

1 **12 NCAC 09B .0202** is proposed for amendment as published in vol. 28, issue 24, pages 2986-2989 **with changes**:

2
3 **12 NCAC 09B .0202 RESPONSIBILITIES OF THE SCHOOL DIRECTOR**

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

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

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

- (1) Deliver training in accordance with the most current version of the Basic Law Enforcement Training Course Management Guide as published by the North Carolina Justice Academy;
- (2) Schedule course presentation to include 12 hours of instruction each week during consecutive calendar weeks, except that there may be as many as three one-week breaks until course requirements are completed;
- (3) Schedule ~~only those specialized~~ instructors certified by the Commission to teach those ~~high liability~~ ~~high-liability~~ areas as specified in Rule .0304(a) of this Subchapter as either the lead instructor ~~or in any other capacity; as assistant instructors or role players:~~
- (4) With the exception of the ~~First Responder, Physical Fitness, Explosives and Hazardous Materials, and~~ topical areas ~~as~~ outlined in Rule .0304(a) of this Subchapter, schedule one specialized ~~certified~~ instructor certified by the Commission for each six trainees while actively engaged in a practical performance exercise;
- (5) Schedule one specialized ~~certified~~ instructor certified by the Commission for each eight trainees while actively engaged in a practical performance exercise in the topical area "Subject Control Arrest Techniques;"
- (6) ~~Not schedule any~~ ~~Schedule no~~ single individual to instruct more than 35 percent of the total hours of the curriculum during any one delivery of the Basic Law Enforcement Training Course presentation;
- (7) Not less than 15 days before commencing delivery of the Basic Law Enforcement Training Course, submit to the Commission a Pre-Delivery Report of Training Course Presentation as set out in 12 NCAC 09C .0211. The Pre-Delivery Report (Form F-10A) shall indicate a requested date and location for the administration of the state comprehensive exam, along and include with the following attachments:
 - (A) a course schedule showing arrangement of topical presentations and proposed ~~instructional~~ instructional assignments; and
 - (B) a copy of any ~~rules, regulations, rules~~ and requirements for the school. A copy of such 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 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 Commission forms 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 Commission forms in accordance with Commission standards as set out in this Chapter. These evaluations the Criminal Justice Instructor Evaluation (Form F-16), shall be kept on file by the school for a period of three years 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 designated instructor certified by the Commission 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 appropriate 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~~; Subchapter; and

~~(10) During a delivery of Basic Law Enforcement Training, make available to the Commission four hours of scheduled class time and classroom facilities for the administration of a written examination to those trainees who have satisfactorily completed all course work; and~~

~~(11)(10) Not more than 10 days after receiving from the Commission's representative the Report of Examination Scores, 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) which that~~ shall include:

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

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

- (1) Schedule course presentation to include 40 hours of instruction each week during consecutive calendar weeks until course requirements are completed;
- (2) Schedule at least one evaluator for each six trainees, as follows:
 - (A) no evaluator shall be assigned more than six trainees during a course delivery;

- (B) each evaluator, as well as the instructors, ~~must~~ shall have ~~successfully~~ completed a Commission-certified 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 ~~must~~ 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;
- (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)~~ [Form F-10A(ITC)] with the following attachments:
- (A) a course schedule showing 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, regulations, and requirements for the school; and
- (4) Not more than 10 days after course ~~completion~~ 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 designation of instructors and evaluators utilized in delivery;
- (C) scores recorded for each trainee on ~~both the 80 minute skill presentation and the final written examination;~~ presentation; and
- (D) designation of trainees who ~~successfully~~ 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 ~~coordinating~~, and delivering each Commission-certified 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 radar, time distance, or lidar 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;~~ 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 ~~date~~, submit to the Director of the Standards Division a ~~Request for Training~~ Pre-Delivery Report of Speed Measuring Instrument Course Presentation [Form F-10A (SMI)] which that shall contain a period of course delivery including the

proposed starting date, course ~~location~~ location, requested date and location for the administration of the state ~~exam~~ 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 ~~receiving from the Commission's representative the Report of Examination Scores, 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.~~ Presentation [Form F-10B (SMD)]. 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.

12 NCAC 09B .0205 is proposed for amendment as published in vol. 28, issue 24, page 2989 **with changes:**

12 NCAC 09B .0205 BASIC LAW ENFORCEMENT TRAINING

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

(b) The course entitled "Basic Law Enforcement Training" shall consist of a minimum of ~~620~~ 616 hours of instruction and shall include the following identified topical areas and minimum instructional hours for each:

(1) LEGAL UNIT

(A)	Motor Vehicle Laws	20 Hours
(B)	Preparing for Court and Testifying in Court	12 Hours
(C)	Elements of Criminal Law	24 Hours
(D)	Juvenile Laws and Procedures	8 Hours
(E)	Arrest, Search and Seizure/Constitutional Law	28 Hours
(F)	ABC Laws and Procedures	4 Hours
	UNIT TOTAL	96 Hours

(2) PATROL DUTIES UNIT

(A)	Techniques of Traffic Law Enforcement	24 Hours
(B)	Explosives and Hazardous Materials Emergencies	12 Hours
(C)	Traffic Crash Investigation	20 Hours
(D)	In-Custody Transportation	8 Hours
(E)	Crowd Management	12 Hours
(F)	Patrol Techniques	28 Hours
(G)	Law Enforcement Communication and Information Systems	8 Hours
(H)	Anti-Terrorism	4 Hours
(I)	Rapid Deployment	8 Hours
	UNIT TOTAL	124 Hours

(3) LAW ENFORCEMENT COMMUNICATION UNIT

(A)	Responding to Victims and the Public	10 Hours
(B)	Domestic Violence Response	12 Hours
(C)	Ethics for Professional Law Enforcement	4 Hours
(D)	Individuals with Mental Illness and Developmental Disabilities	8 Hours
(E)	Crime Prevention Techniques	6 Hours
(F)	Communication Skills for Law Enforcement Officers	8 Hours
	UNIT TOTAL	48 Hours

(4) INVESTIGATION UNIT

(A)	Fingerprinting and Photographing Arrestee	6 Hours
(B)	Field Note-taking and Report Writing	12 Hours
(C)	Criminal Investigation	34 Hours

1	(D)	Interviews: Field and In-Custody	16 Hours
2	(E)	Controlled Substances	12 Hours
3	(F)	Human Trafficking	2 Hours
4		UNIT TOTAL	82 Hours
5	(5)	PRACTICAL APPLICATION UNIT	
6	(A)	First Responder	32 Hours
7	(B)	Firearms	48 Hours
8	(C)	Law Enforcement Driver Training	40 Hours
9	(D)	Physical Fitness (classroom instruction)	8 Hours
10	(E)	Fitness Assessment and Testing	12 Hours
11	(F)	Physical Exercise 1 hour daily, 3 days a week	34 Hours
12	(G)	Subject Control Arrest Techniques	40 Hours
13		UNIT TOTAL	214 Hours
14	(6)	SHERIFF-SPECIFIC UNIT	
15	(A)	Civil Process	24 Hours
16	(B)	Sheriffs' Responsibilities: Detention Duties	4 Hours
17	(C)	Sheriffs' Responsibilities: Court Duties	6 Hours
18		UNIT TOTAL	34 Hours
19	(7)	COURSE ORIENTATION	2 Hours
20	(8)	TESTING	20 16 Hours
21		TOTAL COURSE HOURS	620 616 Hours

(c) The "Basic Law Enforcement Training Manual" published by the North Carolina Justice Academy shall be used as the curriculum for this training ~~course for law enforcement officers as administered by the Commission.~~ course.

Copies of this publication may be inspected at the office of the agency:

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

and may be obtained at a the cost of ~~eighty-seven dollars and ten cents (\$87.10)~~ 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

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

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

Eff. January 1, 1981;

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

Amended Eff. January 1, 2015; February 1, 2014; July 1, 2011; July 1, 2009; January 1, 2006; August 1, 2002; August 1, 2000; November 1, 1998; July 1, 1997; January 1, 1995; February 1, 1991; July 1, 1989.

12 NCAC 09B .0209 is proposed for amendment as published in vol. 28, issue 24, page 2990, **with changes:**

12 NCAC 09B .0209 CRIMINAL JUSTICE INSTRUCTOR TRAINING

(a) The instructor training course required for general instructor certification shall consist of a minimum of ~~77~~ 75 hours of instruction presented during a continuous period of not more than two weeks.

(b) Each instructor training course shall be designed to provide the trainee with the skills and knowledge to perform the function 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/Self Assessment	3 Hours
(2)	Curriculum Development: ISD Model	3 Hours
(3)	Law Enforcement Instructor Liabilities and Responsibilities	2 Hours
(4)	Interpersonal Communication in Instruction	4 Hours
(5)	Lesson Plan Preparation: Professional Resources	2 Hours
(6)	Lesson Plan Preparation: Format and Objectives	6 Hours
(7)	Teaching Adults	4 Hours
(8)	Principles of Instruction: Demonstration Methods and Practical Exercise	6 Hours
(9)	Methods and Strategies of Instruction	4 Hours
(10)	The Evaluation Process	4 Hours
(11)	Principles of Instruction: Audio-Visual Aids	6 Hours
(12)	Student 10-Minute Talk and Video Critique	6 Hours
(13)	Student Performance: First 30-Minute Presentation	6 Hours
	Second 30-Minute Presentation	6 Hours
	Final 80-Minute Presentation and Review	12 Hours
(14)	Examination and Course Closing	3 Hours <u>1 Hour</u>

(d) The ~~"Basic Instructor Training Manual"~~ "Instructor Training" manual as published by the North Carolina Justice Academy shall be applied **used** as the basic curriculum **for** ~~for~~ delivery of basic instructor training courses. Copies of this publication may be inspected at the agency:

Criminal Justice Standards Division
North Carolina Department of Justice
~~114 West Edenton Street~~
~~Old Education Building~~ 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. January 1, 2015; December 1, 2009; August 1, 2005; November 1, 1998; January 1, 1995; March 1, 1990; July 1, 1989; January 1, 1985.

12 NCAC 09B .0226 is proposed for amendment as published in vol. 28, issue 24, pages 2990-2991 **with changes**:

12 NCAC 09B .0226 SPECIALIZED FIREARMS INSTRUCTOR TRAINING

(a) The instructor training course for specialized firearms instructor certification shall consist of a minimum of ~~83~~ **81** hours of instruction presented during a continuous period of not more than two weeks.

(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 Course or a ~~"Law Enforcement Officers' In-Service Firearms Training and Qualification Program"~~ **law enforcement officer in-service firearms training program.**

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

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

(2) present a written endorsement by either

(A) a certified school director indicating the student **will 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 **will may** be utilized to instruct firearms in a ~~"Law Enforcement Officers' In-Service Firearms Training and Qualification Program"~~ **law enforcement officer in-service firearms training program.**

(d) Each specialized firearms instructor training course shall include the following identified topic areas and minimum instructional hours for each area:

(1)	Orientation/Pretest	8 Hours
(2)	Range Operations	38 Hours
(3)	Civil Liability	4 Hours
(4)	Night Firing	2 Hours
(5)	Combat Shooting	8 Hours
(6)	Mental Conditioning	1 Hours
(7)	Shotgun Operation and Firing	4 Hours
(8)	Service Handgun - Operation and Use	5 Hours
(9)	Rifle - Operation and Maintenance	4 Hours
(10)	Service Handgun - Maintenance and Cleaning	2 Hours
(11)	Range Medical Emergencies	2 Hours
(12)	In-Service Firearms Requirements	2 Hours
(13)	BLET Lesson Plan Review/Post Test Review	3 Hours <u>1 Hour</u>

(e) The "Specialized Firearms Instructor Training Manual" as published by the North Carolina Justice Academy shall be **used as** the ~~basic~~ curriculum for **delivery of** specialized firearms 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 ~~no cost to the student~~ 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;

Eff. May 1, 1986;

Amended Eff. January 1, 2015; February 1, 2013; August 1, 2006; August 1, 2000; November 1, 1998; August 1, 1995; February 1, 1991; March 1, 1990; July 1, 1989.

12 NCAC 09B .0227 is proposed for amendment as published in vol. 28, issue 24, page 2991 **with changes:**

12 NCAC 09B .0227 SPECIALIZED DRIVER INSTRUCTOR TRAINING

(a) The instructor training course required for specialized driver instructor certification shall consist of a minimum of ~~35~~ 33 hours of instruction presented during a continuous period of not more than one week.

(b) Each specialized driver instructor training course shall be designed to provide the trainee with the skills and knowledge to perform the function of a criminal justice driver instructor in a Basic Law Enforcement Training Course or a "Law Enforcement Officers' Annual In-Service Training Program."

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

- (1) have completed the criminal justice general instructor training course;
- (2) present a written endorsement by either
 - (A) a certified school director indicating the student **will may** be utilized to instruct driving in Basic Law Enforcement Training Courses; or
 - (B) a department head, certified school director, or in-service training coordinator, indicating the student **will may** be utilized to instruct driver training in the "Law Enforcement Officer's Annual In-Service Training Program";
- (3) possess a valid operator driver's license; and
- (4) maintain a safe driving record where no more than four points have been assigned against the driving record within the past three years.

(d) Each specialized driver instructor training course shall include the following identified topic areas and instructional hours for each area:

- | | | |
|-----|---|----------------------------------|
| (1) | Orientation | 1 Hours |
| (2) | Lesson Plan Review (BLET) | 4 Hours |
| (3) | General Mechanical Knowledge | 1 Hour |
| (4) | Before - Operation Inspection | 1 Hours |
| (5) | Laws of Natural Force & Operating Characteristics | 2 Hours |
| (6) | Driver Practicum/Pre-Test | 19 Hours |
| (7) | Fundamentals of Professional Liability for Trainers | 4 Hours |
| (8) | Course Review/State Exam <u>Review</u> | 3 Hours <u>1 Hour</u> |

(e) The "Specialized Driver Instructor Training Manual" as published by the North Carolina Justice Academy shall be **used as** the **basic** curriculum for **delivery of** specialized driver 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

1 and may be obtained at ~~no cost to the student~~ the cost of printing and postage from the Academy at the following
2 address:

3 North Carolina Justice Academy
4 Post Office Box 99
5 Salemburg, North Carolina 28385

6 (f) Commission-certified schools that are certified to offer the "Specialized Driver Instructor Training" course are:
7 The North Carolina Justice Academy and The North Carolina State Highway ~~Patrol~~ Patrol Training Center.

8
9 *History Note:* Authority G.S. 17C-6;

10 *Eff. May 1, 1986;*

11 *Amended Eff. January 1, 2015; February 1, 2013; August 1, 2006; February 1, 2006; August 1,*
12 *2000; November 1, 1998; August 1, 1995; February 1, 1991; March 1, 1990; July 1, 1989.*

12 NCAC 09B .0232 is proposed for amendment as published in vol. 28, issue 24, pages 2991-2992, **with changes:**

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 ~~80~~ 78 hours of instruction presented during a continuous period of not more than two weeks.

(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 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 general instructor training course;
- (2) present a letter from a licensed physician stating the applicant's physical fitness to participate in the course; and
- (3) present a written endorsement by either
 - (A) a certified school director indicating the student **will may** be utilized 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 **will may** be utilized to instruct Subject Control Arrest Techniques for the "Law Enforcement Officers' In-Service Training Program."

(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)	Skills Pre-Test	1 Hour
(3)	Student Instructional Practicum	3 Hours
(4)	Practical Skills Evaluation	3 Hours
(5)	Response to Injury	4 Hours
(6)	Combat Conditioning	12 Hours
(7)	Safety Guidelines/Rules	2 Hours
(8)	Practical Skills Enhancement	4 Hours
(9)	Subject Control/Arrest Techniques Practical Skills and Instructional Methods	44 Hours
(10)	Fundamentals of Professional Liability For Law Enforcement Trainers	4 Hours
(11)	State Comprehensive Examination/Course Closing	2 Hours
	TOTAL	80 <u>78</u> Hours

(e) The "Specialized Subject Control Arrest Techniques Instructor Training Manual" as published by the North Carolina Justice Academy shall be **used as** the **basic** curriculum for **delivery of** specialized subject control arrest techniques 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 ~~no cost to the student~~ 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. 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.

12 NCAC 09B .0233 is proposed for amendment as published in vol. 28, issue 24, page 2992 with changes:

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 ~~60~~ 58 hours of instruction presented during a continuous period of not more than two weeks.

(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; ~~or~~

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

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

(2) present a written endorsement by ~~either either:~~

(A) a school director indicating the student ~~will~~ 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 ~~will~~ may be utilized to instruct physical fitness for the "Law Enforcement Officers' In-Service Training Program"; ~~and~~

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

(d) Each specialized physical fitness instructor training course shall include the following identified topic areas and minimum instructional hours for each area:

(1)	Orientation	5 Hours
(2)	Lesson Plan Review	4 Hours
(3)	Physical Fitness Assessments, Exercise Programs and Instructional Methods	31 Hours
(4)	Injury Care and Prevention	4 Hours
(5)	Nutrition	6 Hours
(6)	Civil Liabilities for Trainers	2 Hours
(7)	CVD Risk Factors	2 Hours
(8)	Developing In-Service Wellness Programs and Validating Fitness Standards	4 Hours
(9)	State Examination	2 Hours
	TOTAL	60 <u>58</u> Hours

(e) The "Physical Fitness Instructor Training Manual" as published by the North Carolina Justice Academy shall be used as the basic curriculum for delivery of 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 ~~no cost to the student~~ 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;

Amended Eff. January 1, 2015; February 1, 2013; December 1, 2009; August 1, 2006; August 1, 2002; August 1, 2000; November 1, 1998; March 1, 1990; August 1, 1985.

12 NCAC 09B .0302 is proposed for amendment as published in vol. 28, issue 24, page 2993 with changes:

12 NCAC 09B .0302 GENERAL INSTRUCTOR CERTIFICATION

(a) General Instructor Certification issued after December 31, 1984 shall be limited to those topics which that are not expressly incorporated under the Specific Instructor Certification category. Individuals certified under the general instructor category are not authorized to shall not teach any of the subjects specified in Rule 09B .0304, .0304 of this Subchapter, entitled "Specific Instructor ~~Certification~~": Certification." To qualify for issuance of General Instructor Certification, an applicant shall demonstrate a combination of education and experience in criminal justice and proficiency in the instructional process to the satisfaction of the Commission. The applicant shall meet the following requirements for General Instructor Certification:

(1) Present documentary evidence showing that the applicant:

(A) is a high school graduate, or has passed the General Education Development Test (GED) indicating high school equivalency, and

(B) has acquired four years of practical experience as a criminal justice officer or as an administrator or specialist in a field directly related to the criminal justice system.

(2) Present evidence showing successful completion of a Commission-certified instructor training program or an equivalent instructor training course utilizing the Instructional Systems Design model, an international model with applications in education, military training, and private enterprise.

(3) [Successfully pass]Pass the comprehensive written examination administered by the Commission, as required in Rule [09B] .0413(d) of this Subchapter.

(b) Applications for General Instructor Certification shall be submitted to the Standards Division within 60 days of the date the applicant successfully passed the state comprehensive examination administered at the conclusion of [completed] the Commission-certified instructor training program or an equivalent instructor training course utilizing the Instructional Systems Design model, an international model with applications in education, military training, and private enterprise.

(c) Persons having completed a Commission-certified 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 not having made application within 60 days of completion of the course shall complete a subsequent Commission-certified instructor training course in its entirety.

(d) Applicants for Speed Measuring Instrument Instructor courses must shall possess full general instructor certification.

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

Eff. January 1, 1981;

Amended Eff. January 1, 2015; January 1, 2006; May 1, 2004; August 1, 2000; July 1, 1991;

December 1, 1987; October 1, 1985; January 1, 1985.

1 **12 NCAC 09B .0304** is proposed for amendment as published in vol. 28, issue 24, pages 2993-2995 **with changes:**

2
3 **12 NCAC 09B .0304 SPECIALIZED INSTRUCTOR CERTIFICATION**

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

- 7 (1) Subject Control Arrest Techniques;
- 8 (2) First Responder;
- 9 (3) Firearms;
- 10 (4) Law Enforcement Driver Training;
- 11 (5) Physical Fitness;
- 12 (6) Restraint, Control and Defense Techniques (Department of Public Safety, Division of Adult
13 Correction and Juvenile Justice);
- 14 (7) Medical Emergencies (Department of Public Safety, Division of Adult Correction and Juvenile
15 Justice); or
- 16 (8) Explosive and Hazardous Materials ~~Emergencies~~ Emergencies.

17 (b) To qualify for and maintain any Specialized Instructor Certification, an applicant **must shall** possess a valid CPR
18 Certification that includes cognitive and skills testing, through ~~an organization whose curriculum meets the national~~
19 ~~standards set forth by the International Guidelines Conference on Cardiopulmonary Resuscitation and Emergency~~
20 ~~Cardiovascular Care, the American Red Cross, American Heart Association, American Safety and Health~~ **[Institute]**
21 **Institute**, or National Safety ~~[Council];~~ **Council**.

22 (c) An applicant ~~[must]~~ **shall** achieve a minimum score of 75 percent on the comprehensive written exam, as specified in
23 Rule ~~[9B]~~ **.0414** of this Subchapter in order to qualify for Specialized Instructor Certification in the following topical
24 areas:

- 25 (1) Subject Control Arrest Techniques;
- 26 (2) Firearms;
- 27 (3) Law Enforcement Driver Training;
- 28 (4) Physical Fitness; and
- 29 (5) Explosive and Hazardous Materials Emergencies.

30 ~~(e)~~ **(d)** To qualify for Specialized Instructor Certification in the Subject Control Arrest Techniques topical area, an
31 applicant **must shall** meet the following requirements:

- 32 (1) Hold General Instructor Certification, either probationary status or full general instructor status, as
33 specified in Rule .0303 of this ~~Section;~~ **Subchapter**;
- 34 (2) ~~Successfully complete~~ **Complete** the pertinent Commission-approved specialized instructor ~~training~~
35 ~~course and achieve a minimum score of 75 percent on the Commission's comprehensive written~~
36 ~~examination;~~ course; and

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

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

(1) The first option is:

(A) ~~hold~~**Hold** CPR instructor certification through the American Red Cross, American Heart Association, American Safety and Health ~~Institute~~ Institute, or National Safety Council; an organization whose curriculum meets the national standards set forth by the International Guidelines Conference on Cardiopulmonary Resuscitation and Emergency Cardiovascular Care;

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

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

(D) ~~obtain~~**Obtain** the recommendation of a Commission-certified school director or in-service training coordinator.

(2) The second option is:

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

(B) ~~hold~~**Hold** CPR instructor certification through an organization whose curriculum meets the national standard; the American Red Cross, American Heart Association, American Safety and Health Institute or National Safety Council;

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

(D) ~~obtain~~**Obtain** the recommendation of a Commission-certified school director or in-service training coordinator.

~~(e)~~(f) To qualify for Specialized Instructor Certification in the Firearms topical area, an applicant **must shall** meet the following requirements:

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

(2) ~~Successfully complete~~ **Complete** the **pertinent** Commission-approved specialized **firearms** instructor training ~~course and achieve a minimum score of 75 percent on the Commission's comprehensive written examination;~~ **course;** and

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

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

- 1 (1) Hold General Instructor Certification, either probationary status or full general instructor status, as
- 2 specified in Rule .0303 of this ~~Section; Subchapter;~~
- 3 (2) ~~Successfully complete~~ Complete the ~~pertinent~~ Commission-approved specialized ~~driver~~ instructor
- 4 training ~~course and achieve a minimum score of 75 percent on the Commission's comprehensive~~
- 5 ~~written examination; course; and~~
- 6 (3) Obtain the recommendation of a Commission-certified school director or in-service training
- 7 coordinator.

8 ~~(g)(h)~~ To qualify for Specialized Instructor Certification in the Physical Fitness topical area, an applicant shall become

9 certified through one of the following two methods:

- 10 (1) The first method is:
 - 11 (A) hold General Instructor Certification, either probationary status or full general instructor
 - 12 status, as specified in Rule .0303 of this ~~Section; Subchapter;~~
 - 13 (B) ~~successfully~~ complete the ~~pertinent~~ Commission-approved specialized ~~physical fitness~~
 - 14 instructor training ~~course and achieve a minimum score of 75 percent on the Commission's~~
 - 15 ~~comprehensive written examination; course; and~~
 - 16 (C) obtain the recommendation of a Commission-certified School Director.
- 17 (2) The second method is:
 - 18 (A) ~~successfully complete~~ Complete the ~~pertinent~~ Commission-approved specialized ~~physical~~
 - 19 ~~fitness~~ instructor training ~~course and achieve a minimum score of 75 percent on the~~
 - 20 ~~Commission's comprehensive written examination; course;~~
 - 21 (B) obtain the recommendation of a Commission-certified School director or in-service training
 - 22 coordinator; and
 - 23 (C) meet one of the following qualifications:
 - 24 (i) hold a valid North Carolina ~~Teacher's Certificate~~ Professional Educator's License,
 - 25 issued by the Department of Public ~~[Instruction] Instruction, and~~ hold a
 - 26 baccalaureate degree in physical ~~education education~~, and be presently teaching in
 - 27 physical education topics; or
 - 28 (ii) be presently instructing physical education topics in a community college, ~~college~~
 - 29 ~~college~~, or university and hold a baccalaureate degree in physical education.

30 ~~(h)(i)~~ To qualify for Specialized Instructor Certification in the Department of Public Safety, Division of Adult Correction

31 and Juvenile Justice Restraint, Control and Defense Techniques topical area, an applicant ~~must~~ shall meet the following

32 requirements:

- 33 (1) Hold General Instructor Certification, either probationary status or full general instructor status, as
- 34 specified in Rule .0303 of this ~~Section; Subchapter;~~
- 35 (2) ~~Successfully complete~~ Complete the ~~pertinent~~ Commission-approved ~~corrections~~ specialized instructor
- 36 ~~training training – controls, restraints, and defensive techniques~~ course; and
- 37 (3) Obtain the recommendation of a Commission-certified school director.

~~(j)~~ To qualify for Specialized Instructor Certification in the Department of Public Safety, Division of Adult Correction and Juvenile Justice Medical Emergencies topical area, an applicant ~~must~~ shall meet the following requirements:

- (1) Have ~~successfully~~ completed a Commission-certified basic 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, ~~within the 12-month period preceding application; enterprise;~~
- (2) Hold instructor certification in CPR and First Aid by ~~fulfillment of the American Red Cross Instructor requirements; and the American Red Cross, American Heart Association, American Safety and Health~~ [Institute] Institute, or National Safety Council; and
- (3) Obtain the recommendation of a Commission-certified school director.

~~(k)~~ To qualify for Specialized Instructor Certification in the Explosive and Hazardous Materials Emergencies topical area, an applicant ~~must~~ shall satisfy one of the following two options:

- (1) The first option is:
 - (A) hold General Instructor Certification, either probationary status or full general instructor status, as specified in Rule .0303 of this ~~Section; Subchapter;~~
 - (B) ~~successfully complete~~ Complete the ~~pertinent~~ Commission-approved specialized explosives and hazardous materials instructor training course ~~and achieve a minimum score of 75 percent on the Commission's comprehensive written examination; course; and~~
 - (C) obtain the recommendation of a Commission-certified school director or in-service training coordinator.
- (2) The second option is:
 - (A) have ~~successfully~~ completed the Fire Service Instructor Methodology Course or the equivalent utilizing the Instructional Systems Design model, an international model with applications in education, military training, and private enterprise;
 - (B) ~~successfully complete~~ Complete the ~~pertinent~~ Commission-approved specialized explosives and hazardous materials instructor training course; and
 - (C) obtain the recommendation of a Commission-certified school director or in-service training coordinator.

*History Note: Authority G.S. 17C-6;
 Eff. January 1, 1981;
 Amended Eff. August 1, 2000; July 1, 1991; March 1, 1990; July 1, 1989; December 1, 1987;
 Temporary Amendment Eff. January 1, 2001;
 Amended Eff. January 1, 2015; June 1, 2013; April 1, 2009; August 1, 2006; January 1, 2006;
 December 1, 2004; August 1, 2002.*

SECTION .0400 - MINIMUM STANDARDS FOR COMPLETION OF TRAINING

12 NCAC 09B .0401 is proposed for amendment as published in vol. 28, issue 24, page 2995 with changes:

12 NCAC 09B .0401 TIME REQUIREMENT FOR COMPLETION OF TRAINING

(a) Each criminal justice officer, with the exception of law enforcement officers, holding probationary certification shall satisfactorily complete complete, with passing scores, a commission accredited Commission-accredited basic training course which that includes training in the skills and knowledge necessary to perform the duties of his or her office. The officer shall complete such the course within one year from the date of his original appointment appointment, as determined by the date of the probationary certification.

(b) Each law enforcement officer, except wildlife enforcement officers, shall have satisfactorily completed with passing scores in its entirety the accredited basic training course as prescribed in 12 NCAC 9B Rule .0205(b) .0205 of this Subchapter prior to obtaining probationary certification.

(c) Each wildlife enforcement officer shall have satisfactorily completed in its entirety the Basic Training -- Wildlife Enforcement Officers' course stipulated in 12 NCAC 9B .0228(b) prior to obtaining probationary certification.

(d)(c) If a trainee completes the basic training course prior to being employed as a law enforcement officer, the trainee shall be duly appointed and sworn as a law enforcement officer within one year of the completion of training successfully passing the comprehensive written exam as specified in Rule .0406 of this Subchapter for that basic training course to be recognized under these Rules. This one year period shall begin with the successful completion of the State Comprehensive Examination.

(e) If local confinement supervisory and administrative personnel complete basic training prior to being employed by a facility in a supervisory and administrative position which that requires certification, such the personnel shall be duly appointed to a local confinement facility supervisory and administrative position within one year of the completion of training for that the basic training course specified in 12 NCAC 09B .0205. to be recognized under these Rules. This one year period shall begin with the successful completion date the applicant achieves a passing score on of the State Comprehensive Examination. comprehensive written [exam:]exam, as specified in Rule .0411 of this Subchapter.

History Note: Authority G.S. 17C-2; 17C-6; 17C-10;

Eff. January 1, 1981;

Amended Eff. January 1, 2015; January 1, 1995; March 1, 1992; July 1, 1989; June 1, 1986.

12 NCAC 09B .0403 is proposed for amendment as published in vol. 28, issue 24, pages 3000-3004 with changes:

12 NCAC 09B .0403 EVALUATION FOR TRAINING WAIVER

(a) The ~~division~~ Standards Division staff shall evaluate each law enforcement officer's training and experience to determine if equivalent training has been satisfactorily completed as specified in Rule ~~.0402(a).~~ .0402(a) of this Section. Applicants for certification with prior law enforcement experience shall have been employed in a full-time, sworn law enforcement position in order to be considered for training evaluation under this Rule. Applicants for certification with a combination of full-time and part-time experience shall be evaluated on the basis of the full-time experience only. The following criteria shall be used by ~~division~~ Standards Division staff in evaluating a law enforcement officer's training and experience to determine eligibility for a waiver of training requirements:

- (1) Persons having completed a ~~commission-accredited~~ Commission-accredited basic training program and not having been duly appointed and sworn as a law enforcement officer within one year of completion of the program shall complete a subsequent ~~commission-accredited~~ Commission-accredited basic training program in its entirety program, as prescribed in Rule .0405(a) of this Subchapter, and successfully pass achieve a passing score on the State Comprehensive Examination prior to obtaining probationary law enforcement certification, unless the Director determines that a delay in applying for certification was not due to neglect on the part of the applicant, in which case the Director may accept a ~~commission-accredited~~ Commission-accredited basic training program which that is over one year old. Such The extension of the one year period shall not exceed 30 days from the ~~expiration date of a commission-accredited basic training program;~~ first year anniversary of the [successful completion]passing of the state comprehensive examination;
- (2) Out-of-state transferees shall be evaluated to determine the amount and quality of their training and experience. Out-of-state transferees ~~cannot~~ shall not have a break in service exceeding one year. At a minimum, out-of-state transferees shall have two years' full-time, sworn law enforcement experience and have successfully completed a basic law enforcement training course accredited by the ~~State from which transferring.~~ transferring State. Prior to employment as a certified law enforcement officer, out-of-state transferees must successfully complete with a passing score the employing agency's in-service firearms training and qualification program as prescribed in 12 NCAC ~~9E 09E .0100-.0106.~~ At a minimum, out-of-state transferees shall successfully complete the Legal Unit in a ~~commission-accredited~~ Commission-accredited Basic Law Enforcement Training Course as prescribed in ~~12 NCAC Rule 9B 09B .0205(b)(1) of this Subchapter~~ and shall ~~successfully pass~~ achieve a passing score on the State Comprehensive Examination in its entirety within the 12 month probationary period;
- (3) Persons who have completed a minimum 369-hour basic law enforcement training program accredited by the ~~North Carolina Criminal Justice Education and Training Standards~~ Commission under guidelines administered beginning October 1, 1984 and have been separated from a sworn position for over one year but less than three years who have had a minimum of two years' experience as a full-time, sworn law enforcement officer in North Carolina shall successfully complete the ~~refresher training enumerated in Rule~~

- ~~.0403(a)(2)~~ Legal Unit in a Commission-accredited Basic Law Enforcement Training Course as prescribed in Rule 09B .0205(b)(1) of this Subchapter, and shall ~~successfully pass~~ achieve a passing score on the State Comprehensive Examination ~~in its entirety~~ within the 12 month probationary period. Prior to employment as a certified law enforcement officer, these persons shall ~~successfully~~ complete ~~with a passing score~~ the employing agency's in-service firearms training and qualification program as prescribed in ~~12 NCAC 9E .0100~~, Subchapter 09E of this Chapter;
- (4) Persons out of the law enforcement profession for over one year but less than three years who have had less than two years' experience as a full-time, sworn law enforcement officer in North Carolina shall complete a ~~commission-accredited~~ Commission-accredited basic training ~~program in its entirety~~ program, as prescribed in Rule .0405(a) of this Subchapter, and ~~successfully pass~~ achieve a passing score on the State Comprehensive Examination;
- (5) Persons out of the law enforcement profession for over three years regardless of prior training or experience shall complete a ~~commission-accredited~~ Commission-accredited basic ~~training program in its entirety~~ program, as prescribed in Rule .0405(a) of this Subchapter, and shall ~~successfully pass~~ achieve a passing score on the State Comprehensive Examination;
- (6) Persons who separated from law enforcement employment during their probationary period after having completed a ~~commission-accredited~~ Commission-accredited basic training program and who have separated from a sworn law enforcement position for more than one year shall complete a subsequent ~~commission-accredited~~ Commission-accredited basic training program ~~in its entirety~~ and ~~successfully pass~~ achieve a passing score on the State Comprehensive Examination;
- (7) Persons who separated from a sworn law enforcement position during their probationary period after having ~~successfully~~ completed a ~~commission-accredited~~ Commission-accredited basic training program and who have separated from a sworn law enforcement position for less than one year shall serve a new 12 month probationary ~~period~~, period as prescribed in Rule 09B 401(a) of this Subchapter, but need not complete an additional training program;
- (8) Persons who have completed a minimum 160-hour basic law enforcement training program accredited by the North Carolina Criminal Justice Training and Standards Council under guidelines administered beginning on July 1, 1973 and continuing through September 30, 1978 and who have separated from a sworn law enforcement position for over one year but less than two years shall be required to complete the Legal Unit and the topical area entitled "Law Enforcement Driver Training" of a ~~commission-accredited~~ Commission-accredited Basic Law Enforcement Training Course as prescribed in ~~12 NCAC Rule 9B 09B .0205(b)(1) and .0205(b)(5)(C)~~ of this Subchapter and ~~successfully pass~~ achieve a passing score on the State Comprehensive Examination within the 12 month probationary period;
- (9) Persons who have completed a minimum 160-hour basic law enforcement training program accredited by the North Carolina Criminal Justice Training and Standards Council under guidelines administered beginning on July 1, 1973 and continuing through September 30, 1978 and have been separated from a sworn law enforcement position for ~~over two~~ or more years shall be required to complete a ~~current~~

- 1 ~~commission-accredited~~ Commission-accredited basic training ~~program in its entirety~~ program, as
2 prescribed in Rule .0405 of this Subchapter regardless of training and experience and shall ~~successfully~~
3 ~~pass~~ achieve a passing score on the State Comprehensive Examination;
- 4 (10) Persons who have completed a minimum 240-hour basic law enforcement training program accredited by
5 the ~~North Carolina Criminal Justice Education and Training Standards~~ Commission under guidelines
6 administered beginning October 1, 1978 and continuing through September 30, 1984 and have been
7 separated from a sworn position over one year but less than three years shall be required to complete the
8 Legal Unit in a ~~commission-accredited~~ Commission-accredited Basic Law Enforcement Training Course as
9 prescribed in ~~12 NCAC Rule 9B .09B~~ .0205(b)(1) and ~~successfully pass~~ achieve a passing score on the
10 State Comprehensive Examination within the 12 month probationary period;
- 11 (11) Persons previously holding law enforcement certification in accordance with G.S. 17C-10(a) who have
12 been separated from a sworn law enforcement position for over one year and who have not previously
13 completed a minimum basic training program accredited by either the North Carolina Criminal Justice
14 Training and Standards Council or the ~~North Carolina Criminal Justice Education and Training Standards~~
15 Commission shall ~~be required to~~ complete a ~~commission-accredited~~ Commission-accredited basic training
16 ~~program in its entirety~~ program, as prescribed in Rule .0405 of this Subchapter, and shall ~~successfully pass~~
17 ~~achieve a passing score on~~ the State Comprehensive Examination prior to ~~employment.~~ employment;
- 18 (12) Persons who have completed training as a federal law enforcement officer and are ~~appointed~~ candidates for
19 appointment as a sworn law enforcement officer in North Carolina shall be required to complete a
20 ~~commission-accredited~~ Commission-accredited basic training ~~program in its entirety~~ program, as
21 prescribed in Rule .0405 of this Subchapter, and shall ~~successfully pass~~ achieve a passing score on the State
22 Comprehensive Examination;
- 23 (13) Applicants with part-time experience who have a break in service in excess of one year shall complete a
24 ~~commission-accredited~~ Commission-accredited basic training ~~program in its entirety~~ program, as
25 prescribed in Rule .0405 of this Subchapter, and ~~successfully pass~~ achieve a passing score on the State
26 Comprehensive Examination prior to employment;
- 27 (14) Applicants who hold or previously held certification issued by the North Carolina Sheriffs' Education and
28 Training Standards Commission (Sheriffs' Commission) shall be subject to evaluation of their prior training
29 and experience on an individual basis. The ~~division~~ Standards Division staff shall determine the amount of
30 training required of these ~~applicants;~~ applicants, based upon:
- 31 (A) the active or inactive status held by the applicant;
32 (B) the amount of time served in an active status during the year immediately prior to application for
33 certification by the Commission;
34 (C) the length of any break in the applicant's service; and
35 (D) whether the applicant has completed mandatory in-service training for each year his or her
36 certification was held by the Sheriffs' Commission.

- (15) Alcohol law enforcement agents who ~~separate from employment with the Division of Alcohol Law Enforcement~~ received basic alcohol law enforcement training prior to November 1, 1993 and transfer to another law enforcement agency in a sworn capacity shall be subject to evaluation of their prior training and experience on an individual basis. The ~~division~~ Standards Division staff shall determine the amount of training required of these ~~applicants; and [applicants;]~~ applicants, based upon the type of certification held by the applicant and the length of any break in the applicant's sworn, full-time service.
- (16) Wildlife enforcement officers who separate from employment with the Wildlife Enforcement Division and transfer to another law enforcement agency in a sworn capacity shall be subject to evaluation of their prior training and experience on an individual basis. The ~~division~~ Standards Division staff shall determine the amount of training required of these ~~applicants. [applicants;]~~ applicants, based upon the type of certification held by the applicant and the length of any break in the applicant's sworn, full-time service.
- (17) Active duty, ~~[guard]~~guard, or reserve military members failing to ~~[successfully]~~ complete all of the required annual in-service training topics, as defined in Rule 09E ~~[-0405,] .0105~~ of this Chapter, due to military obligations, are subject to the following training requirements as a condition for return to active criminal justice status. The agency head shall verify the person's completion of the appropriate training by submitting a statement, on ~~[a Commission approved form;]~~ Form F-9C, Return to Duty Request form. This form is located on the agency's website: <http://www.ncdoj.gov/getdoc/ac22954d-5e85-4a33-87af-308ba2248f54/F-9C-6-11.aspx>.
- (A) Active duty, ~~[guard]~~guard, or reserve military members holding probationary or general certification as a criminal justice officer who fail to ~~[successfully]~~ complete all of the required annual in-service training topics due to military obligations for up to a period of three years, shall complete the previous year's required in-service training topics, the current year's required in-service training topics, and ~~[successfully]~~ complete with a passing score the appointing agency's in-service firearms training and qualification program as prescribed in Subchapter 09E of this Chapter prior to their return to active criminal justice status;
- (B) Active, guard or reserve military members holding probationary or general certification as a criminal justice officer who fail to ~~[successfully]~~ complete all of the required annual in-service training topics due to military obligations for a period greater than three years shall ~~[undertake and successfully]~~ complete the following topic areas within the following time frames:
- 1) The person shall ~~[successfully]~~ complete the previous year's required in-service training topics, the current year's required in-service training topics, and ~~[successfully]~~ complete the appointing agency's in-service firearms training and qualification program as prescribed in Subchapter 09E of this Chapter prior to their return to active criminal justice status;
 - 2) The person shall ~~[successfully pass]~~ achieve a passing score on the practical skills testing for ~~[some of]~~ the First Responder, Law Enforcement Driver Training, and Subject Control Arrest Techniques topics enumerated in Rule .0205(b)(5) of this Subchapter

prior to return to active criminal justice status. This practical skills testing may be ~~undertaken~~ completed either in a Commission-accredited Basic Law Enforcement Training course or under the instruction of a ~~Commission-certified~~ instructor for that particular skill. ~~The required topics include First Responder, Law Enforcement Driver Training, and Subject Control Arrest Techniques.]~~ The person shall complete one physical fitness assessment in lieu of the Fitness Assessment and Testing topic. The person must also be examined by a physician per Rule .0104(b) of this ~~Subchapter.~~ ~~Subchapter; and [This practical skills testing may be undertaken either in a Commission-~~ ~~accredited Basic Law Enforcement Training course or under the instruction of a~~ ~~Commission certified instructor for that particular skill; and]~~

- 3) The person shall ~~successfully~~ complete some of the topics in the legal unit of instruction in the Basic Law Enforcement Training course as set forth in Rule 09B .0205(b)(1) of this Subchapter. The required topics include Motor Vehicle Law; Juvenile Laws and Procedures; Arrest, Search and Seizure/Constitutional Law; and ABC Laws and Procedures. The person shall ~~successfully pass~~ achieve a passing score on the appropriate topic tests for each course delivery. The person may undertake each of these legal unit topics of instruction either in a Commission-accredited Basic Law Enforcement Training course or under the instruction of a Commission certified instructor for that particular topic of instruction. The person shall have 12 months from the beginning of ~~their~~ his or her return to active criminal justice status to ~~successfully~~ complete each of the enumerated topics of instruction.

~~(b) A military trained individual seeking certification pursuant to G.S. 93B-15.1 who applies to the Standards Division for a certification issued by the Commission [must] shall meet, and submit documentation to the Standards Division verifying his or her compliance with the following requirements:~~

- ~~(1) — Been awarded a military occupational specialty that is substantially equivalent to or exceeds the training requirements required for certification and performed in the occupational specialty;~~
- ~~(2) — Completed a military program of training, completed testing or equivalent training and experience as determined by Paragraph (d) of this Rule;~~
- ~~(3) — Engaged in the active practice of that occupation for at least two of the five years prior to the date of application; and~~
- ~~(4) — Not committed any act in any jurisdiction that would have constituted grounds for refusal, suspension [of] or revocation of a license to practice that occupation in this State at the time the act was committed.~~

~~(c) Military spouses who, pursuant to G.S. 93B-15.1, apply to the Standards Division for a certification issued by the Commission [must meet, and] shall submit documentation to the Standards Division verifying his or her compliance with the following requirements:~~

- ~~(1) — Hold a current license, [certification] certification, or registration from another jurisdiction which is substantially equivalent to or exceeds the requirements required for certification;~~

(2) Be in good standing with the issuing agency and not been disciplined by the agency that has the jurisdiction to issue the license, certification or permit; and

(3) Demonstrate competency in the occupation by:

(A) Having completed continuing education comparable to the education and training required for the type of certification for which the application is being made, as determined by Paragraph (b) of this Rule; or

(B) Having engaged in the active practice of that occupational specialty for at least two of the five years prior to the date of application.

(d) A military trained individual or military spouse seeking General Certification as a law enforcement officer [must meet, at a minimum,] satisfy the requirements of Rule 9B .0403(a)(2) of this Section. The Division shall review the documents received to determine if any additional training is required to satisfy the certification requirements of this Subchapter.

(e)(b) In the event the applicant's prior training is not [substantially] equivalent to the Commission's standards, the Commission shall prescribe as a condition of [certification,] certification supplementary or remedial training [deemed necessary] to equate previous training with current standards.

(f)(c) Where certifications issued by the Commission require satisfactory performance on a written examination as part of the training, the Commission shall require [such]the examinations for the certification.

(g)(d) In those instances not specifically incorporated within this Section Rule or where an evaluation of the applicant's prior training and experience determines that required attendance in the entire Basic Law Enforcement Training Course would be impractical, the Director of the Standards Division is authorized to exercise his or her discretion in determining the amount of training those persons shall complete during their probationary period.

(h)(e) The following criteria shall be used by division Standards Division staff in evaluating prior training and experience of local confinement personnel to determine eligibility for a waiver of training requirements:

(1) Persons who hold probationary, general, or grandfather certification as local confinement personnel and separate after having completed a ~~commission accredited~~ Commission-accredited course as prescribed in 12 NCAC Rule 9B 09B .0224 or .0225 of this Subchapter and have been separated for more than one year or more shall complete a subsequent ~~commission accredited~~ Commission-accredited training course in its entirety and successfully pass achieve a passing score on the State Comprehensive Examination during the probationary period as prescribed in 12 NCAC 9B .0401(a); Rule 9B .0401(a) of this Subchapter;

(2) Persons who separated from a local confinement personnel position after having completed a ~~commission accredited~~ Commission-accredited course as prescribed in 12 NCAC Rule 9B 09B .0224 or .0225 of this Subchapter and who have been separated for less than one year shall serve a new 12 month probationary period, but need not complete an additional training program;

(3) Applicants who hold or previously held "Detention Officer Certification" issued by the North Carolina Sheriffs' Education and Training Standards Commission shall be subject to evaluation of their prior training and experience on an individual basis. No additional training shall be required Where where the applicant

- 1 ~~properly~~ obtained certification and successfully completed the required 120 hour training course, and has
 2 not had a break in service in excess of one ~~year, no additional training will be required; year;~~ and
 3 (4) Persons holding certification for local confinement facilities who transfer to a district or county
 4 confinement facility shall ~~satisfactorily~~ complete the course for district and county confinement facility
 5 personnel, as adopted by reference in 12 NCAC ~~9B .09B~~ .0224, ~~in its entirety~~ and ~~successfully pass~~ achieve
 6 a passing score on the State Comprehensive Examination during the probationary period as prescribed in
 7 ~~12 NCAC 9B .0401(a).~~ Rule 09B .0401(a) of this Subchapter.

8
 9 *History Note:* *Authority G.S. 17C-2; 17C-6; 17C-10; 93B-15.1*

10 *Eff. January 1, 1981;*

11 *Amended Eff. November 1, 2014; August 1, 2000; November 1, 1993; March 1, 1992; July 1, 1989;*

12 *February 1, 1987.*

12 NCAC 09B .0406 is proposed for amendment as published in vol. 28, issue 24, pages 2995-2996 with changes:

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

(a) ~~At Within 60 days of~~ the conclusion of a school's offering of the Basic Law Enforcement Training Course in its entirety,
Course, the Commission shall administer a comprehensive written examination to each trainee who has satisfactorily
completed all of the required course work. A trainee shall not be administered the comprehensive written examination until
such time as all of the course work is completed.

(b) The examination shall be comprised of six units as specified in 12 NCAC 9B .0205(a). .0205(b). ~~Each unit is designed to~~
~~test the trainees' proficiency in that unit.~~

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

(d) A trainee shall have ~~successfully completed~~ achieved a passing score on the comprehensive written examination upon
achieving a minimum of 70 percent correct answers on each of the six units as prescribed in ~~12 NCAC 9B .0406(b).~~
Paragraph (b) of this Rule.

(e) A trainee who has fully participated in a scheduled delivery of an accredited training course and has demonstrated
satisfactory competence achieved a passing score in each motor-skill or performance area of the course curriculum but has
failed to achieve the minimum score of 70 percent on no more than two units of the Commission's comprehensive written
examination may request the Director of the Standards Division to authorize a re-examination of the trainee in only those units
for which ~~he/she~~ he or she failed to make a passing score of 70 percent:

(1) ~~the~~The trainee's request for re-examination shall be made in writing on the Commission's Re-Examination
Request form and shall be received by the Standards Division within 30 days of the examination. The Re-
examination Request form is located on the agency's website: [http://www.ncdoj.gov/getdoc/b38b7eee-](http://www.ncdoj.gov/getdoc/b38b7eee-e311-4ec3-8f9c-bd8fd58f6281/SMI-6-Reexam-6-11.aspx)
e311-4ec3-8f9c-bd8fd58f6281/SMI-6-Reexam-6-11.aspx.

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

(3) ~~a~~A trainee shall have, within ~~90~~ 60 days of the original examination(s), only one opportunity for
re-examination and shall satisfactorily complete achieve a passing score on the subsequent unit examination
in its entirety-examination.

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

(5) ~~should~~Should the trainee on re-examination not achieve ~~the prescribed~~ a minimum score of 70 percent on
the examination, the trainee ~~may not be given successful course completion and~~ shall not be eligible for
probationary certification, as prescribed in Rule 09C .0303(d) of this Chapter. The trainee shall may enroll
and ~~successfully~~ complete a subsequent offering of the Basic Law Enforcement Training Course in its
entirety. Course before further examination is permitted.

(f) A trainee who fails to achieve a passing score of 70 percent on three or more of the units as prescribed in 12 NCAC 9B .0406(b) shall not be given the opportunity for re-examination on those units; and shall enroll in and ~~successfully~~ complete a subsequent offering of the Basic Law Enforcement Training ~~Course in its entirety.~~ Course before further examination is permitted.

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

Eff. January 1, 1981;

Amended Eff. January 1, 2015; August 1, 2000; July 1, 1989; July 1, 1985; January 1, 1983.

12 NCAC 09B .0408 is proposed for amendment as published in vol. 28, issue 24, page 2996 with changes:

**12 NCAC 09B .0408 COMPREHENSIVE WRITTEN EXAMINATION -- BASIC SMI
CERTIFICATION**

(a) ~~At Within 60 days of~~ the conclusion of the classroom instruction portion of a school's offering of any speed measurement instrument operator course or re-certification course, ~~an authorized representative of the Commission shall administer to all candidates for certification as operators a comprehensive written examination. the Commission shall administer a comprehensive written examination to each trainee who has~~ satisfactorily completed all of the required course work.

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

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

(d) A trainee shall pass the operator training course as required in 12 NCAC 09B .0212, .0213, .0214, .0238, .0242, or .0244 by achieving 70 percent correct answers.

(e) An operator seeking recertification shall pass the operator training recertification course as specified in 12 NCAC 09B .0220, .0221, .0222 .0240, .0243, or .0245 by achieving 75 percent correct answers.

(f) A trainee who has fully participated in a scheduled delivery of a certified training course and has demonstrated 100 percent competence in each motor-skill or performance area of the course curriculum curriculum, but has failed to achieve ~~the prescribed~~ a passing score, as specified in Paragraph (d) of this Rule, on the Commission's comprehensive written examination examination, may request the Director of the Standards Division to authorize a re-examination of the ~~trainee. trainee~~ under the following requirements:

(g) — (1) The trainee's request for re-examination shall be made in writing on the Commission's Re-Examination Request form form, located on the agency's website; <http://www.ncdoj.gov/getdoc/b38b7eee-e311-4ec3-8f9c-bd8fd58f6281/SMI-6-Reexam-6-11.aspx>, and The Re-Examination Request form shall be received by the Standards Division within 30 days of the ~~examination. examination~~:

(h) — (2) The trainee's request for re-examination shall include the favorable recommendation of the school director who administered the ~~course. [Course;] course~~:

(i) — (3) A trainee shall have, within ~~90~~ 60 days of the original examination, only one opportunity for re-examination and shall satisfactorily complete achieve a passing score on the subsequent ~~examination in its entirety. [entirety; and] examination; and~~

(j) — (4) The trainee shall be notified by the Standards Division staff of a place, time, and date for re-examination.

~~(g) — The Request for Re-Examination Form is available on the agency's website::~~

~~<http://www.ncdoj.gov/getdoc/b38b7eee-e311-4ec3-8f9c-bd8fd58f6281/SMI-6-Reexam-6-11.aspx>~~

~~(k) [(h)](g)~~ If the trainee fails to achieve the ~~prescribed~~ minimum score as specified in Paragraph (d) of this Rule on the re-examination, the trainee may not be recommended for certification and shall enroll and complete a subsequent course offering in its entirety before further examination may be permitted.

1 *History Note:* *Authority G.S. 17C-6;*
2 *Eff. November 1, 1981;*
3 *Readopted Eff. July 1, 1982;*
4 *Amended Eff. January 1, 2015; November 1, 2007; May 1, 2004; April 1, 1999; December 1, 1987;*
5 *October 1, 1983; April 1, 1983.*
6

12 NCAC 09B .0413 is proposed for amendment as published in vol. 28, issue 24, page 2997 with changes:

12 NCAC 09B .0413 COMPREHENSIVE WRITTEN EXAM -- INSTRUCTOR TRAINING

(a) ~~An authorized representative of the Commission~~ The Director of the Standards Division, or his designee, shall administer a comprehensive written examination to each trainee who has satisfactorily completed the first 12 units of the "Criminal Justice Instructor Training Course" as described in the "Basic Instructor Training Manual." This comprehensive written examination shall be administered within 60 days of the [successful] completion of the first 12 units of the "Criminal Justice Instructor Training Course, as specified in Rule .0209 of this [Subchapter.]"Subchapter.

(b) The examination shall be an objective test consisting of multiple choice, true false, or similar questions covering the topic areas contained in the accredited course curriculum.

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

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

(e) A trainee who has fully participated in a scheduled delivery of an accredited training course and has demonstrated satisfactory competence in each performance area of the course curriculum, who has scored at least 65 percent but has failed to achieve the minimum passing score of 75 percent on the Commission's comprehensive written examination, may request the Director of the Standards Division to authorize a re-examination of the ~~trainee.~~ trainee under the following requirements:

- (1) The trainee's request for re-examination shall be made in writing on the Commission's Re-Examination Request form form, located on the agency's website: <http://www.ncdoj.gov/getdoc/b38b7eee-e311-4ec3-8f9c-bd8fd58f6281/SMI-6-Reexam-6-11.aspx>, and The Re-Examination Request form shall be received by the Standards Division within 30 days of the ~~examination.~~ examination;
- (2) The trainee's request for re-examination shall include the favorable recommendation of the school director who administered the ~~course.~~ course;
- (3) A trainee shall have, within ~~90~~ 60 days of the original examination, only one opportunity for re-examination and shall satisfactorily complete achieve a passing score on the subsequent examination in its entirety. ~~examination; and~~
- (4) The trainee ~~will~~ shall be assigned notified in writing by the Standards Division staff a place, time, and date for re-examination.

~~(5)~~

~~(f)~~ Should the trainee ~~on re-examination~~ not achieve ~~the prescribed minimum a passing~~ score on the ~~examination,~~ re-examination the trainee ~~may~~ shall not be given successful course completion and shall enroll and successfully complete a subsequent offering of the instructor course in its entirety before further examination may be permitted.

~~(f)~~

~~(g)~~ A trainee who fails to score at least 65 percent on the Commission's comprehensive written examination shall be terminated from the course, shall not be eligible for re-examination, and shall complete a subsequent offering of the instructor training course before further examination may be permitted.

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History Note: Authority G.S. 17C-6; 17C-10;
Eff. February 1, 1987;
Amended Eff. January 1, 2015; January 1, 1995.

12 NCAC 09B .0414 is proposed for amendment as published in vol. 28, issue 24, page 2997 with changes:

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

(a) ~~At the conclusion of a school's offering of the "Specialized Firearms Instructor Training," "Specialized Driver Instructor Training," "Specialized Subject Control Arrest Techniques Instructor Training," "Specialized Physical Fitness Instructor Training," "Specialized Explosives and Hazardous Materials Instructor Training," the "Radar Instructor Training," the "Criminal Justice Time Distance/Speed Measurement Instrument (TD/SMI) Instructor Training," the "LIDAR Instructor Training," the "Re-Certification Training for Radar Instructors," the "Re-Certification Training for TD/SMI Instructors," and the "Re-Certification Training for LIDAR Instructors" courses, the~~ The Commission shall administer a comprehensive written examination within 60 days of to each trainee who has satisfactorily of the completed all of the required course ~~work.~~ work for the following courses:

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

~~The Commission shall administer the comprehensive written examination within 60 days of the trainee's completion of all required course work.~~

~~A trainee cannot be administered the comprehensive written examination until such time as all of the required course work is completed.~~

(b) The examination shall be an objective test consisting of multiple choice, true false, or similar questions covering the topic areas contained in the certified course curriculum.

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

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

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

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

1 *Eff. February 1, 1987;*
2 *Amended Eff. January 1, 2015; June 1, 2013; May 1, 2004; August 1, 2000; April 1, 1999; July 1,*
3 *1989.*
4

1 **12 NCAC 09B .0416** is proposed for amendment as published in vol. 28, issue 24, page 2998 **with changes:**

2
3 **12 NCAC 09B .0416 SATISFACTION OF MINIMUM TRAINING -- SMI INSTRUCTOR**

4 (a) To acquire successful completion of the "Speed Measurement Instrument (SMI) Instructor Training Courses," and
5 the "SMI Instructor Re-Certification Courses", the trainee ~~shall~~shall

6 (1) ~~satisfactorily~~ complete all required course work as specified in Rules .0210, .0211, .0218, .0219,
7 .0237, or .0239 of this Subchapter for the specific course in ~~attendance; and attendance.~~

8 (2) ~~achieve a score of 75 percent correct answers on a Commission-administered comprehensive written~~
9 ~~examination.~~

10 (b) If the trainee ~~passes the written examination but fails to meet the minimum criteria on an area~~ demonstrate 100
11 percent competence in each of motor skills motor-skill or performance area, testing, he/she ~~he or she~~ shall be authorized
12 one opportunity for a re-test. Such re-test ~~must~~ shall be at the recommendation of the school director and a request ~~must~~
13 shall be made to the Standards Division within 30 days of the original testing. Re-examination ~~must~~ shall be completed
14 within 90 days of the original testing. Failure to score 100 percent on the re-test requires enrollment in a subsequent SMI
15 operator course and an SMI instructor course.

16
17 *History Note: Authority G.S. 17C-6; 17C-10;*

18 *Eff. February 1, 1987;*

19 *Amended Eff. January 1, 2015; November 1, 2007; April 1, 1999.*

1 **12 NCAC 09C .0211** is proposed for amendment as published in vol. 28, issue 24, page 2998 **with changes:**

2
3 **12 NCAC 09C .0211 PRE-DELIVERY REPORT OF TRAINING COURSE PRESENTATION**

4 The Pre-delivery Report of Training Course ~~Presentation~~, **Presentation** is a form on which the School Director notifies the
5 Commission of its intent to present the Basic Law Enforcement Training course. Information requested ~~includes~~ includes ~~the~~
6 ~~number of hours; delivery period; location; anticipated number of trainees; and a topical course schedule including proposed~~
7 ~~instructional assignments.~~

8 (1) The number of training hours;

9 (2) The training delivery period;

10 (3) Location;

11 (4) Anticipated number of trainees;

12 (5) The requested date and location for the administration of the state comprehensive exam; and

13 (6) Topical course schedule including proposed instructional assignments.

14
15 *History Note: Authority G.S. 17C-6; 150B-11;*

16 *Eff. January 1, 1981;*

17 *Amended Eff. January 1, 2015; August 1, 2000.*

18

12 NCAC 09C .0403 is proposed for amendment as published in vol. 28, issue 24, page 2998 with changes:

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

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

- (1) After acquiring accreditation for the course and before commencing each delivery of the course, the school director shall notify the Commission of the school's intent to offer the training course by submitting a Form F-10A(LE) Pre-delivery Report of Training Course Presentation; and
- (2) Not more than 10 days ~~Upon after~~ completing delivery of the accredited course, ~~and not more than 10 days after receiving from the Commission's representative the Report of Examination Scores, course,~~ the school director shall notify the Commission regarding the progress and achievement of each enrolled trainee by submitting a Form F-10B(LE) Post-delivery Report of Training Course Presentation.

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

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

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

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

Eff. January 1, 1981;

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

12 NCAC 09E .0105 is proposed for amendment as published in vol. 28, issue 20; pages 2420-21 **with changes**:

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

(a) The following topical areas and specifications are established as **minimum** topics, ~~specifications~~ specifications, and hours to 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. These specifications shall be incorporated in each law enforcement agency's annual in-service training courses:

- (1) ~~2014~~ 2015 Firearms Training and Qualification (6 credits);
- (2) ~~2014~~ 2015 Legal Update (4 credits);
- (3) ~~2014~~ 2015 Juvenile Minority Sensitivity ~~Training: A Juvenile — Now What? Training: What does it have to do with me?~~ (2 credits);
- (4) ~~2014 Officer Safety: The First Five Minutes~~ 2015 Domestic Violence: Teen Dating Violence (4 (2 credits); and
- (5) ~~2014~~ 2015 Department Topics of Choice (8 10 credits). The Department 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.

(b) 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

(c) 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

(d) 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.

(e) ~~Successful completion~~ 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. 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;
- (2) A student shall pass each test by achieving 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 ~~must~~ shall complete the in-service training topic in a traditional classroom setting before taking the exam a third time.

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

Eff. July 1, 1989;

Amended Eff. January 1, 2005; November 1, 1998;

Temporary Amendment Eff. January 1, 2005;

Amended Eff. January 1, 2015; February 1, 2014; June 1, 2012; February 1, 2011; January 1, 2010;

April 1, 2009; April 1, 2008; February 1, 2007; January 1, 2006.

12 NCAC 09F .0102 is proposed for amendment as published in Vol. 28, pages 1717-1718 **with changes** as follows:

12 NCAC 09F .0102 TOPICAL AREAS

The course entitled "Concealed Carry Handgun Training" shall consist of eight hours of instruction and shall include the following identified topical areas:

- (1) Legal Issues (two hours): The student shall be able to ~~to:] demonstrate a general knowledge of North Carolina law on concealed handguns, handgun safety, and use of deadly force. The instructor shall use the lesson plan produced by the North Carolina Justice Academy. The instructor shall determine the student's level of understanding of the relevant legal issues by a written examination.~~ to explain the following:
 - (a) ~~[explain] the [provisions under North Carolina Common and Statutory Law in which]~~ types of situations that the use of deadly physical force would be ~~[justifiable;]~~ justified;
 - (b) list areas where the carrying of a concealed handgun is prohibited;
 - (c) ~~[explain] the requirements of handgun storage under [NCGS] G.S. 14-315.1; and~~
 - (d) ~~[explain] the laws governing the carrying of a concealed handgun.~~

The instructor shall determine the student's level of understanding of the relevant legal issues by a written examination.
- (2) Handgun Nomenclature: The students shall be able either verbally or in writing to list the primary parts of their personal handguns.
- (3) Handgun Safety: The students shall be able to:
 - (a) list at least four rules of safe gun handling and demonstrate all of these procedures during range exercises;
 - (b) list four methods of safely storing a handgun and choose the method most appropriate for their personal use;
 - (c) describe safety issues relating to the safe carry of a handgun; and
 - (d) determine the proper storage of their handguns when there are minors in the home.
- (4) Handgun Fundamentals: The students shall be able to:
 - (a) demonstrate how to ~~properly~~ load both a revolver and a semiautomatic handgun;
 - (b) demonstrate how to ~~properly~~ unload both a revolver and a semiautomatic handgun;
 - (c) describe the operational characteristics of their handguns; and
 - (d) ~~successfully complete~~ achieve a passing score on a proficiency test administered by the instructor as prescribed in ~~12 NCAC 09F .0105. Rule .0105 of this Subchapter.~~
- (5) Marksmanship Fundamentals: The student shall be able to:
 - (a) demonstrate a proper handgun grip;
 - (b) demonstrate either the Weaver or Isosceles Stance;
 - (c) describe the elements of sight alignment and sight picture; and
 - (d) demonstrate trigger control in a dry fire exercise.

- 1 (6) Presentation Techniques: The students shall be able to demonstrate the draw or presentation with
- 2 their handguns.
- 3 (7) Cleaning and Maintenance: The students shall be able to:
- 4 (a) demonstrate how to "field strip" the handguns if their handguns can be field stripped;
- 5 (b) describe how to perform a "Function Check" on their personal handguns; and
- 6 (c) based on the manufacturer's recommendations, list the lubrication points of their specific
- 7 handguns.
- 8 (8) Ammunition: The students shall be able to list the four components of handgun ammunition.
- 9 (9) Proficiency Drills: The students shall be able to:
- 10 (a) demonstrate how to properly check a handgun in order to ensure that it is safe;
- 11 (b) demonstrate how to fire a handgun from a ready position;
- 12 (c) demonstrate the ability to fire a handgun from various distances; and
- 13 (d) ~~successfully complete~~ achieve a passing score on a proficiency test administered by the
- 14 instructor as prescribed in ~~42 NCAC 09F .0105(7)~~ Rule .0105 of this Subchapter.
- 15

16 *History Note:* Authority G.S. 14-415.12;

17 *Temporary Adoption Eff. November 1, 1995;*

18 *Eff. May 1, 1996;*

19 *Amended Eff. November 1, 2014; February 1, 2013; May 1, 2004.*

12 NCAC 09G .0308 is proposed for amendment as published in vol. 28, issue 24, page 2998-2999 with changes:

12 NCAC 09G .0308 GENERAL INSTRUCTOR CERTIFICATION

(a) General Instructor Certification after December 31, 1984 shall be limited to those topics which that are not expressly incorporated under the Specialized Instructor Certification category. Individuals certified under the general instructor category are not authorized to teach any of the subjects specified in 12 NCAC 09G .0310, entitled "Specialized Instructor Certification." To qualify for issuance of General Instructor Certification, an applicant shall demonstrate a combination of education and experience in corrections and proficiency in the instructional process to the satisfaction of the Commission. The applicant shall meet the following requirements for General Instructor Certification: Commission by meeting the following requirements:

(1) Present documentary evidence showing that the applicant:

(A) is a high school graduate, graduate or has passed the General Education Development Test (GED) indicating high school equivalency; and

(B) has acquired four years of practical experience as a criminal justice officer or as an administrator or specialist in a field directly related to the criminal justice system.

(2) Present evidence showing successful completion of a Commission-certified instructor training program or an equivalent instructor training course utilizing the Instructional Systems Design model, an international model with applications in education, military training, and private enterprise, enterprise; and

(3) [Successfully pass] Achieve a passing score on the comprehensive written examination administered by the Commission, as specified in Rule 09B .0413(d) of this [Subchapter,] Chapter, within 60 days of completion of the Commission-certified instructor training program.

(b) Applications for General Instructor Certification shall be submitted to the Standards Division within 60 days of the date the applicant successfully ~~passed the state comprehensive examination administered at the conclusion of the~~ [completed the] achieved a passing score on the comprehensive written examination administered by the Commission for the Commission-certified instructor training program or an equivalent instructor training course utilizing the Instructional Systems Design model, an international model with applications in education, military training, and private enterprise.

(c) Persons having completed a Commission-certified 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 not having made application within 60 days of completion of the course shall complete a subsequent Commission-certified instructor training course in its entirety, course.

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

Temporary Adoption Eff. January 1, 2001;

Eff. August 1, 2002;

Amended Eff. January 1, 2015; January 1, 2006.

12 NCAC 09G .0314 is proposed for amendment as published in vol. 28, issue 24, page 2999 with changes:

12 NCAC 09G .0314 COMPREHENSIVE WRITTEN EXAM - INSTRUCTOR TRAINING

(a) An authorized A representative of the North Carolina Department of Correction Standards Division shall administer a comprehensive written examination to each trainee who has satisfactorily completed the first 12 units of the Corrections Criminal Justice Instructor Training Course as described in the "Basic Instructor Training Manual." "Instructor Training" manual.

(b) The examination shall be an objective test consisting of multiple choice, true false, or similar questions covering the topic areas contained in the accredited course curriculum.

(c) A trainee shall ~~successfully complete~~ achieve a passing score on the comprehensive written examination if ~~he/she~~ he or she achieves a minimum of 75 percent correct answers.

(d) A trainee who has fully participated in a scheduled delivery of an accredited training course and has demonstrated satisfactory competence in each performance area of the course curriculum, who has scored at least 65 percent but has failed to achieve the minimum passing score of 75 percent on the comprehensive written examination, may request the Director of the Standards Division to authorize a re-examination of the trainee.

- (1) The trainee's request for re-examination shall be made in writing on the Commission's Re-Examination Request form and shall be received by the Standards Division within 30 days of the examination. The Re-Examination Request form is [found] located on the Agency's website:
<http://www.ncdoj.gov/getdoc/b38b7eee-e311-4ec3-8f9c-bd8fd58f6281/SMI-6-Reexam-6-11.aspx>.
- (2) The trainee's request for re-examination shall include the favorable recommendation of the School Director who administered the course.
- (3) A trainee shall have, within ~~90~~ 60 days of the original examination, only one opportunity for re-examination and shall ~~satisfactorily complete~~ achieve a passing score on the subsequent ~~examination in its entirety.~~ examination.
- (4) The trainee ~~will~~ shall be assigned in writing by the Standards Division staff a place, time, and date for re-examination.
- (5) Should the trainee ~~on re-examination~~ not achieve ~~the prescribed~~ a minimum score of 75 percent on the ~~examination, re-examination,~~ the trainee ~~may~~ shall not be given ~~successful~~ course completion and shall enroll and ~~successfully~~ complete a subsequent offering of the instructor course in its entirety before further examination may be permitted.

~~(f)(e)~~ A trainee who fails to score at least 65 percent on the comprehensive written examination shall ~~be terminated from the course.~~ not be eligible for re-examination, and shall complete a subsequent offering of the instructor training course before further examination is permitted.

History Note: Authority G.S. 17C-6; 17C-10;
Temporary Adoption Eff. January 1, 2001;
Eff. August 1, 2002- 2002;

- 1 *Amended Eff. January 1, 2015.*
- 2

1 **12 NCAC 09G .0414** is proposed for amendment as published in vol. 28, issue 24, pages 2999-3000 **with changes:**

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3 **12 NCAC 09G .0414 INSTRUCTOR TRAINING**

4 (a) The instructor training course required for general instructor certification shall consist of a minimum of ~~80~~ 78 hours
5 of instruction presented during a continuous period of not more than two weeks.

6 (b) Each instructor training course shall be designed to provide the trainee with the skills and knowledge to perform the
7 function of a criminal justice instructor.

8 (c) Each instructor training course shall ~~include, include~~ as a ~~minimum, minimum~~ the following identified topic areas:

- 9 (1) Orientation and Pretest;
- 10 (2) Curriculum Development: ISD Model;
- 11 (3) Civil Liability for Law Enforcement Trainers;
- 12 (4) Interpersonal Communication in Instruction;
- 13 (5) Lesson Plan Preparation: Professional Resources;
- 14 (6) Lesson Plan Preparation: Format and Objectives;
- 15 (7) Teaching Adults;
- 16 (8) Principles of Instruction: Demonstration Methods and Practical Exercise;
- 17 (9) Methods and Strategies of Instruction;
- 18 (10) The Evaluation Process;
- 19 (11) Principles of Instruction: Audio-Visual Aids;
- 20 (12) Student 10-Minute Talk and Video ~~Critique; Critique; and~~
- 21 (13) Student Performance:
22 First 30-Minute Presentation;
23 Second 30-Minute Presentation; and
24 Final 80-Minute ~~Presentation; and~~ Presentation.
25 ~~(14) Examination.~~

26 (d) The "Basic Instructor Training Manual" as published by the North Carolina Justice Academy is to be applied as the
27 basic curriculum for delivery of basic instructor training courses. Copies of this publication may be inspected at the
28 agency:

29 Criminal Justice Standards Division
30 North Carolina Department of Justice
31 ~~114 West Edenton Street~~ 1700 Tryon Park Drive
32 ~~Old Education Building~~
33 Post Office Drawer 149
34 Raleigh, North Carolina 27602

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

37 North Carolina Justice Academy

1 Post Office Drawer 99
2 Salemburg, North Carolina 28385

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4 *History Note: Authority G.S. 17C-6;*
5 *Temporary Adoption Eff. January 1, 2001;*
6 *Eff. August 1, ~~2002~~, 2002;*
7 *Amended Eff. January 1, 2015.*

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