

REQUEST FOR TECHNICAL CHANGE

AGENCY: Criminal Justice Education and Training Standards Commission

RULE CITATION: All Rules submitted for March RRC Review

DEADLINE FOR RECEIPT: Friday, March 11, 2022

NOTE: 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...”

In the new language, please be sure to track all changes. Here, the change from “waiver” to “waivers” should be tracked as “~~waiver~~ waivers”

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

REQUEST FOR TECHNICAL CHANGE

AGENCY: Criminal Justice Education and Training Standards Commission

RULE CITATION: 12 NCAC 09B .0202

DEADLINE FOR RECEIPT: Friday, March 11, 2022

NOTE: 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..."

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

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

12 NCAC 09B .0202 is amended with changes as published in 36:12 NCAC 1032-1047 as follows:

12 NCAC 09B .0202 RESPONSIBILITIES OF THE SCHOOL DIRECTOR

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

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

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

- 1 (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 completed; if the Governor declares a State of Emergency pursuant to N.C.G.S.
- 6 166A-19.3(19), the Director of the Criminal Justice Standards Division shall allow additional breaks
- 7 in a specific course delivery when the Director determines that doing so is necessary based on
- 8 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 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 **waivers** granted pursuant to this
- 17 Section shall only apply to courses which began during the effective period of the State of
- 18 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

- (B) a copy of any rules and requirements for the school. A copy of those rules shall also be given to each trainee and to the executive officer of each trainee's employing or sponsoring agency or department at the time the trainee enrolls in the course;
- (8) Monitor, or designate an instructor certified by the Commission to monitor, a presentation of each instructor once during each three year certification period in each topic taught by the instructor and prepare a written evaluation on the instructor's performance and suitability for subsequent instructional assignments. The observations shall be of sufficient duration to ensure that the instructor is using the Instructional System Design model, and that the delivery is objective-based, documented by, and consistent with a Commission-approved lesson plan. For each topic area, the School Director's evaluation shall be based upon the course delivery observations, the instructor's use of the approved lesson plan, and the results of the student evaluations of the instructor. For probationary instructors, the evaluations conducted by another instructor shall be prepared on the Criminal Justice Instructor Evaluation (Form F-16) and forwarded to the Commission. Based on this evaluation, the School Director shall recommend approval or denial of requests for General Instructor Certification. For all other instructors, these evaluations shall be prepared on the Criminal Justice Instructor Evaluation (Form F-16), be kept on file by the school for a period of three years, and shall be made available for inspection by a representative of the Commission upon request. In the event the evaluation of an instructor indicates that his or her performance was less than acceptable, the School Director shall forward a copy of the evaluation to the Commission. Any instructor who is evaluating the instructional presentation of another instructor shall hold certification in the same instructional topic area as that for which the instructor is being evaluated;
- (9) Administer or designate a staff person to administer course specific tests during course delivery:
- (A) to determine and record the level of trainee comprehension and retention of instructional subject matter;
 - (B) to provide a basis for a final determination or recommendation regarding the minimum degree of knowledge and skill of each trainee to function as an inexperienced law enforcement officer; and
 - (C) to determine subject or topic areas of deficiency for the application of Rule .0405(a)(3) of this Subchapter; and
- (10) Not more than 10 days after the conclusion of a school's offering of Basic Law Enforcement Training, submit to the Commission a Post-Delivery Report of Training Course Presentation (Form F-10B) that shall include:
- (A) a "Student Course Completion" form for each individual enrolled on the day of orientation;
 - (B) a "Certification and Test Score Release" form;
 - (C) the "Police Officer Physical Ability Test (POPAT) Post-Course" final form; and
 - (D) the orientation class enrollment roster.

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

- 3 (1) Schedule course presentation pursuant to Rule .0209 of this Subchapter;
- 4 (2) Schedule 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 fewer than 30 days before commencing delivery of the course, submit to the Commission a Pre-
14 Delivery Report of Training Course Presentation [Form F-10A(ITC)] with the following
15 attachments:
 - 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 more 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 to Paragraph (a) of this Rule, in planning, developing, coordinating, and delivering each Commission-
29 certified RADAR, RADAR and Time-Distance, Time-Distance, or LIDAR speed measurement operator training
30 course or re-certification course, the School Director shall:

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

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

- (2) not fewer than 30 days before the scheduled starting date, submit to the Director of the Standards Division a Pre-Delivery Report of Speed Measuring Instrument Course Presentation [Form F-10A (SMI)] that shall contain a period of course delivery including the proposed starting date, course location, requested date and location for the administration of the State exam, and the number of trainees to be trained on each type of approved speed measurement instrument. The Director of the Standards Division shall review the request and notify the School Director within thirty business days if the request is approved or denied; and
- (3) upon completing delivery of the Commission-certified course, and not more than 10 days after the conclusion of a school's offering of a certified RADAR, RADAR and Time-Distance, Time-Distance, or LIDAR speed measurement operator training course or re-certification course, the School Director shall notify the Commission regarding the progress and achievements of each trainee by submitting a Post-Delivery Report of Training Course Presentation [Form F-10B (SMI)]. This report shall include the original motor-skill examination form(s) completed and signed by the certified instructor responsible for administering the motor-skill examination to the respective trainee.

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

12 NCAC 09B .0209 is amended with changes as published in 36:12 NCAC 1032-1047 as follows:

12 NCAC 09B .0209 CRIMINAL JUSTICE INSTRUCTOR TRAINING

(a) The Instructor Training course required for General Instructor certification shall consist of a minimum of 40 hours of classroom instruction, plus the time required to conduct practical exercises, student presentations, and post testing presented during a period of no more than 15 business days. If the Governor declares a State of Emergency pursuant to N.C.G.S. 166A-19.3(19), the Director of the Criminal Justice Standards Division shall allow additional breaks in a specific course delivery when the Director determines that doing so is necessary based on consideration of the following factors:

(A) Whether instruction has begun in the course or whether course initiation may be postponed;

(B) The risk of harm to students which may be caused by continuation of the course;

(C) Whether those enrolled in the course have been or will likely be called on action to help address the State of Emergency;

(D) The specific need for the waiver; and

(E) The degree of benefit to the public in allowing a break in instruction.

Notice of waivers granted pursuant to the Section shall be posted on the CJETS website

<https://ncdoj.gov/law-enforcement-training/criminal-justice/>. The **waivers** granted pursuant to this Section shall only apply to courses which began during the effective period of the State of Emergency.

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

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

(1)	Orientation and Pre-Test	1 Hour
(2)	Instructional Systems Design (ISD)	5 Hours
(3)	Law Enforcement Instructor Liabilities and Legal Responsibilities	2 Hours
(4)	Criminal Justice Instructional Leadership	4 Hours
(5)	Lesson Plan Preparation: Professional Resources	2 Hours
(6)	Lesson Plan Development and Formatting	3 Hours
(7)	Adult Learning	2 Hours
(8)	Instructional Styles and Platform Skills	5 Hours
(9)	Classroom Management	3 Hours
(10)	Active Learning: Demonstration and Practical Exercises	3 Hours
(11)	The Evaluation Process of Learning	4 Hours
(12)	Audio Visual Aids	5 Hours
(13)	Course Closing and Post-test	1 Hour

(14) Completion of tasks associated with practical exercises, student presentations, and post testing; the number of hours required to complete this portion of the curriculum shall be based on the number of enrolled students, available facilities, and number of instructors.

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

Criminal Justice Standards Division
North Carolina Department of Justice
1700 Tryon Park Drive
Post Office Drawer 149
Raleigh, North Carolina 27602

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

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

History Note: Authority G.S. 17C-6;
Eff. January 1, 1981;
Amended Eff. July 1, 2018; April 1, 2018; January 1, 2018; January 1, 2015; December 1, 2009;
August 1, 2005; November 1, 1998; January 1, 1995; March 1, 1990; July 1, 1989; January 1,
1985;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25,
2019;
Amended Eff. April 1, 2022; July 1, 2021; January 1, 2021.

REQUEST FOR TECHNICAL CHANGE

AGENCY: Criminal Justice Education and Training Standards Commission

RULE CITATION: 12 NCAC 09B .0210

DEADLINE FOR RECEIPT: Friday, March 11, 2022

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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"

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).

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."

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

12 NCAC 09B .0210 is adopted with changes as published in 36:12 NCAC 1032-1047 as follows:

12 NCAC 09B .0210 RADAR INSTRUCTOR TRAINING COURSE

(a) The radar instructor training course shall be designed to provide the trainee with the skills and knowledge to proficiently perform the function of a criminal justice radar instructor. This course shall be for a period not to exceed six consecutive weeks. If the Governor declares a State of Emergency pursuant to N.C.G.S. 166A-19.3(19), the Director of the Criminal Justice Standards Division shall allow additional breaks in a specific course delivery when the Director determines that doing so is necessary based on consideration of the following factors:

(A) Whether instruction has begun in the course or whether course initiation may be postponed;

(B) The risk of harm to students which may be caused by continuation of the course;

(C) Whether those enrolled in the course have been or will likely be called to action to help address the State of Emergency;

(D) The specific need for the waiver; and

(E) The degree of benefit to the public in allowing a break in instruction.

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

(b) The radar instructor training course required for radar instructor certification shall include the topic areas and minimum number of hours as outlined in the Radar Instructor Training Course. To qualify for radar instructor certification, an applicant shall meet the requirements as outlined in the Radar Instructor Training Course and meet the requirements of 12 NCAC 09B .0408 and .0409.

(c) Each applicant for radar instructor training shall:

(1) Present the endorsement of a Commission-recognized school director or agency executive officer or his designee.

(2) Possess full criminal justice general instructor certification as required in 12 NCAC 09B .0302.

(3) Possess a current and valid radar operator certification.

(d) The "Radar Instructor Training Course" as published by the North Carolina Justice Academy shall be applied as basic curriculum for the radar instructor training course for radar instructors as administered by the Commission. Copies of this publication may be inspected at the office of the agency:

Criminal Justice Standards Division
North Carolina Department of Justice
114 West Edenton Street
Old Education Building
Post Office Drawer 149
Raleigh, North Carolina 27602

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

North Carolina Justice Academy

Post Office Box 99

Salemburg, North Carolina 28385

(e) Commission-certified schools that are certified to offer the "Radar Instructor Training Course" are: The North Carolina Justice Academy.

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

Eff. November 1, 1981;

Readopted w/change Eff. July 1, 1982;

Amended Eff. January 1, 2006; April 1, 1999; November 1, 1998; August 1, 1995; July 1, 1989;

February 1, 1987; August 1, 1984;

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

Amended Eff. April 1, 2022.

REQUEST FOR TECHNICAL CHANGE

AGENCY: Criminal Justice Education and Training Standards Commission

RULE CITATION: 12 NCAC 09B .0211

DEADLINE FOR RECEIPT: Friday, March 11, 2022

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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"

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."

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

12 NCAC 09B .0211 is adopted with changes as published in 36:12 NCAC 1032-1047 as follows:

12 NCAC 09B .0211 TIME-DISTANCE INSTRUCTOR TRAINING COURSE

(a) The time-distance instructor training course shall be designed to provide the trainee with the skills and knowledge to proficiently perform the function of a time-distance instructor. This course shall be for a period not to exceed eight consecutive weeks. If the Governor declares a State of Emergency pursuant to N.C.G.S. 166A-19.3(19), the Director of the Criminal Justice Standards Division shall allow additional breaks in a specific course delivery when the Director determines that doing so is necessary based on consideration of the following factors:

(A) Whether instruction has begun in the course or whether course initiation may be postponed;

(B) The risk of harm to students which may be caused by continuation of the course;

(C) Whether those enrolled in the course have been or will likely be called to action to help address the State of Emergency;

(D) The specific need for the waiver; and

(E) The degree of benefit to the public in allowing a break in instruction.

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

(b) Each applicant for the time-distance speed measurement instrument instructor training course shall meet the requirements of 12 NCAC 09B .0210(c)(1) and (2) and 12 NCAC 09B .0309. The time-distance instructor training course required for time-distance instructor certification shall include the topic areas and minimum number of hours as outlined in the Time-Distance Instructor Training Course. To qualify for time-distance instructor certification, an applicant shall meet the requirements as outlined in the Time-Distance Instructor Training Course and meet the requirement of 12 NCAC 09B .0408 and .0409.

(c) The "Time-Distance Instructor Training Course" as published by the North Carolina Justice Academy shall be applied as basic curriculum for the criminal justice time-distance speed measurement instrument instructor training course for time-distance speed measurement instructors as administered by the Commission. Copies of this publication may be inspected at the office of the agency:

Criminal Justice Standards Division
North Carolina Department of Justice
114 West Edenton Street
Old Education Building
Post Office Drawer 149
Raleigh, North Carolina 27602

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

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

(d) Commission-certified schools that are certified to offer the "Time Distance Instructor Training Course" are: The North Carolina Justice Academy.

History Note: Authority G.S. 17C-6;
Eff. November 1, 1981;
Readopted w/change Eff. July 1, 1982;
Amended Eff. November 1, 2007; April 1, 1999; November 1, 1998; November 1, 1993; July 1,
1989; February 1, 1987; August 1, 1984;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25,
2019.
Amended Eff. April 1, 2022.

REQUEST FOR TECHNICAL CHANGE

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

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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.

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

REQUEST FOR TECHNICAL CHANGE

AGENCY: Criminal Justice Education and Training Standards Commission

RULE CITATION: 12 NCAC 09B .0212

DEADLINE FOR RECEIPT: Friday, March 11, 2022

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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"

In (b), delete or define "successfully"

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

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

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

12 NCAC 09B .0212 is amended with changes as published in 36:12 NCAC 1032-1047 as follows:

12 NCAC 09B .0212 CERTIFICATION TRAINING FOR RADAR OPERATORS

(a) The radar operator training course for law enforcement officers shall be designed to provide the trainee with the skills and knowledge to proficiently perform the function of a law enforcement radar operator. This course shall be for a period not to exceed four consecutive weeks. If the Governor declares a State of Emergency pursuant to N.C.G.S. 166A-19.3(19), the Director of the Criminal Justice Standards Division shall allow additional breaks in a specific course delivery when the Director determines that doing so is necessary based on consideration of the following factors:

(A) Whether instruction has begun in the course or whether course initiation may be postponed;

(B) The risk of harm to students which may be caused by continuation of the course;

(C) Whether those enrolled in the course have been or will likely be called to action to help address the State of Emergency;

(D) The specific need for the waiver; and

(E) The degree of benefit to the public in allowing a break in instruction.

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

(b) Only employed or appointed personnel of a law enforcement agency shall be enrolled in the radar operator training course. Such a trainee shall not be certified as a radar operator until the basic law enforcement training course has been successfully completed and probationary or general law enforcement certification has been granted. Sheriffs, deputy sheriffs and federal law enforcement personnel, including but not limited to armed forces personnel, shall be allowed to participate in the radar operator training courses on a space available basis at the discretion of the school director without having enrolled in or having successfully completed the basic law enforcement training course and without being currently certified in a probationary status or hold general law enforcement certification. The radar operator training course required for radar operator certification shall include but not be limited to the topic areas and minimum number of hours as outlined in the Radar Operator Training Course. To qualify for radar operator certification, an applicant shall meet the minimum requirements as outlined in the Radar Operator Training Course and meet the requirements of 12 NCAC 09B .0408 and .0409.

(c) The "Radar Operator Training Course" as published by the North Carolina Justice Academy is to be applied as basic curriculum for the radar operator training course for radar operators as administered by the Commission. Copies of this publication may be inspected at the office of the agency:

Criminal Justice Standards Division
North Carolina Department of Justice
114 West Edenton Street
Old Education Building
Post Office Drawer 149

1 Raleigh, North Carolina 27602

2 and may be obtained at cost from the Academy at the following address:

3 North Carolina Justice Academy

4 Post Office Box 99

5 Salemburg, North Carolina 28385

6
7 *History Note: Authority G.S. 17C-6;*
8 *Eff. November 1, 1981;*
9 *Readopted w/change Eff. July 1, 1982;*
10 *Temporary Amendment Eff. February 24, 1984 for a period of 120 days to expire on June 22, 1984;*
11 *Amended Eff. April 1, 1999; November 1, 1998; August 1, 1995; February 1, 1991; July 1, 1989;*
12 *August 1, 1984;*
13 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25,*
14 *2019.*
15
16

REQUEST FOR TECHNICAL CHANGE

AGENCY: Criminal Justice Education and Training Standards Commission

RULE CITATION: 12 NCAC 09B .0213

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

In (a), delete or define "proficiently"

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

In (b), lines 24 and 29, please delete "but not limited to"

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

12 NCAC 09B .0213 is amended with changes as published in 36:12 NCAC 1032-1047 as follows:

12 NCAC 09B .0213 CERTIFICATION TRAINING FOR RADAR/TIME-DISTANCE OPERATORS

(a) The radar/time-distance operator training course for law enforcement officers shall be designed to provide the trainee with the skills and knowledge to proficiently perform the function of a radar/time-distance operator. This course shall be for a period not to exceed four consecutive weeks. If the Governor declares a State of Emergency pursuant to N.C.G.S. 166A-19.3(19), the Director of the Criminal Justice Standards Division shall allow additional breaks in a specific course delivery when the Director determines that doing so is necessary based on consideration of the following factors:

(A) Whether instruction has begun in the course or whether course initiation may be postponed;

(B) The risk of harm to students which may be caused by continuation of the course;

(C) Whether those enrolled in the course have been or will likely be called to action to help address the State of Emergency;

(D) The specific need for the waiver; and

(E) The degree of benefit to the public in allowing a break in instruction.

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

(b) Only employed or appointed personnel of a law enforcement agency may be enrolled in the radar and time-distance speed measurement instrument operator training course. Such a trainee shall not be certified as a radar and time-distance speed measurement instrument operator until the basic law enforcement training course has been successfully completed and probationary or general law enforcement certification has been granted. Sheriffs, deputy sheriffs, and federal law enforcement personnel, including but not limited to armed forces personnel, shall be allowed to participate in radar and time-distance speed measurement instrument operator training courses on a space available basis at the discretion of the school director without having enrolled in or having successfully completed the basic law enforcement training course and without being currently certified in a probationary status or holding general law enforcement certification. The radar/time-distance operator training course required for radar/time-distance operator certification shall include but not be limited to the topic areas and minimum number of hours as outlined in the Radar/Time-Distance Operator Training Course. To qualify for radar/time-distance operator certification, an applicant shall meet the minimum requirements as outlined in the Radar/Time-Distance Operator Training Course and meet the requirements of 12 NCAC 9B .0408 and .0409.

(c) The "Radar/Time-Distance Operator Training Course" as published by the North Carolina Justice Academy is to be applied as basic curriculum for the radar/time-distance operator training course for radar/time-distance instrument operators as administered by the Commission. Copies of this publication may be inspected at the office of the agency:

Criminal Justice Standards Division

North Carolina Department of Justice

114 West Edenton Street
Old Education Building
Post Office Drawer 149
Raleigh, North Carolina 27602

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

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

History Note: Authority G.S. 17C-6;
Eff. November 1, 1981;
Readopted w/change Eff. July 1, 1982;
Amended Eff. April 1, 1999; November 1, 1998; August 1, 1995; February 1, 1991; July 1, 1989;
August 1, 1984;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25,
2019.

REQUEST FOR TECHNICAL CHANGE

AGENCY: Criminal Justice Education and Training Standards Commission

RULE CITATION: 12 NCAC 09B .0214

DEADLINE FOR RECEIPT: Friday, March 11, 2022

NOTE: 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"

In (b), lines 21 and 25, delete or define "successfully"

In (b), lines 23 and 27, please delete "but not limited to"

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

12 NCAC 09B .0214 is amended with changes as published in 36:12 NCAC 1032-1047 as follows:

12 NCAC 09B .0214 CERTIFICATION TRAINING FOR TIME-DISTANCE OPERATORS

(a) The time-distance operator training course for law enforcement officers shall be designed to provide the trainee with the skills and knowledge to proficiently perform the function of a time-distance operator. This course shall not exceed four consecutive weeks. If the Governor declares a State of Emergency pursuant to N.C.G.S. 166A-19.3(19), the Director of the Criminal Justice Standards Division shall allow additional breaks in a specific course delivery when the Director determines that doing so is necessary based on consideration of the following factors:

(A) Whether instruction has begun in the course or whether course initiation may be postponed;

(B) The risk of harm to students which may be caused by continuation of the course;

(C) Whether those enrolled in the course have been or will likely be called to action to help address the State of Emergency;

(D) The specific need for the waiver; and

(E) The degree of benefit to the public in allowing a break in instruction.

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

(b) Only employed or appointed personnel of a law enforcement agency may be enrolled in the time-distance speed measurement operator training course. Such a trainee shall not be certified as a time-distance speed measurement operator until the basic law enforcement training course has been successfully completed and probationary or general law enforcement certification has been granted. Sheriffs, deputy sheriffs, and federal law enforcement personnel, including but not limited to armed forces personnel, shall be allowed to participate in time-distance speed measurement operator training courses on a space available basis at the discretion of the school director without having enrolled in or having successfully completed the basic law enforcement training course and without being currently certified in a probationary status or holding general law enforcement certification. The time-distance operator training course required for time-distance operator certification shall include but not be limited to the topic areas and minimum number of hours as outlined in the Time-Distance Operator Training Course. To qualify for time-distance operator certification, an applicant shall meet the minimum requirements as outlined in the Time-Distance Operator Training Course and meet the requirements of 12 NCAC 09B .0408 and .0409.

(c) The "Time-Distance Operator Training Course" as published by the North Carolina Justice Academy is to be applied as basic curriculum for the time-distance operator training course for time-distance operators as administered by the Commission. Copies of this publication may be inspected at the office of the agency:

Criminal Justice Standards Division
North Carolina Department of Justice
114 West Edenton Street
Old Education Building

Post Office Drawer 149
Raleigh, North Carolina 27602
and may be obtained at cost from the Academy at the following address:
North Carolina Justice Academy
Post Office Box 99
Salemberg, North Carolina 28385

History Note: Authority G.S. 17C-6;
Eff. November 1, 1981;
Readopted w/change Eff. July 1, 1982;
Amended Eff. April 1, 1999; November 1, 1998; August 1, 1995; February 1, 1991; July 1, 1989;
August 1, 1984;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25,
2019.

REQUEST FOR TECHNICAL CHANGE

AGENCY: Criminal Justice Education and Training Standards Commission

RULE CITATION: 12 NCAC 09B .0226

DEADLINE FOR RECEIPT: Friday, March 11, 2022

NOTE: 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).

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

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.

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

12 NCAC 09B .0226 is amended with changes as published in 36:12 NCAC 1032-1047 as follows:

12 NCAC 09B .0226 SPECIALIZED FIREARMS INSTRUCTOR TRAINING

(a) The instructor training course for Specialized Firearms Instructor Training Certification shall consist of a minimum of 50 hours of classroom and range instruction plus time required to complete the tasks associated with Range Operations presented during a continuous period of not more than two weeks. If the Governor declares a State of Emergency pursuant to N.C.G.S. 166A-19.3(19), the Director of the Criminal Justice Standards Division shall allow additional breaks in a specific course delivery when the Director determines that doing so is necessary based on consideration of the following factors:

(A) Whether instruction has begun in the course or whether course initiation may be postponed;

(B) The risk of harm to students which may be caused by continuation of the course;

(C) Whether those enrolled in the course have been or will likely be called to action to help address the State of Emergency;

(D) The specific need for the waiver; and

(E) The degree of benefit to the public in allowing a break in instruction.

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

(b) Each Specialized Firearms Instructor Training course shall be designed to provide the trainee with the skills and knowledge to perform the function of a criminal justice firearms instructor in a Basic Law Enforcement Training (BLET) Course or a law enforcement officer in-service firearms training program.

(c) Each applicant for specialized firearms instructor training shall:

(1) have completed the criminal justice instructor training course;

(2) present a written endorsement by either

(A) a certified school director indicating the student may be utilized to instruct firearms in the Basic Law Enforcement Training Course; or

(B) a department head, certified school director, or in-service training coordinator, indicating the student may be utilized to instruct firearms in a law enforcement officer in-service firearms training program; and

(3) Once within 365 days prior to enrollment each prospective student shall demonstrate proficiency during a qualification administered by the North Carolina Justice Academy. To successfully complete this qualification each prospective student shall achieve a minimum score of 92 percent 2 out of 3 times on both the BLET Day and Night Courses of Fire while using a 'Sam Browne' type belt and security holster and agency-issued duty or ballistic-equivalent ammunition,

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

(1) Orientation/Pretest

2 Hours

1	(2)	Range Operations	2 Hours
2	(3)	Civil Liability	4 Hours
3	(4)	Night Firing	2 Hours
4	(5)	Combat Shooting Classroom and Range	8 Hours
5	(6)	Mental Conditioning	1 Hours
6	(7)	Shotgun Operation and Firing	4 Hours
7	(8)	Service Handgun - Operation and Use	8 Hours
8	(9)	Rifle - Operation and Maintenance	4 Hours
9	(10)	Service Handgun - Maintenance and Cleaning	2 Hours
10	(11)	Range Medical Emergencies	2 Hours
11	(12)	In-Service Firearms Requirements	2 Hours
12	(13)	BLET Lesson Plan Review	1 Hour
13	(14)	Range Drills as defined in the Specialized Firearms Instructor	
14		Training Manual and the Specialized Firearms Instructor Training	
15		Course Management Guide	8 Hours
16	(15)	Completion of tasks associated with Range Operations. Completion of tasks associated with	
17		Instructor Practicums hours determined by number of students and instructors:	
18	(A)	Conduct a BLET Day Course of Fire	
19	(B)	Conduct a BLET Night Course of Fire	
20	(C)	Conduct a Long Gun Course of Fire	
21	(D)	Develop a Combat Course of Fire	

(e) The "Specialized Firearms Instructor Training Manual" published by the North Carolina Justice Academy shall be the curriculum for the Specialized Firearms Instructor Training course. Copies of this publication may be inspected at the:

Criminal Justice Standards Division
North Carolina Department of Justice
1700 Tryon Park Drive
Post Office Drawer 149
Raleigh, North Carolina 27610

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

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

(f) The Commission-certified school that is certified to offer the "Specialized Firearms Instructor Training" course is the North Carolina Justice Academy.

History Note: Authority 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. January 1, 2021.*
7
8

12 NCAC 09B .0232 is amended with changes as published in 36:12 NCAC 1032-1047 as follows:

12 NCAC 09B .0232 SPECIALIZED SUBJECT CONTROL ARREST TECHNIQUES INSTRUCTOR TRAINING

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

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

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

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

(c) Each applicant for Specialized Subject Control Arrest Techniques Instructor Training shall:

- (1) have completed the Criminal Justice Instructor Training course;
- (2) present a letter from a licensed physician stating the applicant's physical fitness to participate in the course;
- (3) present a written endorsement by either
 - (A) a certified School Director indicating the student is qualified to instruct subject control arrest techniques in Basic Law Enforcement Training Courses; or
 - (B) a Department Head, certified School Director, or In-Service Training Coordinator indicating the student may be utilized to instruct subject control arrest techniques for the Law Enforcement Officers' Annual In-Service Training program; and
- (4) Within 365 days prior to enrollment in the Subject Control Arrest Techniques Instructor Training course the prospective student shall complete the following assessments administered by the North Carolina Justice Academy:

- (A) a qualification requiring the individual to demonstrate 100 percent proficiency on the Basic Law Enforcement Training Subject Control Arrest Techniques; and
- (B) achieve at least the 60th percentile on a physical fitness assessment.

(d) Each Specialized Subject Control Arrest Techniques Instructor Training course shall include the following identified topic areas and minimum instructional hours for each area:

- | | | |
|-----|---|---------|
| (1) | Orientation | 1 Hour |
| (2) | Response to Injury | 4 Hours |
| (3) | Combat Conditioning | 4 Hours |
| (4) | Safety Guidelines/Rules | 2 Hours |
| (5) | Fundamentals of Professional Liability | 4 Hours |
| (6) | Practical Skills Enhancement | 4 Hours |
| (7) | Student Instructional Practicum | 6 Hours |
| (8) | BLET Lesson Plan Review | 4 Hours |
| (9) | Completion of tasks associated with Subject Control Arrest Techniques Instructional Methods and Demonstrations. The number of hours required to complete this portion of the curriculum shall be based on the number of enrolled students, available facilities, and number of instructors. | |

(e) The "Specialized Subject Control Arrest Techniques Instructor Training Manual" as published by the North Carolina Justice Academy shall be the curriculum for the Specialized Subject Control Arrest Techniques Instructor Training course. Copies of this publication may be inspected at the:

Criminal Justice Standards Division
North Carolina Department of Justice
1700 Tryon Park Drive
Post Office Drawer 149
Raleigh, North Carolina 27610

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

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

(f) The Commission-certified school that is certified to offer the "Specialized Subject Control Arrest Techniques Instructor Training" course is the North Carolina Justice Academy.

History Note: Authority G.S. 17C-6;
Eff. February 1, 1987;
Amended Eff. February 1, 2016; January 1, 2015; February 1, 2013; December 1, 2009; August 1, 2006; August 1, 2000; November 1, 1998; August 1, 1995; March 1, 1990; July 1, 1989;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25, 2019;

- 1 *Amended Eff. January 1, 2021.*
- 2
- 3

12 NCAC 09B .0233 is amended with changes as published in 36:12 NCAC 1032-1047 as follows:

12 NCAC 09B .0233 SPECIALIZED PHYSICAL FITNESS INSTRUCTOR TRAINING

(a) The instructor training course required for Specialized Physical Fitness Instructor Certification shall consist of a minimum of 47 hours of classroom and field instruction, plus the tasks associated with Physical Fitness Assessments, Exercise Programs, and Instructional Methods, presented during a continuous period of not more than two weeks. If the Governor declares a State of Emergency pursuant to N.C.G.S. 166A-19.3(19), the Director of the Criminal Justice Standards Division shall allow additional breaks in a specific course delivery when the Director determines that doing so is necessary based on consideration of the following factors:

(A) Whether instruction has begun in the course or whether course initiation may be postponed;

(B) The risk of harm to students which may be caused by continuation of the course;

(C) Whether those enrolled in the course have been or will likely be called to action to help address the State of Emergency;

(D) The specific need for the waiver; and

(E) The degree of benefit to the public in allowing a break in instruction.

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

(b) Each Specialized Physical Fitness Instructor Training course shall be designed to provide the trainee with the skills and knowledge to perform the function of a criminal justice physical fitness instructor in a Basic Law Enforcement Training Course or a Law Enforcement Officers' Annual In-Service Training Program.

(c) Each applicant for specialized physical fitness training shall:

(1) qualify through one of the following three options:

(A) have completed the criminal justice general instructor training course;

(B) hold a current and valid North Carolina Teacher's Certificate, hold a baccalaureate degree in physical education, and be teaching in physical education topics; or

(C) be presently instructing physical education topics in a community college, college, or university and possess a baccalaureate degree in physical education;

(2) present a written endorsement by either:

(A) a certified School Director indicating the student may be utilized to instruct physical fitness in Basic Law Enforcement Training Courses; or

(B) a certified School Director, or In-Service Training Coordinator indicating the student may be utilized to instruct physical fitness for the Law Enforcement Officers' In-Service Training Program;

(3) present a letter from a physician stating fitness to participate in the course; and

(4) Within 365 days prior to enrollment complete a qualification administered by the North Carolina Justice Academy requiring the individual to:

(A) complete Scenario #1 of the Police Officer Physical Abilities Test (POPAT) in no more than six minutes;

(B) complete Scenario #2 of the POPAT in no more than three minutes; and

(C) complete a physical fitness assessment achieve at a minimum percentile score of 60.

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

- | | | |
|------|---|----------|
| (1) | Orientation | 1 Hour |
| (2) | Physical Fitness Sessions | 6 Hours |
| (3) | Physical Fitness Assessments, Exercise Programs, and Instructional Methods | 14 Hours |
| (4) | Injury Care and Prevention | 4 Hours |
| (5) | Nutrition | 7 Hours |
| (6) | Civil Liability | 3 Hours |
| (7) | CVD Risk Factors | 3 Hours |
| (8) | Developing In-Service Wellness Programs and Validating Fitness Standards | 4 Hours |
| (9) | Lesson Plan Review | 2 Hours |
| (10) | Exercise Leadership | 3 Hours |
| (11) | Completion of tasks associated with Physical Fitness Assessments, Exercise Programs, and Instructional Methods. The number of hours required to complete this portion of the curriculum shall be determined by number of students, number of instructors, and available facilities. | |

(e) The "Physical Fitness Instructor Training Manual" as published by the North Carolina Justice Academy shall be the curriculum for specialized physical fitness instructor training courses. Copies of this publication may be inspected at the:

Criminal Justice Standards Division
North Carolina Department of Justice
1700 Tryon Park Drive
Post Office Drawer 149
Raleigh, North Carolina 27610

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

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

(f) The Commission-certified school that is certified to offer the "Specialized Physical Fitness Instructor Training" course is the North Carolina Justice Academy.

*History Note: Authority G.S. 17C-6;
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 1, 1985.*
3 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25,*
4 *2019;*
5 *Amended Eff. January 1, 2021.*

REQUEST FOR TECHNICAL CHANGE

AGENCY: Criminal Justice Education and Training Standards Commission

RULE CITATION: 12 NCAC 09B .0237

DEADLINE FOR RECEIPT: Friday, March 11, 2022

NOTE: 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"

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).

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."

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

12 NCAC 09B .0237 is amended with changes as published in 36:12 NCAC 1032-1047 as follows:

12 NCAC 09B .0237 LIDAR INSTRUCTOR TRAINING COURSE

(a) The Lidar Instructor Training Course shall be designed to provide the trainee with the skills and knowledge to proficiently perform the function of a lidar instructor. This course shall be for a period not to exceed six consecutive weeks. If the Governor declares a State of Emergency pursuant to N.C.G.S. 166A-19.3(19), the Director of the Criminal Justice Standards Division shall allow additional breaks in a specific course delivery when the Director determines that doing so is necessary based on consideration of the following factors:

(A) Whether instruction has begun in the course or whether course initiation may be postponed;

(B) The risk of harm to students which may be caused by continuation of the course;

(C) Whether those enrolled in the course have been or will likely be called to action to help address the State of Emergency;

(D) The specific need for the waiver; and

(E) The degree of benefit to the public in allowing a break in instruction.

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

(b) The Lidar Instructor Training Course required for lidar instructor certification shall include the topic areas and number of hours as outlined in the Lidar Instructor Training Course. To qualify for lidar instructor certification, an applicant shall meet the requirements as outlined in The Lidar Instructor Training Course and meet the requirements of 12 NCAC 09B .0408 and .0409.

(c) Each applicant for lidar instructor training shall:

(1) Present the endorsement of a Commission-recognized school director or agency executive officer or his designee.

(2) Possess full criminal justice General Instructor Certification as required in 12 NCAC 09B .0302.

(3) Possess a current and valid lidar operator certification.

(d) The "Lidar Instructor Training Course" as published by the North Carolina Justice Academy shall be applied as basic curriculum for the lidar instructor training course for lidar instructors as administered by the Commission. Copies of this publication may be inspected at the office of the agency:

Criminal Justice Standards Division
North Carolina Department of Justice
114 West Edenton Street
Old Education Building
Post Office Drawer 149
Raleigh, North Carolina 27602

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

North Carolina Justice Academy

Post Office Box 99

Salemburg, North Carolina 28385

(e) Commission-certified schools that are certified to offer the ~~Lidar~~ LIDAR Instructor Training Course are: The North Carolina Justice Academy.

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

Eff. May 1, 2004;

Amended Eff. November 1, 2007;

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

REQUEST FOR TECHNICAL CHANGE

AGENCY: Criminal Justice Education and Training Standards Commission

RULE CITATION: 12 NCAC 09B .0238

DEADLINE FOR RECEIPT: Friday, March 11, 2022

NOTE: 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"

In (b), lines 21 and 24, delete or define "successfully"

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

12 NCAC 09B .0238 is amended with changes as published in 36:12 NCAC 1032-1047 as follows:

12 NCAC 09B .0238 CERTIFICATION TRAINING FOR LIDAR OPERATORS

(a) The Lidar Operator Training Course for law enforcement officers shall be designed to provide the trainee with the skills and knowledge to proficiently perform the function of a law enforcement lidar operator. This course shall be for a period not to exceed four consecutive weeks. If the Governor declares a State of Emergency pursuant to N.C.G.S. 166A-19.3(19), the Director of the Criminal Justice Standards Division shall allow additional breaks in a specific course delivery when the Director determines that doing so is necessary based on consideration of the following factors:

(A) Whether instruction has begun in the course or whether course initiation may be postponed;

(B) The risk of harm to students which may be caused by continuation of the course;

(C) Whether those enrolled in the course have been or will likely be called to action to help address the State of Emergency;

(D) The specific need for the waiver; and

(E) The degree of benefit to the public in allowing a break in instruction.

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

(b) Only employed or appointed personnel of a law enforcement agency shall be enrolled in the Lidar Operator Training Course. Such a trainee shall not be certified as a lidar operator until the Basic Law Enforcement Training Course has been successfully completed and probationary or general law enforcement certification has been granted. Sheriffs, deputy sheriffs and federal law enforcement personnel, including armed forces personnel, shall be allowed to participate in the lidar operator training courses on a space available basis at the discretion of the school director without having enrolled in or having successfully completed the Basic Law Enforcement Training Course and without being currently certified in a probationary status or holding general law enforcement certification. The Lidar Operator Training Course required for lidar operator certification shall include the topic areas and number of hours as outlined in the Lidar Operator Training Course. To qualify for lidar operator certification, an applicant shall meet the requirements as outlined in the Lidar Operator Training Course and meet the requirements of 12 NCAC 09B .0408 and .0409.

(c) The "Lidar Operator Training Course" as published by the North Carolina Justice Academy shall be applied as basic curriculum for the Lidar Operator Training Course for lidar operators as administered by the Commission. Copies of this publication may be inspected at the office of the agency:

Criminal Justice Standards Division
North Carolina Department of Justice
114 West Edenton Street
Old Education Building
Post Office Drawer 149

Raleigh, North Carolina 27602

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

North Carolina Justice Academy

Post Office Box 99

Salemburg, North Carolina 28385

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

Eff. May 1, 2004;

Amended Eff. November 1, 2007;

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

REQUEST FOR TECHNICAL CHANGE

AGENCY: Criminal Justice Education and Training Standards Commission

RULE CITATION: 12 NCAC 09B .0242

DEADLINE FOR RECEIPT: Friday, March 11, 2022

NOTE: 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"

In (b), lines 21 and 25, delete or define "successfully"

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

12 NCAC 09B .0242 is amended with changes as published in 36:12 NCAC 1032-1047 as follows:

12 NCAC 09B .0242 CERTIFICATION TRAINING FOR RADAR/LIDAR OPERATORS

(a) The radar/lidar operator training course for law enforcement officers shall be designed to provide the trainee with the skills and knowledge to proficiently perform the function of a radar and lidar operator. This course shall be for a period not to exceed four consecutive weeks. If the Governor declares a State of Emergency pursuant to N.C.G.S. 166A-19.3(19), the Director of the Criminal Justice Standards Division shall allow additional breaks in a specific course delivery when the Director determines that doing so is necessary based on consideration of the following factors:

(A) Whether instruction has begun in the course or whether course initiation may be postponed;

(B) The risk of harm to students which may be caused by continuation of the course;

(C) Whether those enrolled in the course have been or will likely be called to action to help address the State of Emergency;

(D) The specific need for the waiver; and

(E) The degree of benefit to the public in allowing a break in instruction.

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

(b) Only employed or appointed personnel of a law enforcement agency may be enrolled in the radar/lidar speed measurement instrument operator training course. Such a trainee shall not be certified as a radar and lidar speed measurement instrument operator until the basic law enforcement training course has been successfully completed and probationary or general law enforcement certification has been granted. Sheriffs, deputy sheriffs, and federal law enforcement personnel, including armed forces personnel, shall be allowed to participate in a radar/lidar speed measurement instrument operator training courses on a space available basis at the discretion of the school director without having enrolled in or having successfully completed the basic law enforcement training course and without being currently certified in a probationary status or holding general law enforcement certification. The radar/lidar operator training course required for radar and lidar operator certification shall include the topic areas and number of hours as outlined in the Radar/Lidar Operator Training Course. To qualify for radar and lidar operator certification, an applicant shall meet the requirements as outlined in the Radar/Lidar Operator Training Course and meet the requirements of 12 NCAC 09B .0408 and .0409.

(c) The "Radar/Lidar Operator Training Course" as published by the North Carolina Justice Academy shall be applied as basic curriculum for the radar/lidar operator training course for radar and lidar instrument operators as administered by the Commission. Copies of this publication may be inspected at the office of the agency:

Criminal Justice Standards Division
North Carolina Department of Justice
114 West Edenton Street
Old Education Building

Post Office Drawer 149

Raleigh, North Carolina 27602

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

North Carolina Justice Academy

Post Office Box 99

Salemburg, North Carolina 28385

History Note: Authority G.S. 17C-6;
Eff. November 1, 2007;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25,
2019.

REQUEST FOR TECHNICAL CHANGE

AGENCY: Criminal Justice Education and Training Standards Commission

RULE CITATION: 12 NCAC 09B .0244

DEADLINE FOR RECEIPT: Friday, March 11, 2022

NOTE: 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"

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

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

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

12 NCAC 09B .0244 is amended with changes as published in 36:12 NCAC 1032-1047 as follows:

12 NCAC 09B .0244 CERTIFICATION TRAINING FOR RADAR/TIME-DISTANCE/LIDAR OPERATORS

(a) The radar/time-distance/lidar operator training course for law enforcement officers shall be designed to provide the trainee with the skills and knowledge to proficiently perform the function of a radar, time-distance, and lidar operator. This course shall be for a period not to exceed four consecutive weeks. If the Governor declares a State of Emergency pursuant to N.C.G.S. 166A-19.3(19), the Director of the Criminal Justice Standards Division shall allow additional breaks in a specific course delivery when the Director determines that doing so is necessary based on consideration of the following factors:

(A) Whether instruction has begun in the course or whether course initiation may be postponed;

(B) The risk of harm to students which may be caused by continuation of the course;

(C) Whether those enrolled in the course have been or will likely be called to action to help address the State of Emergency;

(D) The specific need for the waiver; and

(E) The degree of benefit to the public in allowing a break in instruction.

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

(b) Only employed or appointed personnel of a law enforcement agency may be enrolled in the radar/time-distance/lidar speed measurement instrument operator training course. Such a trainee shall not be certified as a radar, time-distance, and lidar speed measurement instrument operator until the basic law enforcement training course has been successfully completed and probationary or general law enforcement certification has been granted. Sheriffs, deputy sheriffs, and federal law enforcement personnel, including armed forces personnel, shall be allowed to participate in radar, time-distance, and lidar speed measurement instrument operator training courses the on a space available basis at the discretion of the school director without having enrolled in or having successfully completed the basic law enforcement training course and without being currently certified in a probationary status or holding general law enforcement certification. The radar/time-distance/lidar operator training course required for radar, time-distance, and lidar operator certification shall include the topic areas and number of hours as outlined in The Radar/Time-Distance/Lidar Operator Training Course. To qualify for radar, time-distance, and lidar operator certification, an applicant shall meet the requirements as outlined in The Radar/Time-Distance/Lidar Operator Training Course and meet the requirements of 12 NCAC 09B .0408 and .0409.

(c) The "Radar/Time-Distance/Lidar Operator Training Course" as published by the North Carolina Justice Academy shall be applied as basic curriculum for the radar/time-distance/lidar operator training course for radar, time-distance, and lidar instrument operators as administered by the Commission. Copies of this publication may be inspected at the office of the agency:

Criminal Justice Standards Division
North Carolina Department of Justice
114 West Edenton Street
Old Education Building
Post Office Drawer 149
Raleigh, North Carolina 27602

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

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

History Note: Authority G.S. 17C-6;
Eff. November 1, 2007;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25,
2019.

REQUEST FOR TECHNICAL CHANGE

AGENCY: Criminal Justice Education and Training Standards Commission

RULE CITATION: 12 NCAC 09B .0404

DEADLINE FOR RECEIPT: Friday, March 11, 2022

NOTE: 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)?

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

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

12 NCAC 09B .0404 TRAINEE ATTENDANCE

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

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

(c) If the school director grants an excused absence from a class session, he or she shall schedule make-up work and ensure the completion of such work during the current course presentation. The school director shall schedule instructors and reimburse those instructors for the purpose of completion of the make-up work. Absences that occur during the last 40 hours of the training course may be made up in a subsequent delivery; however, the school director shall notify the Standards Division prior to scheduling the make-up work.

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

(1) Whether instruction has begun in the course or whether course initiation may be postponed;

(2) The risk of harm to students which may be caused by continuation of the course;

(3) Whether those enrolled in the course have been or will likely be called to action to help address the State of Emergency;

(4) The specific need for the waiver; and

(5) The degree of benefit to the public in allowing a break in instruction.

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

(e) The School Director shall provide the following information to the Director of the Criminal Justice Standards Division for consideration:

(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.

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

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

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

~~(i)~~~~(g)~~ A trainee, enrolled in a presentation of the "Specialized Firearms Instructor Training" course under Rule .0226 of this Subchapter, the "Specialized Driver Instructor Training" course under Rule .0227 of this Subchapter, the "Specialized Subject Control Arrest Techniques Instructor Training" course under Rule .0232 of this Subchapter, or the "Specialized Physical Fitness Instructor Training" course under Rule .0233 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. The Director of the Criminal Justice Standards Division may grant a waiver for completion of course requirements in a 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 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.

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

Eff. January 1, 1981;

Amended Eff. November 1, 1981;

Readopted Eff. July 1, 1982;

Amended Eff. February 1, 2006; May 1, 2004; August 1, 2000; April 1, 1999; November 1, 1993; July 1, 1989; February 1, 1987; June 1, 1986;

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

Amended Eff. August 1, 2021.

12 NCAC 09B .0417 is amended with changes as published in 36:12 NCAC 1032-1047 as follows:

12 NCAC 09B .0417 SPECIALIZED EXPLOSIVES AND HAZARDOUS MATERIALS INSTRUCTOR TRAINING

(a) The instructor training course required for Specialized Explosives and Hazardous Materials Instructor Certification shall consist of a minimum of 59 hours of classroom instruction plus time required to complete Instructor Practicum presented during a continuous period of not more than two weeks. . If the Governor declares a State of Emergency pursuant to N.C.G.S. 166A-19.3(19), the Director of the Criminal Justice Standards Division shall allow additional breaks in a specific course delivery when the Director determines that doing so is necessary based on consideration of the following factors:

(A) Whether instruction has begun in the course or whether course initiation may be postponed;

(B) The risk of harm to students which may be caused by continuation of the course;

(C) Whether those enrolled in the course have been or will likely be called to action to help address the State of Emergency;

(D) The specific need for the waiver; and

(E) The degree of benefit to the public in allowing a break in instruction.

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

(b) Each Specialized Explosives and Hazardous Materials Instructor Training course shall be designed to provide the trainee with the skills and knowledge to perform the function of a criminal justice explosives and hazardous materials instructor in a Basic Law Enforcement Training Course or a Law Enforcement Officers' Annual In-Service Training Program.

(c) Each applicant for Specialized Explosives and Hazardous Materials Instructor Training shall:

(1) have completed either:

(A) the criminal justice instructor training course; or

(B) the Fire Service Instructor Methodology Course or the equivalent utilizing the Instructional Systems Design model, an international model with application in education, military training, and private enterprise;

(2) present a written endorsement by either:

(A) a certified school director indicating the student will be utilized to instruct explosives and hazardous materials in Basic Law Enforcement Training Courses; or

(B) a department head, certified school director, or in-service training coordinator, indicating the student will be utilized to instruct explosives and hazardous materials training in the Law Enforcement Officer's Annual In-Service Training Program; and

(3) present a completed OSHA Respirator Medical Evaluation Questionnaire, accompanied by a statement from a licensed medical professional stating the applicant is physically fit to participate in the course.

(d) Each Specialized Explosives and Hazardous Materials Instructor Training course shall include the following identified topic areas and minimum instructional hours for each area:

(1)	Orientation	2 Hours
(2)	Introduction to Hazardous Materials	1 Hour
(3)	Hazardous Materials Identification	2.5 Hours
(4)	Awareness Level Actions at Hazardous Materials Incidents	1.5 Hours
(5)	Chemical Properties and Hazardous Materials Behavior	3 Hours
(6)	Incident Management	3 Hours
(7)	Strategic Goals and Tactical Objectives	3.5 Hours
(8)	Terrorist and Other Criminal Activity	5 Hours
(9)	Personal Protective Equipment	5 Hours
(10)	Decontamination	5 Hours
(11)	Product Control	4 Hours
(12)	Air Monitoring and Sampling	1.5 Hours
(13)	Victim Rescue and Recovery	4 Hours
(14)	Evidence Preservation and Sampling	3 Hours
(15)	Illicit Laboratories	2 Hours
(16)	Introduction to Explosive Devices	1 Hour
(17)	Improvised Explosive Device Anatomy	2 Hours
(18)	Packaged Improvised Explosive Devices	1 Hour
(19)	Suicide/Homicide Improvised Explosive Devices	1 Hour
(20)	Vehicle Borne Improvised Explosive Devices	1 Hour
(21)	Radio Controlled Improvised Explosive Devices with Live Demonstration	5 Hours
(22)	Improvised Explosive Device Threat Response	1 Hour
(23)	Explosives and Hazardous Materials Emergencies and BLET Lesson Plan Review	1 Hour
(24)	Completion of tasks associated with Instructor Practicums. The number of required hours to complete this portion of the curriculum shall be based on the number of students and instructors.	

(e) The basic curriculum for delivery of the Specialized Explosives and Hazardous Materials Instructor Training course shall be the Specialized Explosives and Hazardous Materials Instructor Training Manual," as published by the North Carolina Justice Academy. Copies of these publications may be inspected at the agency:

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

Raleigh, North Carolina 27610

and may be obtained at no cost to the student from the Academy at the following address:

North Carolina Justice Academy

Post Office Box 99

Salemburg, North Carolina 28385

(f) The North Carolina Justice Academy is certified to offer the Specialized Explosives and Hazardous Materials Instructor Training course.

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

Eff. June 1, 2013;

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

Amended Eff. January 1, 2021.

12 NCAC 09G .0414 is amended with changes as published in 36:12 NCAC 1032-1047 as follows:

12 NCAC 09G .0414 INSTRUCTOR TRAINING

(a) The Instructor Training course required for General Instructor certification shall consist of at least the minimum number of hours of instruction as defined in 12 NCAC 09B .0209 to be completed within 15 business days. If the Governor declares a State of Emergency pursuant to N.C.G.S. 166A-19.3(19), the Director of the Criminal Justice Standards Division shall allow additional breaks in a specific course delivery when the Director determines that doing so is necessary based on consideration of the following factors:

(A) Whether instruction has begun in the course or whether course initiation may be postponed;

(B) The risk of harm to students which may be caused by continuation of the course;

(C) Whether those enrolled in the course have been or will likely be called to action to help address the State of Emergency;

(D) The specific need for the waiver; and

(E) The degree of benefit to the public in allowing a break in instruction.

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

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

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

Criminal Justice Standards Division
North Carolina Department of Justice
1700 Tryon Park Drive
Post Office Drawer 149
Raleigh, North Carolina 27602

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

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

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

Temporary Adoption Eff. January 1, 2001;

Eff. August 1, 2002;

Amended Eff. July 1, 2018; April 1, 2018; January 1, 2018; January 1, 2015;

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

12 NCAC 09G .0415 is amended with changes as published in 36:12 NCAC 1032-1047 as follows:

12 NCAC 09G .0415 CORRECTIONS SPECIALIZED INSTRUCTOR TRAINING – FIREARMS

(a) The instructor training course requirement for Corrections Specialized Instructor Training – Firearms certification shall consist of at least 80 hours of instruction presented during a period of not more than two consecutive weeks. If the Governor declares a State of Emergency pursuant to N.C.G.S. 166A-19.3(19), the Director of the Criminal Justice Standards Division shall allow additional breaks in a specific course delivery when the Director determines that doing so is necessary based on consideration of the following factors:

(A) Whether instruction has begun in the course or whether course initiation may be postponed;

(B) The risk of harm to students which may be caused by continuation of the course;

(C) Whether those enrolled in the course have been or will likely be called to action to help address the State of Emergency;

(D) The specific need for the waiver; and

(E) The degree of benefit to the public in allowing a break in instruction.

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

(b) Each Corrections Specialized Instructor Training – Firearms course shall be designed to provide the trainee with the skills and knowledge to perform the function of a corrections firearms instructor in the "Basic Training – Correctional Officer" course, "Basic Training - Probation/Parole Officer" course, and in-service training courses for correctional officers and probation/parole officers.

(c) Each Corrections Specialized Firearms Instructor Training course shall include the following topical areas:

(1) Course Overview;

(2) Legal Considerations for Firearm Instructors;

(3) Department of Public Safety, Division of Adult Correction Firearms Training Courses;

(4) Firearms Safety;

(5) Range Operations;

(6) Medical Emergencies on the Range;

(7) Handgun – Operation, Use and Maintenance:

(A) Handgun Training – Classroom and Range;

(B) Handgun Low/Limited Light Fire; and

(C) Handgun Care and Maintenance;

(8) Advanced Handgun Training – Classroom and Range;

(9) Shotgun Operation, Use and Maintenance:

(A) Shotgun Training – Classroom and Range;

(B) Shotgun Low/Limited Light Fire – Range; and

(C) Shotgun Care and Maintenance;

(10) Special Techniques, Training Aids, and Methods:

(11) Situational Use of Firearms:

(A) The Shooting Decision;

(B) Situational Use of Firearms;

(C) Situational Exercises – Day; and

(D) Situational Exercises – Low/Limited Light; and

(12) Administrative Matters, Testing, and Evaluation.

(d) The Commission certified school that is certified to offer the "Corrections Specialized Instructor Training - Firearms" course is the Office of Staff Development and Training of the North Carolina Department of Public Safety.

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

Temporary Adoption Eff. January 1, 2001;

Eff. August 1, 2002;

Amended Eff. May 1, 2014; April 1, 2008; February 1, 2006; August 1, 2004;

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

12 NCAC 09G .0416 is amended with changes as published in 36:12 NCAC 1032-1047 as follows:

12 NCAC 09G .0416 CORRECTIONS SPECIALIZED INSTRUCTOR TRAINING - CONTROLS, RESTRAINTS, AND DEFENSIVE TECHNIQUES

(a) The instructor training course requirement for corrections specialized controls, restraints, and defensive techniques (CRDT) instructor certification shall consist of at least 80 hours of instruction presented during a period of not more than two consecutive weeks. If the Governor declares a State of Emergency pursuant to N.C.G.S. 166A-19.3(19), the Director of the Criminal Justice Standards Division shall allow additional breaks in a specific course delivery when the Director determines that doing so is necessary based on consideration of the following factors:

(A) Whether instruction has begun in the course or whether course initiation may be postponed;

(B) The risk of harm to students which may be caused by continuation of the course;

(C) Whether those enrolled in the course have been or will likely be called to action to help address the State of Emergency;

(D) The specific need for the waiver; and

(E) The degree of benefit to the public in allowing a break in instruction.

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

(b) Each corrections specialized controls, restraints, and defensive techniques instructor training course shall be designed to provide the trainee with the skills and knowledge to perform the function of a corrections controls, restraints, and defensive techniques instructor in the "Basic Training - Correctional Officer" course, "Basic Training - Probation/Parole Officer" course, and in-service training courses for correctional officers and probation/parole officers.

(c) Each corrections specialized controls, restraints, and defensive techniques instructor training course shall include the following topical areas:

(1) Introduction to Controls, Restraints, and Defensive Techniques;

(2) Physical Fitness/Warm-up and Stretching;

(3) Response to Injury;

(4) Basic Controls and Techniques;

(5) Advanced Controls and Techniques;

(6) Restraint Applications; and

(7) CRDT Program Student Evaluations and Testing.

(d) The Commission-certified school that is certified to offer the "Corrections Specialized Instructor Training/Controls, Restraints, and Defensive Techniques" course is the Office of Staff Development and Training of the North Carolina Department of Public Safety.

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
8