criminal Justice Standards Division shall allow additional breaks in a specific course delivery
9	when the Direct	or determines that doing so is necessary based on consideration of the following
10	factors:	
11	<u>(A)</u>	Whether instruction has begun in the course or whether course initiation may be postponed;
12	<u>(B)</u>	The risk of harm to students which that may be caused by continuation of the course;
13	<u>(C)</u>	Whether those enrolled in the course have been or will likely be called to action to help address the
14		State of Emergency;
15	<u>(D)</u>	The specific need for the waiver; and
16	<u>(E)</u>	The degree of benefit to the public in allowing a break in instruction.
17	Notice of waiv	ers granted pursuant to the Section shall be posted on the CJETS website https://ncdoj.gov/law-
18	enforcement-tra	ining/criminal-justice/. The waiver waivers granted pursuant to this Section shall only apply to
19	<u>courses which t</u>	hat began during the effective period of the State of Emergency.
20	(b) Each corre	ections specialized controls, restraints, and defensive techniques instructor training course shall be
21	designed to pro	wide the trainee with the skills and knowledge to perform the function of a corrections controls,
22	restraints, and	defensive techniques instructor in the "Basic Training - Correctional Officer" course, "Basic
23	Training - Pro	obation/Parole Officer" course, and in-service training courses for correctional officers and
24	probation/parole	e officers.
25	(c) Each correc	tions specialized controls, restraints, and defensive techniques instructor training course shall include
26	the following to	pical areas:
27	(1)	Introduction to Controls, Restraints, and Defensive Techniques;
28	(2)	Physical Fitness/Warm-up and Stretching;
29	(3)	Response to Injury;
30	(4)	Basic Controls and Techniques;
31	(5)	Advanced Controls and Techniques;
32	(6)	Restraint Applications; and
33	(7)	CRDT Program Student Evaluations and Testing.
34	(d) The Con	mmission-certified school that is certified to offer the "Corrections Specialized Instructor
35	Training/Contro	ols, Restraints, and Defensive Techniques" course is the Office of Staff Development and Training of
36	the North Carol	ina Department of Public Safety.
37		

1	History Note:	Authority G.S. 17C-6;
2		Temporary Adoption Eff. January 1, 2001;
3		Eff. August 1, 2002;
4		Amended Eff. May 1, 2014; November 1, 2005; August 1, 2004;
5		Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25,
6		2019.
7		<u>Amended Eff. April 1, 2022;</u>
8		