

REQUEST FOR TECHNICAL CHANGE

AGENCY: Criminal Justice Education and Training Standards Commission

RULE CITATION: 12 NCAC 09A .0205

DEADLINE FOR RECEIPT: Friday, June 12, 2020

PLEASE NOTE: *This request may extend to 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)(1) through (3), what is your authority to revoke or deny a certification based on the commission of an offense? Does this go to "good moral character" as provided in G.S. 17C-10(c)? If so, how does this go with G.S. 17C-13?

Please delete "or" at the end of (a)(1)

In (a)(2), what is the "authorized punishment"? Do you mean the minimum sentencing set forth in statute?

In (a)(3), what are the "causes requiring a five-year period of suspension"? Is there a cross-reference available?

In (b), how will it be decided whether to reduce the 5 year period of suspension or substitute a period of probation? What factors will the commission use in making that determination? Is this always after an administrative hearing? If so, that's not clear.

In (b), like 13, I don't understand "under Paragraph (b) of this Rule." Could you delete this phrase?

Delete "or" at the end of (b)(1) through (b)(7).

In (b)(3), please either delete "to the Commission's satisfaction" or provide how this will be determined.

Just so I understand, the cross-reference to 09B .0111(1)(d) in (b)(9) is intended to say that if someone commits or is convicted of 4 Class B misdemeanors they will fall under the 5 year suspension or denial? If so, why not just say that rather than providing the cross-reference?

Amber May
Commission Counsel
Date submitted to agency: June 1, 2020

Delete the “or” at the end of (c)(1) and (2).

In (c)(1), what are the “relevant basic training requirements”?

In (c)(2), what are the “minimum standards of employment”?

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

Amber May
Commission Counsel
Date submitted to agency: June 1, 2020

12 NCAC 09A .0205 is amended as published in 34.13 NCR 1193-1204 as follows:

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

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

- (1) commission or conviction of a felony offense; or
- (2) commission or conviction of a criminal offense for which authorized punishment included imprisonment for more than two years; or
- (3) the second suspension of an officer's certification for any of the causes requiring a five-year period of suspension.

(b) When the Commission suspends or denies the certification of a criminal justice officer, the period of sanction shall be not less than five years; however, the Commission may either reduce or suspend the period of sanction under Paragraph (b) of this Rule or substitute a period of probation in lieu of suspension of certification following an administrative hearing, where the cause of sanction is:

- (1) commission or conviction of a criminal offense other than those listed in Paragraph (a) of this Rule; or
- (2) refusal to submit to the applicant or lateral transferee drug screen required by these Rules; or
- (3) production of a positive result on a drug screen reported to the Commission under 12 NCAC 09C .0310, where the positive result cannot be explained to the Commission's satisfaction; or
- (4) material misrepresentation of any information required for certification or accreditation; or
- (5) obtaining, attempting to obtain, aiding another person to obtain, or aiding another person to attempt to obtain credit, training or certification by any means of false pretense, deception, defraudation, misrepresentation or cheating; or
- (6) failure to make either of the notifications as required by 12 NCAC 09B .0101(8); or
- (7) removal from office under the provisions of G.S. 128-16 or the provisions of G.S. 14-230; or
- (8) performing activities or duties for which certification by the Commission is required without having first obtained the appropriate ~~certification~~ certification; or
- (9) commission or conviction of offenses as specified in 12 NCAC 09B .0111(1)(d).

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

- (1) failure to meet or satisfy relevant basic training requirements; or
- (2) failure to meet or maintain the minimum standards of employment; or
- (3) discharge from a criminal justice agency for impairment of physical or mental capabilities; or
- (4) failure to meet or satisfy the in-service training requirements as prescribed in 12 NCAC 9E.

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

1 *Eff. January 1, 1981;*

2 *Amended Eff. February 1, 2006; August 1, 2001; November 1, 1993; July 1, 1990; July 1, 1989;*
3 *October 1, 1985;*

4 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25,*
5 *2019.*

6 *Amended Eff. July 01, 2020.*

REQUEST FOR TECHNICAL CHANGE

AGENCY: Criminal Justice Education and Training Standards Commission

RULE CITATION: 12 NCAC 09B .0202

DEADLINE FOR RECEIPT: Friday, June 12, 2020

PLEASE NOTE: *This request may extend to 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)(3), what is "all necessary additional information"? Is this determined by the school director? If so, I think it's fine as written.

In (a)(4), what is the "Management Guide"? Who is responsible for drafting this? Is this the Justice Academy? Given (b)(1), I think it is, but please confirm.

In (a)(5), are these standards the same as those referenced in (a)? As in, do you mean the Rules of this Subchapter?

In (a)(9), what are "Commission procedures and standards"?

In (a)(9), what is meant by "safe and effective"?

In (a)(12), why have you referenced form? Here, do you mean "submit all forms required for submission to the Commission"? If so, please change the period to a semi-colon and add an "and" at the end of (a)(11); and change the wording in (a)(12).

Delete "actively" in (b)(4) and (b)(5).

In (a)(9), delete or define "appropriate" in "appropriate tests"

In (c)(2), do you want to change "each" to "every" as you've done elsewhere in this Rule?

In (c)(3)(C), delete the comma after "rules"

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

Amber May
Commission Counsel
Date submitted to agency: June 1, 2020

1 12 NCAC 09B .0202 is amended as published in 34:13 NCR 1193-1204 as follows:
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4 **12 NCAC 09B .0202 RESPONSIBILITIES OF THE SCHOOL DIRECTOR**

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

- 7 (1) Formalize and schedule the course curriculum in accordance with the curriculum standards
8 established in this Subchapter;
- 9 (2) Select and schedule instructors who are certified by the Commission;
- 10 (3) Provide each instructor with a current Commission course outline and all necessary additional
11 information concerning the instructor's duties and responsibilities;
- 12 (4) Notify each instructor that he or she shall comply with the Basic Law Enforcement Training Course
13 Management Guide and provide him or her access to the most current version of the Course
14 Management Guide;
- 15 (5) Review each instructor's lesson plans and other instructional materials for conformance to
16 Commission standards and to minimize repetition and duplication of subject matter;
- 17 (6) Arrange for the availability of appropriate audiovisual aids and materials, publications, facilities,
18 and equipment for training in all topic areas;
- 19 (7) Develop, adopt, reproduce, and distribute any supplemental rules and requirements determined by
20 the school to be necessary or appropriate for:
 - 21 (A) effective course delivery;
 - 22 (B) establishing responsibilities and obligations of agencies or departments employing or
23 sponsoring course trainees; and
 - 24 (C) regulating trainee participation and demeanor, ensuring trainee attendance, and
25 maintaining performance records;
- 26 (8) If appropriate, recommend housing and dining facilities for trainees;
- 27 (9) Administer the course delivery in accordance with Commission procedures and standards, give
28 consideration to advisory guidelines issued by the Commission, and ensure that the training offered
29 is safe and effective;
- 30 (10) Maintain direct supervision, direction, and control over the performance of all persons to whom any
31 portion of the planning, development, presentation, or administration of a course has been delegated.
32 The comprehensive final examination shall be administered by the Criminal Justice Education and
33 Training Standards Commission; and
- 34 (11) Report the completion of each presentation of a Commission-certified criminal justice training
35 course to the Commission.

- 1 (12) All forms required for submission to the Commission are located on the Agency's website:
2 [http://www.ncdoj.gov/About-DOJ/Law-Enforcement-Training-and-Standards/Criminal-Justice-
4 Education-and-Training-Standards/Forms-and-Publications.aspx](http://www.ncdoj.gov/About-DOJ/Law-Enforcement-Training-and-Standards/Criminal-Justice-
3 Education-and-Training-Standards/Forms-and-Publications.aspx).
- 5 (b) In addition to Paragraph (a) of this Rule, in planning, developing, coordinating, and delivering each Commission-
6 certified Basic Law Enforcement Training Course, the School Director shall:
- 7 (1) Deliver training in accordance with the most current version of the Basic Law Enforcement Training
8 Course Management Guide as published by the North Carolina Justice Academy;
- 9 (2) Schedule course presentation to include 12 hours of instruction each week during consecutive
10 calendar weeks, except that there may be as many as three one-week breaks until course
11 requirements are completed;
- 12 (3) Schedule only specialized instructors certified by the Commission to teach those high-liability areas
13 as specified in Rule .0304(a) of this Subchapter as either the lead instructor or as assistant instructors
14 or role players;
- 15 (4) With the exception of the First Responder, Physical Fitness, Explosives and Hazardous Materials,
16 and topical areas outlined in Rule .0304(a) of this Subchapter, schedule one specialized instructor
17 certified by the Commission for ~~each~~ every six trainees while actively engaged in a practical
18 performance exercise;
- 19 (5) Schedule one specialized instructor certified by the Commission for ~~each~~ every eight trainees while
20 actively engaged in a practical performance exercise in the topical area "Subject Control Arrest
21 Techniques;"
- 22 (6) Schedule no single individual to instruct more than 35 percent of the total hours of the curriculum
23 during any one delivery of the Basic Law Enforcement Training Course presentation;
- 24 (7) Not less than ~~45~~ 30 days before commencing delivery of the Basic Law Enforcement Training
25 Course, submit to the Commission a Pre-Delivery Report of Training Course Presentation ~~as set out~~
26 ~~in~~ pursuant to 12 NCAC 09C .0211. The Pre-Delivery Report (Form F-10A) shall indicate a
27 requested date and location for the administration of the state comprehensive exam, and include the
28 following attachments:
- 29 (A) a course schedule showing the arrangement of topical presentations and proposed
30 instructional assignments; and
- 31 (B) a copy of any rules and requirements for the school. A copy of such rules shall also be
32 given to each trainee and to the executive officer of each trainee's employing or sponsoring
33 agency or department at the time the trainee enrolls in the course;
- 34 (8) Monitor, or designate an instructor certified by the Commission to monitor, a presentation of each
35 instructor once during each three year certification period in each topic taught by the instructor and
36 prepare a written evaluation on the instructor's performance and suitability for subsequent
37 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,~~

1 objective-based, documented by, and consistent with a Commission-approved lesson plan. For each
2 topic area, the School Director's evaluation shall be based upon the course delivery observations,
3 the instructor's use of the approved lesson plan, and the results of the student evaluations of the
4 instructor. For probationary instructors, the evaluations conducted by another instructor shall be
5 prepared on the Criminal Justice Instructor Evaluation (~~Form F-16~~), (Form F-16) and forwarded to
6 the Commission. Based on this evaluation, the School Director shall recommend approval or denial
7 of requests for General Instructor Certification. For all other instructors, these evaluations shall be
8 prepared on the Criminal Justice Instructor Evaluation (Form F-16), be kept on file by the school
9 for a period of three years, and shall be made available for inspection by a representative of the
10 Commission upon request. In the event the evaluation of an instructor indicates that his or her
11 performance was less than acceptable, the School Director shall forward a copy of the evaluation to
12 the Commission. Any instructor who is evaluating the instructional presentation of another
13 instructor shall hold certification in the same instructional topic area as that for which the instructor
14 is being evaluated;

15 (9) Administer or designate a staff person to administer appropriate tests during course delivery:

- 16 (A) to determine and record the level of trainee comprehension and retention of instructional
17 subject- matter;
18 (B) to provide a basis for a final determination or recommendation regarding the minimum
19 degree of knowledge and skill of each trainee to function as an inexperienced law
20 enforcement officer; and
21 (C) to determine subject or topic areas of deficiency for the application of Rule .0405(a)(3) of
22 this Subchapter; and

23 (10) Not more than 10 days after the conclusion of a school's offering of Basic Law Enforcement
24 Training, submit to the Commission a Post-Delivery Report of Training Course Presentation (Form
25 F-10B) that shall include:

- 26 (A) a "Student Course Completion" form for each individual enrolled on the day of orientation;
27 and
28 (B) a "Certification and Test Score Release" form.

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

31 (1) Schedule course presentation to include a minimum of 40 78 hours of instruction during the time
32 period the class is taught until course requirements are completed. ~~each week during consecutive~~
33 ~~calendar weeks until course requirements are completed;~~

34 (2) Schedule at least one evaluator for each six trainees, as follows:

- 35 (A) no evaluator shall be assigned more than six trainees during a course delivery;
36 (B) each evaluator, as well as the instructors, shall have completed a Commission-certified
37 instructor training course or an equivalent instructor training course utilizing the

- Instructional Systems Design model, an international model with applications in education, military training, and private enterprise; and
- (C) each instructor and evaluator shall document successful participation in a program presented by the North Carolina Justice Academy for purposes of familiarization and supplementation relevant to delivery of the instructor training course and trainee ~~evaluation~~; evaluation.
- (3) Not fewer than 30 days before commencing delivery of the course, submit to the Commission a Pre-Delivery Report of Training Course Presentation [Form F-10A(ITC)] with the following attachments:
- (A) a course schedule showing the arrangement of topical presentations and proposed instructional assignments;
- (B) the names and last four digits of the social security numbers of all instructors and evaluators; and
- (C) a copy of any rules, and requirements for the school; and
- (4) Not more than 10 days after course completion, submit to the Commission a Post-Delivery Report [Form F-10B(ITC)] containing the following:
- (A) class enrollment roster;
- (B) a course schedule with the designation of instructors and evaluators utilized in delivery;
- (C) scores recorded for each trainee on the ~~80~~ 70 minute skill presentation; and
- (D) designation of trainees who completed the course in its entirety and whom the School Director finds to be competent to instruct.
- (d) In addition to Paragraph (a) of this Rule, in planning, developing, coordinating, and delivering each Commission-certified ~~radar, radar and time distance, time distance, or lidar~~ RADAR, RADAR and Time-Distance, Time-Distance, or LIDAR speed measurement operator training course or re-certification course, the School Director shall:
- (1) select and schedule speed measurement instrument instructors who are certified by the Commission as instructors for the specific speed measurement instruments in which the trainees are to receive instruction as follows:
- (A) provide to the instructor the Commission form(s) for motor skill examination on each trainee;
- (B) require the instructor to complete the motor skill examination form on each trainee indicating the level of proficiency obtained on each specific instrument; and
- (C) require each instructor to sign each individual form and submit the original to the School Director;
- (2) not fewer than 30 days before the scheduled starting date, submit to the Director of the Standards Division a Pre-Delivery Report of Speed Measuring Instrument Course Presentation [Form F-10A (SMI)] 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

1 trainees to be trained on each type of approved speed measurement instrument. The Director of the
2 Standards Division shall review the request and notify the School Director within thirty business
3 days if the request is approved or denied; and

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

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13 *History Note: Authority G.S. 17C-6;*
14 *Eff. January 1, 1981;*
15 *Amended Eff. November 1, 1981;*
16 *Readopted w/change Eff. July 1, 1982;*
17 *Amended Eff. January 1, 2015; June 1, 2013; April 1, 2009; November 1, 2007; January 1, 2006;*
18 *May 1, 2004; August 1, 2000; January 1, 1996; November 1, 1993; December 1, 1987; January 1,*
19 *1985;*
20 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25,*
21 *2019.*
22 *Amended Eff. July 1, 2020.*
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24

REQUEST FOR TECHNICAL CHANGE

AGENCY: Criminal Justice Education and Training Standards Commission

RULE CITATION: 12 NCAC 09B .0203

DEADLINE FOR RECEIPT: Friday, June 12, 2020

PLEASE NOTE: *This request may extend to 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 (c), is "full time employment" defined somewhere? If not, please do so unless this is determined by the school.

In (e), please verify that this date is still correct.

In (g), what is "little to no education or coursework"?

In (i), change "above" to "of this Rule" so that it reads "Paragraph (h) of this Rule"

Delete "or" at the end of (h)(1) through (3).

In (h)(5), change "paragraphs one through four above" to "Subparagraphs (1) through (4) of this Paragraph."

In (h)(7), change "Subparagraph (five) and (six) to "Subparagraphs (5) and (6) of this Paragraph"

In (i), change "above" to "this Rule"

Begin (i)(1) through (5) with lower case letters, change the periods to semi-colons at the end of (i)(1) through (4) and add an "and" at the end of (i)(4).

(i)(3) and (4) seem misplaced. Is the intent here to define for this Rule? If so, please say "for purposes of this Rule, 'Resided in means..." Also, please considered moving this information to where the term is actually used.

Please add G.S. 93B-9 as cited authority in your History Note.

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

Amber May

Commission Counsel

Date submitted to agency: June 1, 2020

12 NCAC 09B .0203 is amended with changes as published in 34:13 NCAC 1193-1204 as follows:

12 NCAC 09B .0203 ADMISSION OF TRAINEES

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

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

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

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

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

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

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

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

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

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

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

(h) The school shall not admit any individual trainee in a presentation of the Basic Law Enforcement Training Course unless the individual has provided the School Director one of the following types of record checks in the manner set forth in paragraph (i) of this Rule: ~~a certified criminal record check for local and state records for the time period since the trainee has become an adult and from all locations where the trainee has resided since becoming an adult. An Administrative Office of the Courts criminal record check or a comparable out of state criminal record check shall satisfy this requirement.~~

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

(2) a certified criminal record check for local and state records, and certified court documentation for each criminal conviction; or

(3) if the individual trainee has only resided in North Carolina since obtaining the age of majority, provide a fingerprint-based criminal history background check known as a "Right to Review" performed by the North Carolina State Bureau of Investigation. The individual shall also provide certified court documentation for each criminal conviction; or

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

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

(6) A trainee who has been naturalized as a United States Citizen is exempt from providing the criminal record checks for locations where they resided outside of the United States prior to naturalization.

(7) A trainee who has resided outside the United States, other than those described in Subparagraph (five) and (six), who cannot obtain a criminal record check from any location outside the United States shall document the following, to be forwarded to the Standards Division for review on a case by case basis:

(A) the name of the agencies contacted,

(B) the date the agencies were contacted,

(C) the contact information for the agencies contacted, and

(D) the reason the information cannot be provided.

(i) Documents obtained in accordance with Paragraph (h) above shall meet the following requirements:

(1) Any records provided shall fall within the time period beginning when the trainee obtains the age of majority and continuing through the date of application.

(2) Any records provided shall include all locations where the trainee has resided since obtaining the age of majority.

(3) "Resided in" means any place the trainee has lived, worked, attended school, or participated in an internship.

(4) "Certified court documentation" and "record check" mean a document with either a raised seal or other visible verification that the document is authentic as a copy of the court's official record as authorized by law.

(5) Any records provided shall include all legal names utilized by the trainee since obtaining the age of majority.

~~(j)(4)~~ The school shall not admit any individual as a trainee in a presentation of the Basic Law Enforcement Training Course who has been convicted of the following:

(1) a felony;

(2) a crime for which the punishment could have been imprisonment for more than two years;

(3) a crime or unlawful act defined as a Class B Misdemeanor within the five year period prior to the date of application for employment, unless the individual intends to seek certification through the North Carolina Sheriffs' Education and Training Standards Commission;

(4) four or more crimes or unlawful acts defined as Class B Misdemeanors, regardless of the date of conviction;

(5) four or more crimes or unlawful acts defined as Class A Misdemeanors, except the trainee may be enrolled if the last conviction date occurred more than two years prior to the date of enrollment; or

(6) a combination of four or more Class A Misdemeanors or Class B Misdemeanors regardless of the date of conviction, unless the individual intends to seek certification through the North Carolina Criminal Justice Education and Training Standards Commission.

~~(k)(j)~~ Individuals charged with crimes specified in Paragraph ~~(4)~~ (j) of this Rule may be admitted into the Basic Law Enforcement Training Course if such offenses were dismissed or the person was found not guilty, but completion of the Basic Law Enforcement Training Course does not ensure that certification as a law enforcement officer or justice officer through the North Carolina Criminal Justice Education and Training Standards Commission will be issued.

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

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

(1) copies of all active Domestic Violence Orders of Protection and Civil Non-Contact Orders issued to the individual; or

(2) a signed and dated written statement from the individual certifying that no such active Orders exist related to the individual.

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

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

Eff. January 1, 1981;

Amended Eff. January 1, 2019; April 1, 2018; January 1, 2017; February 1, 2016; November 1, 2015; March 1, 2015; January 1, 2015; June 1, 2012; February 1, 2011; June 1, 2010; December 1, 2004; July 1, 2004; August 1, 2002; August 1, 2000; January 1, 1995; March 1, 1992; July 1, 1989; January 1, 1985;

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, 2020:*

REQUEST FOR TECHNICAL CHANGE

AGENCY: Criminal Justice Education and Training Standards Commission

RULE CITATION: 12 NCAC 09B .0303

DEADLINE FOR RECEIPT: Friday, June 12, 2020

PLEASE NOTE: *This request may extend to 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:

Overall, I think that this Rule has some clarity issues. I think the intent is that a instructor must teach 8 hours and get a recommendation from the School Director or in-service training coordinator within 12 months, but I don't think that's clearly stated anywhere in this Rule. Please consider doing so.

Paragraph (a) appears to contradict itself. It says both that the probationary status will expire after satisfying the requirements of Paragraph (b) and also that it will expire automatically. Is this either/or? If so, please make that more clear.

In Paragraph (a), I also don't understand the cross-reference to (b). Is this saying that if a probationary instructor teaches 8 hours submits and a favorable recommendation his or her probationary period will expire? If so, please make that more clear.

In (b), is the Form F-12 to be used for the recommendation from the School director or in-service training coordinator? If so, please clearly tie these two together.

In (c), how will the determination to grant the extension be made? Here, do you mean something like "Probationary instructors may request an extension of up to one-year to teach the eight hour minimum requirement. The director may grant the requested extension upon a showing of just cause based upon the circumstances that created the need for the extension. For purposes of this Rule, 'just cause' includes..."

In (e), on line 26, should the cross-reference to Paragraph (c) be to Paragraph (d)?

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

Amber May

Commission Counsel

Date submitted to agency: June 1, 2020

12 NCAC 09B .0303 is amended as published in 34:13 NCR 1193-1204 as follows:

12 NCAC 09B .0303 TERMS AND CONDITIONS OF GENERAL INSTRUCTOR CERTIFICATION

(a) An applicant meeting the requirements for certification as a general instructor shall, ~~for~~ within the first 12 months of certification, be in a probationary status until satisfying the requirements of Paragraph (b) of this Rule. The General Instructor Certification, Probationary Status, shall automatically expire 12 months from the date of issuance.

(b) The probationary instructor shall be eligible for General Instructor ~~general instructor~~ status if the instructor, ~~through application at the end of the probationary period,~~ submits to the Commission a favorable recommendation from a certified School Director or In-Service Training Coordinator, located on the agency's website: <https://ncdoj.gov/law-enforcement-training/criminal-justice/forms-and-publications/#102-wpfd-instructor>. Form-F-12A shall be accompanied by a certification on a Commission Instructor Evaluation Form F-16 that the instructor taught a minimum of eight hours of Commission-accredited basic training, ~~course,~~ Commission-recognized in-service training ~~course,~~ or training course pursuant to 12 NCAC 10B .0601, 10B .1302, or 10B .2005 during the probationary period. The instructor shall achieve a minimum of 64 points on all instruction evaluations submitted to the Commission. The Commission Instructor Evaluation Form F-16 is located on the agency's website: ~~<http://www.ncdoj.gov/getdoc/c2eba6aa-12bc-4303-bf4b-5fa0431ef5a1/F-16-6-11.aspx>~~ <https://ncdoj.gov/law-enforcement-training/criminal-justice/forms-and-publications/#102-wpfd-instructor>.

(c) Probationary Instructors for just cause, may be granted an extension of the one-year period to teach the eight hour minimum requirement. The Director may grant such extensions on a one-time basis only not to exceed 12 months. For purposes of this Rule, "just cause" includes an accident, illness, emergency, or course cancellation that precluded the instructor from fulfilling the teaching requirement.

(d) The term of certification as a general instructor is indefinite, provided the instructor completes during each calendar year a minimum of one hour of instructor refresher training provided by North Carolina Justice Academy. The Standards Division shall post on its website on January 1 of the current year the list of instructors who have met this requirement during the previous calendar year.

(e) If the instructor fails to meet the instructor refresher training specified in Paragraph (c) of this Rule, he or she shall deliver eight hours of evaluated instruction in a Commission-accredited basic training, Commission-recognized in-service training course, or training course pursuant to 12 NCAC 10B .0601, .1302, or .2005, and complete the instructor refresher training specified in Paragraph (d) of this Rule within 60 days from the last day of the previous calendar year.

(f) If an instructor fails to meet the requirements of Paragraph (d) or (e) of this Rule, the certification period for the instructor shall cease, and the instructor shall be required to complete the requirements of Rule 09B .0302 of this Section in order to obtain probationary instructor status.

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

(h) "Commission-recognized in-service training" shall mean training meeting the following requirements:

- (1) training is taught by an instructor certified by the Commission;
- (2) training utilizes a lesson plan in the Instructional Systems Design format; and
- (3) completion of training shall be demonstrated by a passing score on a written test as follows:
 - (A) a written test comprised of at least five questions per credit shall be developed by the agency or the North Carolina Justice Academy for each in-service training topic requiring testing. Written courses that are more than four credits in length are required to have a written test comprising of a minimum of 20 questions. The Firearms Training and Qualifications in-service course is exempt from this written test requirement;
 - (B) a student shall pass each test by achieving at least 70 percent correct answers; and
 - (C) a student who completes a topic of in-service training in a traditional classroom setting or online and fails the end of topic exam shall be given one attempt to re-test. If the student fails the exam a second time, the student shall complete the in-service training topic in a traditional classroom setting before taking the exam a third time.
 - (D) Topics delivered pursuant to 12 NCAC 09E .0104(1) and 12 NCAC 09E .0105(a)(1) shall not require written testing.

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

Eff. January 1, 1981;

Amended Eff. January 1, 2017; December 1, 2007; November 1, 2007; August 1, 2006; January 1, 2006; August 1, 2000; July 1, 1991; October 1, 1985; January 1, 1985; January 1, 1983;

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

Amended Eff. July 1, 2020; August 1, 2019.

REQUEST FOR TECHNICAL CHANGE

AGENCY: Criminal Justice Education and Training Standards Commission

RULE CITATION: 12 NCAC 09E .0104

DEADLINE FOR RECEIPT: Friday, June 12, 2020

PLEASE NOTE: *This request may extend to 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 Item (3), please also delete "no" on line 31.

Is there a cross-reference for the weapon qualification requirement as provided in Item (6)?

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

Amber May
Commission Counsel
Date submitted to agency: June 1, 2020

12 NCAC 09E .0104 is amended with changes as published in 34.13 NCR 1193-1204 as follows:

12 NCAC 09E .0104 INSTRUCTORS: ANNUAL IN-SERVICE TRAINING

The following requirements and responsibilities are hereby established for instructors who conduct the law enforcement officers' annual in-service training program:

- (1) The instructor shall hold Instructor Certification issued by the Commission as outlined in 12 NCAC 09B .0302, 09B .0304, and 09B .0306, except for instructors:
 - (A) delivering CPR certifications that include cognitive and skills testing;
 - (B) delivering use of equipment training conducted by a manufacturer, manufacturer's representative or a service provider and documented through a certificate of completion; or
 - (C) delivering Incident Command System training for NIMS (National Incident Management System) compliance who are certified through FEMA (Federal Emergency Management Agency) as Incident Command Instructors.

In addition, each instructor certified by the Commission to teach in a Commission-accredited basic training, Speed Measuring Instrument Operator or Instructor training, Instructor or Specialized Instructor training, or Commission-recognized in-service training course shall remain competent in his or her specific or specialty areas. Such competence includes remaining current in the instructor's area of expertise, which may be demonstrated by completing all instructor updates issued by the Commission.

- (2) Instructors who teach a required in-service training topic, other than a topic taught pursuant to Paragraph (1) of this Rule, or a Firearms Training and Qualification course pursuant to Rule .0105(a)(1) of this Section, shall achieve a passing grade on a topic specific test developed by the North Carolina Justice Academy or by the agency delivering the training. Instructors who teach a required in-service training topic online shall also complete the in-service training for the topic he or she will be teaching. Instructors who teach an in-service training topic in a traditional classroom format will receive credit toward their own in-service training requirements, provided that they pass all required tests and have their instruction documented by the Department Head or In-Service Training Coordinator once completed.

- ~~(3) Instructors who, no more than 60 days prior to the upcoming calendar year, complete [completing] mandated in-service topics in their entirety pursuant to 12 NCAC 09E .0105 as presented by the North Carolina Justice Academy as part of the Instructor Training Update program no [more than 60 days prior to the calendar year,] shall have satisfied the requirements of [12 NCAC 09E .0105.] 12 NCAC 09E .0105 for the upcoming calendar year.~~

- ~~(4)~~(3) The instructor shall deliver the training consistent with the specifications established in Rules 09E .0105 and .0106.

- ~~(5)~~(4) The instructor shall report the successful or unsuccessful completion of training for each officer to the Department Head.

(6)(5) When the officer fails to qualify with a weapon, the instructor shall inform the officer that the officer did not qualify and the instructor shall deliver a Commission form F-9A (Firearms Qualification and Record) to the officer that shall be signed by the officer. This form shall instruct the officer not to use the weapon and shall require the officer to notify the Department Head or designated representative within 24 hours of the failure to qualify. The instructor shall personally deliver this form or send the form by certified mail to the Department head or designated representative within 72 hours of the failure to qualify.

All Commission forms are available for download on the Criminal Justice Standards Division website:

~~<http://ncdoj.gov/About-DOJ/Law-Enforcement-Training-and-Standards/Criminal-Justice-Education-and-Training-Standards/Forms-and-Publications.aspx>~~ <https://ncdoj.gov/law-enforcement-training/criminal-justice/forms-and-publications/>.

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

Eff. July 1, 1989;

Amended Eff. July 1, 2016; May 1, 2014; February 1, 2013; April 1, 2008; January 1, 2006; January 1, 2005;

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

Amended Eff. July 1, 2020.

REQUEST FOR TECHNICAL CHANGE

AGENCY: Criminal Justice Education and Training Standards Commission

RULE CITATION: 12 NCAC 09E .0105

DEADLINE FOR RECEIPT: Friday, June 12, 2020

PLEASE NOTE: *This request may extend to 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)(3), should "ad" be "and"?

Please add "and" at the end of (a)(3) and (a)(5)(C)

Are the courses in (a)(5) in addition to those in (a)(1) through (4)? (a)(5) says "topics of choice (12 credits), but (a)(5)(A) through (D) adds up to 12 credits, so are they required to take all of these? Please review and clarify.

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

Amber May
Commission Counsel
Date submitted to agency: June 1, 2020

12 NCAC 09E .0105 is proposed for amendment as follows:

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

(a) The following topics, specifications, and hours shall be included in each law enforcement officer's annual in-service training courses. For the purposes of this Subchapter, a credit shall be equal to one hour of traditional classroom instruction. All sworn law enforcement officers shall complete a minimum of 24 in-service training credits. The following topics, totaling ~~18~~ 14 credits, shall be specifically required:

- (1) ~~2021~~ 2020 Firearms Training and Qualification (minimum 4 credits);
- (2) ~~2021~~ 2020 Legal Update (minimum 4 credits);
- (3) ~~2021~~ 2020 Continue to Make a Difference: Positive Engagement Stories and Studies ~~2020~~ Long-Term Effects of Childhood Adversity (minimum 2 credits);
- (4) ~~2021~~ 2020 School Safety and Responding to School Incidents (minimum 4 credits) ~~2020~~ The Signs Within: Suicide Prevention Education and Awareness (2 credits);
- ~~(5) 2020 Career Survival: Training and Standards Issues (2 credits);~~
- ~~(6) 2020 Communication Strategies When Encountering Persons Who are Deaf or Hard of Hearing (2 credits);~~
- ~~(7) 2020 Armed/Unarmed Security/Company Police: Understanding Their Roles and Authority (2 credits);~~
- ~~(5)(8)~~ (8) Topics of Choice (12 credits);
 - (A) ~~Officer Awareness: Responding to Victims of Trauma (minimum 4 credits); Hazardous Materials (2 credits);~~
 - (B) ~~Patrol Vehicle Operations (minimum 4 credits); Bloodborne Pathogens (2 credits);~~
 - (C) ~~Hemp Industry: Overview and Officer Roles (minimum 2 credits); Situational Awareness/Subject Control (4 credits); and~~
 - (D) ~~Physical and Mental Wellness: Building & Implementing a Plan for Improvement (minimum 2 credits). Law enforcement Threat Assessment (4 credits).~~

(b) All sworn law enforcement officers shall complete a minimum of 10 ~~6~~ in-service credits, in topics identified by their respective agency heads. The agency head may choose any topic, provided the lesson plan is written in Instructional Systems Design format and is taught by an instructor who is certified by the Commission. Topics delivered pursuant to Rule .0104(1) of this Section and National Certification Programs administered by the International Association of Directors of Law Enforcement Standards and Training (IADLEST) completed during the mandated in-service year, shall satisfy in part or in whole the topic requirements set forth by the agency head. To satisfy this requirement these topics shall not be required to be written in Instructional Systems Design format or delivered by an instructor certified by the Commission.

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

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

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

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

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

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

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

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

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

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

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

History Note: Authority G.S. 17C-6; 17C-10;
Eff. July 1, 1989;
Amended Eff. January 1, 2005; November 1, 1998;
Temporary Amendment Eff. January 1, 2005;

1 *Amended Eff. January 1, 2019; January 1, 2018; January 1, 2017; July 1, 2016; January 1, 2016;*
2 *January 1, 2015; February 1, 2014; June 1 ,2012; February 1, 2011; January 1, 2010; April 1,*
3 *2009; April 1, 2008; February 1, 2007; January 1, 2006;*
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, January 1, 2020.*

REQUEST FOR TECHNICAL CHANGE

AGENCY: Criminal Justice Education and Training Standards Commission

RULE CITATION: 12 NCAC 09G .0309

DEADLINE FOR RECEIPT: Friday, June 12, 2020

PLEASE NOTE: *This request may extend to 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:

Overall, I think that this Rule has some clarity issues. I think the intent is that a instructor must teach 8 hours and get a recommendation from the School Director or in-service training coordinator within 12 months, but I don't think that's clearly stated anywhere in this Rule. Please consider doing so.

In (a), please provide the appropriate cross-reference for the requirements for certification as a general instructor.

Paragraph (a) appears to contradict itself. It says both that the probationary status will expire after satisfying the requirements of Paragraph (b) and also that it will expire automatically. Is this either/or? If so, please make that more clear.

In Paragraph (a), I also don't understand the cross-reference to (b). Is this saying that if a probationary instructor teaches 8 hours submits and a favorable recommendation his or her probationary period will expire? If so, please make that more clear.

In (b), is the Form F-12 to be used for the recommendation from the School director or in-service training coordinator? You reference both a F-12 and a F-16, but I'm not sure what the F-12 is. Please review and clarify.

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

Amber May
Commission Counsel
Date submitted to agency: June 1, 2020

12 NCAC 09G .0309 is amended as published in 34:13 NCAC 1193-1204 as follows

12 NCAC 09G .0309 TERMS AND CONDITIONS OF GENERAL INSTRUCTOR CERTIFICATION

(a) An applicant meeting the requirements for certification as a general instructor shall, ~~for within~~ the first 12 months of certification, be in a probationary status until satisfying the requirements of Paragraph (b) of this Rule. The General Instructor Certification, Probationary Status shall automatically expire 12 months from the date of issuance.

(b) The probationary instructor shall be eligible for General Instructor ~~general instructor~~ status if the instructor, ~~through application at the end of the probationary period,~~ submits to the Commission a favorable recommendation from a certified School Director or In-Service Training Coordinator, located on the agency's website:

<https://ncdoj.gov/law-enforcement-training/criminal-justice/forms-and-publications/#102-wpfd-instructor>. Form-F-

12A shall be accompanied by a certification on a Commission Instructor Evaluation Form F-16 that the instructor taught a minimum of eight hours of Commission-accredited basic training, ~~course,~~ Commission-recognized in-service training ~~course,~~ or training course pursuant to 12 NCAC 10B .0601, 10B .1302, or 10B .2005 during the probationary period. The instructor shall achieve a minimum of 64 points on all instruction evaluations submitted to the Commission. The Commission Instructor Evaluation Form F-16 is located on the agency's website:

~~<http://www.ncdoj.gov/getdoc/c2eba6aa-12bc-4303-bf4b-5fa0431ef5a1/F-16-6-11.aspx>~~ <https://ncdoj.gov/law-enforcement-training/criminal-justice/forms-and-publications/#102-wpfd-instructor>.

(c) The term of certification as a general instructor is indefinite, provided the instructor completes during each calendar year a minimum of one hour of instructor refresher training provided by North Carolina Justice Academy. The Standards Division shall post on its website on January 1 of the current year the list of instructors who have met this requirement during the previous calendar year.

(d) If the instructor fails to complete the instructor refresher training specified in Paragraph (c) of this Rule, he or she shall deliver eight hours of evaluated instruction in a Commission-accredited basic or Commission-recognized training course and complete the instructor refresher training specified in Paragraph (c) of this Rule within 60 days.

(e) If an instructor fails to meet the requirements of Paragraph (c) and (d) of this Rule, the certification period for the instructor shall cease, and the instructor shall be required to complete the requirements of Rule .0308 of this Section in order to obtain probationary instructor status.

(f) "Commission-recognized in-service training" shall mean training meeting the following requirements:

- (1) training is taught by an instructor certified by the Commission;
- (2) training utilizes a lesson plan in the Instructional Systems Design format; and
- (3) completion of training shall be demonstrated by a passing score on a written test as follows:
 - (A) a written test comprised of at least five questions per credit shall be developed by the agency or the North Carolina Justice Academy for each in-service training topic requiring testing. Written courses that are more than four credits in length are required to have a written test comprising of a minimum of 20 questions. The Firearms Training and Qualifications in-service course is exempt from this written test requirement;
 - (B) a student shall pass each test by achieving 70 percent correct answers; and

(C) a student who completes a topic of in-service training in a traditional classroom setting or online and fails the end of topic exam shall be given one attempt to re-test. If the student fails the exam a second time, the student shall complete the in-service training topic in a traditional classroom setting before taking the exam a third time.

History Note: Authority G.S. 17C-6;
Temporary Adoption Eff. January 1, 2001;
Eff. August 1, 2002;
Amended Eff. January 1, 2017; June 1, 2012; August 1, 2006; January 1, 2006;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25,
2019.
Amended Eff. July 1, 2020.

REQUEST FOR TECHNICAL CHANGE

AGENCY: Criminal Justice Education and Training Standards Commission

RULE CITATION: 12 NCAC 09H .0102

DEADLINE FOR RECEIPT: Friday, June 12, 2020

PLEASE NOTE: *This request may extend to 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 make (a) a complete sentence. Also, what is the four hours to consist of? Those topics contained in this Rule?

Also in (b), delete one of the "as published", you don't need both.

In (f), what "qualification requirements"?

In (f), did you also intend to delete "a" on line 25?

In (f), please correct the spelling of "requirments" on line 28

Also in (f), line 28, do you mean "requirements have" or "requirement has"? Please revise as necessary.

In (g), the first and second sentence seem to say the same thing, with the second sentence providing additional information. Do you need both? If not, please delete the first sentence.

What is the difference in the first sentence of (b) and (h)? They appear to be repetitive of each other.

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

Amber May
Commission Counsel
Date submitted to agency: June 1, 2020

12 NCAC 09H .0102 is amended with changes as published in 34:13 NCAC 1193-1204 as follows:

12 NCAC 09H .0102 MINIMUM TRAINING SPECIFICATIONS

(a) Firearms Training and Qualification-four hours.

~~(b)(a)~~ Each qualified retired law enforcement officer shall qualify with each handgun he or she carries in accordance with the guidelines as published in the In-Service Firearms Qualification Manual as published by the North Carolina Justice Academy relating to rounds fired, distances, the ratio of shots fired from each yard line and positions of fire. ~~with the standards outlined in 12 NCAC 09E .0105(a)(1) and 12 NCAC 09E .0106(a), (c), (e), (f) and (g), which shall incorporate in classroom instruction and firearms qualification on the firing range utilizing the course of fire from the "Specialized Firearms Instructor Training Manual."~~

~~(c)(b)~~ Qualification shall include a day and night qualification course with each handgun he or she carries, and a single day and night combat course with one handgun that he or she carries. ~~In addition to the standards set out 12 NCAC 09E .0105 and .0106, each qualified retired law enforcement officer shall also receive a minimum of two hours of instruction on the North Carolina laws of self defense and the use of force by private citizens, detention of persons by private persons, and assistance to law enforcement officers by private persons~~

~~(d)(e)~~ Each qualified retired law enforcement officer shall receive a minimum of two hours of instruction on the North Carolina laws of self-defense, the use of force by private citizens, detention of persons by private persons, and assistance to law enforcement officers by private citizens. ~~Qualified retired law enforcement officers meeting the requirements of Paragraphs (a) and (b) of this Rule, and have met the requirements of Rule .0105 of this Subchapter, shall be certified for a period of 12 months from the date the application is approved by the Commission. Upon application for renewal, the certification may be renewed by the Commission for 12 month periods, provided the qualified retired law enforcement officer meets the rules specified in this Subchapter.~~

~~(e)(d)~~ Instruction shall include a review of firearms safety and basic marksmanship fundamentals. ~~Qualified retired law enforcement officers shall qualify each certification period with each handgun that will be carried concealed.~~

~~(f)~~ The qualification requirements shall be achieved at least once in a single day in no more than three attempts ~~in~~ a ~~[single] per~~ day for each course of fire and for each weapon for which qualification is required. Officers not qualifying in a single day for each course of fire shall be deemed as a failure and the retired qualified law enforcement officers shall not be allowed to carry that ~~[weapon.]~~ weapon until such time as the qualification requirements has been met.

~~(g)~~ Qualified retired law enforcement officers shall be certified for a period of 12 months from the date the application is approved by the Commission. Upon application for renewal, the certification shall be renewed by the Commission for 12-month periods provided the qualified retired law enforcement officer meets the rules specified in this Subchapter.

~~(h)~~ Qualified retired law enforcement officers shall qualify each certification period with each handgun that he or she carries.

History Note: Authority G.S. 14-415.10; 14-415.25; 14.415.26; 17C-6;

Eff. May 1, 2009;

Amended Eff. April 1, 2017;

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, 2020.*