

1 12 NCAC 09A .0205 is amended with changes as published in 36:18 NCR 372-375 as follows:

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3 **12 NCAC 09A .0205 PERIOD OF SUSPENSION: REVOCATION: OR DENIAL**

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

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

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

- 16 (1) commission or conviction of a criminal offense other than those listed in Paragraph (a) of this Rule;
- 17 (2) refusal to submit to the applicant or lateral transferee drug screen required by these Rules;
- 18 (3) production of a positive result on a drug screen reported to the Commission under 12 NCAC 09C  
19 .0310, where the positive result cannot be explained to be in compliance with the law;
- 20 (4) material misrepresentation of any information required for certification or accreditation;
- 21 (5) obtaining, attempting to obtain, aiding another person to obtain, or aiding another person to attempt  
22 to obtain credit, training or certification by any means of false pretense, deception, defraudation,  
23 misrepresentation or cheating;
- 24 (6) failure to make either of the notifications as required by 12 NCAC 09B .0101(8);
- 25 (7) removal from office under the provisions of G.S. 128-16 or the provisions of G.S. 14-230;
- 26 (8) performing activities or duties for which certification by the Commission is required without having  
27 first obtained the appropriate certification; or
- 28 (9) commission or conviction of four or more crimes or unlawful acts defined as "Class B  
29 misdemeanors" in 12 NCAC 09A .0103(24)(b), regardless of the date of conviction.

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

- 33 (1) failure to meet or satisfy relevant basic training requirements pursuant to 12 NCAC 09B .0205,  
34 .0225, .0235, and 0236;
- 35 (2) failure to meet or maintain the minimum standards of employment pursuant to 09B .0101, .0111,  
36 .0114, .0116, .0117;
- 37 (3) discharge from a criminal justice agency for impairment of physical or mental capabilities; or

1           (4)       failure to meet or satisfy the in-service training requirements as prescribed in 12 NCAC 09E.

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3   *History Note:*    *Authority G.S. 17C-6; 17C-10;*  
4                    *Eff. January 1, 1981;*  
5                    *Amended Eff. February 1, 2006; August 1, 2001; November 1, 1993; July 1, 1990; July 1, 1989;*  
6                    *October 1, 1985;*  
7                    *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25,*  
8                    *2019;*  
9                    *Amended Eff. July 1, 2020.*  
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12 NCAC 09B .0235 is amended as published in 36:18 NCR 372-375 as follows:

**12 NCAC 09B .0235      BASIC TRAINING – JUVENILE COURT COUNSELORS AND CHIEF COURT COUNSELORS**

(a) The basic training course for Juvenile Court Counselors and Chief Court Counselors shall consist of a minimum of 151 hours of instruction designed to provide the trainee with the skills and knowledge to perform those tasks essential to function as a Juvenile Court Counselor and a Chief Court Counselor.

(b) Each basic training course for Juvenile Court Counselors shall include training in the following topic areas:

(1) Juvenile Justice Common Core:

(A)	Basic Individual Counseling Skills	8 hours
(B)	Interpersonal Communication Skills	8 hours
(C)	Working with Families	3 hours
(D)	Characteristics of Delinquents	4 hours
(E)	Unlawful Workplace Harassment	2 hours
(F)	Career Survival: Integrity and Ethics in the North Carolina Department of Public Safety Workplace	2 hours
(G)	Staff and Juvenile Relationships	4 hours
(H)	Gang Awareness	4 hours
(I)	Situational Awareness and Risk Assessment	4 hours
(J)	Restraints, Controls, and Defensive Techniques	28 hours
(K)	Mechanical Restraints	4 hours
(L)	Mental Health	8 hours
(M)	CPR	4 hours
(N)	First Aid	4 hours
(O)	Employee Fitness and Wellness	4 hours
(P)	Trauma and Delinquents	6 hours
(Q)	Driver and Secure Transport Safety	8 hours
(R)	DMC- Addressing DMC within the JJ System	2 hours
(S)	Verbal De-escalation for Juvenile Justice	4 hours
	Total Hours	111 hours

(2) Juvenile Court Counselor Specific:

(A)	Roles and Responsibilities	8 hours
(B)	Juvenile Law	8 hours
(C)	Intake	8 hours
(D)	<del>Assessing Risk and Needs</del> Risk and Needs Assessment	4 hours
(E)	Report Writing and Documentation	12 hours
	Total Hours	40 hours

Total Course Hours

151 hours

(c) The "Juvenile Court Counselor Basic Training Manual" as published by the North Carolina Department of Public Safety shall be applied as the curriculum for delivery of Juvenile Court Counselor basic training courses. Copies of this publication may be inspected at or purchased at the cost of printing and postage from the office of the agency:

The Office of Staff Development and Training  
North Carolina Department of Public Safety  
2211 Schieffelin Road  
Apex, North Carolina 27502

(d) Upon completion of a Commission-certified training course for Juvenile Court Counselors and Chief Court Counselors, the Director of the school conducting the course shall notify the Commission of training completion by submitting a Report of Training Course Completion for each trainee. The Report of Training Completion 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](http://www.ncdoj.gov/getattachment/fbf3480c-05a1-4e0c-a81a-04070dea6199/F-11-Form_10-2-14.pdf.aspx).

(e) Employees of the Division of Adult Correction and Juvenile Justice who have completed the minimum 151 hour training program accredited by the Commission pursuant to Rule .0236 of this Section after January 1, 2013 who transfer from a Juvenile Justice Officer position to a Juvenile Court Counselor position shall be required to complete only the portions of the course identified as specific to the duties and responsibilities of a Juvenile Court Counselor under Subparagraph (b)(2) of this Rule.

*History Note: Authority G.S. 17C-2; 17C-6; 17C-10;*  
*Temporary Adoption Eff. April 15, 2003;*  
*Eff. April 1, 2004;*  
*Amended Eff. July 1, 2017; July 1, 2016; August 1, 2015; May 1, 2014;*  
*Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25, 2019.*

## **REQUEST FOR TECHNICAL CHANGE**

AGENCY: North Carolina Criminal Justice Education Training and Standards Commission

RULE CITATION: 12 NCAC 09B .0305

**DEADLINE FOR RECEIPT: Friday, December 10, 2021**

**PLEASE NOTE:** *This request may extend to several pages. Please be sure you have reached the end of the document.*

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

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

*In Paragraph (d), how is it determined how long the certification will last? What factors will be considered in determining that a certification is not three years? Based upon Paragraph (f), it looks to me that it will be three years*

*Please change the period at the end of (f)(4) to a semi-colon, rather than a period, and add an "and"*

*At the end of (f)(5), please delete the "and" and add a period.*

*In (g), change "will be required" to "shall"*

*In (g), delete or define "successfully"*

*In (h), change "does not" to "shall not"*

*In (h), I assume that this would also apply to instructors whose certification has lapsed for longer than three years?*

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

Amber May  
Commission Counsel  
Date submitted to agency: November 29, 2021

TERMS 12 NCAC 09B .0305 is amended **with changes** as published in 35:24 NCAC 2678-2680 as follows:

**12 NCAC 09B .0305 TERMS AND CONDITIONS OF SPECIALIZED INSTRUCTOR  
CERTIFICATION (EFFECTIVE JANUARY 1, 2020)**

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

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

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

(d) The term of certification as a specialized instructor shall not exceed three years. An application for renewal shall contain, in addition to the requirements listed in Rule .0304 of this Section, documentary evidence that the applicant has remained active in the instructional process during the previous three-year period. Such documentary evidence shall include the following:

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

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

(A) a favorable written recommendation from a School Director or In-Service Training Coordinator completed on a Commission Renewal of Instructor and Professional Lecturer Certification Form (Form F-12A) stating the instructor taught at least 12 hours in each of

the topics for which Specialized Instructor Certification was granted. The teaching shall have been provided in a Commission-accredited basic training, Specialized Instructor Training course, pursuant to Rule 12 NCAC 09C .0401, Commission-recognized in-service training course, or training course delivered pursuant to 12 NCAC 09F .0101, 12 NCAC 09H, 12 NCAC 10B .0601, .1302, or .2005;

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

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

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

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

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

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

(1) holds a current General Instructor certification;

(2) has completed all pre-qualification requirements for that specialty;

(3) has passed the state examination for that specialty with a minimum score of 75;

(4) has completed 8 hours of evaluated instruction in the specialty where re-issuance of certification is taught, as documented on an F-16 located on the agency's website: <https://ncdoj.gov/law-enforcement-training/criminal-justice/forms-and-publications/>. The 8 hours of instruction shall be taught within 60 days of the Specialized Instructor Certification being reissued and evaluated by a Specialized Instructor certified in that specialty. Failure to complete the required 8 hours of evaluated instruction will result in the reissued Specialized Instructor Certification being revoked.

(5) ~~[documented proof]~~ has documentation that all non-Commission certificates required in Rule .0304(d)(1), (g)(2), (i)(1), and (j)(1) for Specialized Instructor certification in the First Responder, Physical Fitness, Explosive and Hazardous Materials, and Juvenile Justice Medical Emergencies topical areas ~~[shall be maintained;]~~ have been maintained and

~~(g) [(6)]~~ Applicants for re-issuance of the Specialized Instructor Certification shall have one opportunity to pass the prequalification skills assessment and the state examination for that specialty. Should an applicant not achieve a passing score on either the prequalification skills assessment or the state examination for that specialty, the applicant will be required to successfully complete the specific Specialized Instructor Course in its entirety.

~~(h) [(7)]~~ Applicants whose Specialized Instructor Certification is suspended or revoked does not qualify for re-issuance. The applicant shall complete the specific Specialized Instructor Course in its entirety.

~~(i) [(8)]~~ (f) The use of guest participants in a delivery of the "Basic Law Enforcement Training Course" shall be permissible. However, such guest participants are subject to the on-site supervision of a Commission-certified instructor and shall be authorized by the School Director. A guest participant shall be used only to complement the primary certified instructor of the block of instruction and shall not replace the primary instructor.

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

*Eff. January 1, 1981;*

*Amended Eff. January 1, 2017; February 1, 2016; August 1, 2015; May 1, 2014; June 1, 2012;*

*November 1, 2007; January 1, 2006; December 1, 2004; August 1, 2004; August 1, 2000; July 1,*

*1991; July 1, 1989; December 1, 1987; February 1, 1987;*

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

*Amended Eff. ~~January 01, 2022; October 1, 2021;~~ January 1, 2020; August 1, 2019.*

1 12 NCAC 09G .0505 is amended as published in 36:18 NCR 372-375 as follows:

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3 **12 NCAC 09G .0505 PERIOD OF SUSPENSION: REVOCATION: OR DENIAL**

4 (a) When the Commission revokes or denies the certification of a corrections officer pursuant to 12 NCAC 09G .0504  
5 of this Section, the period of the sanction shall be 10 years where the cause of sanction is:

- 6 (1) commission or conviction of a felony offense;  
7 (2) the second suspension of an officer's certification for any of the causes requiring a three-year period  
8 of suspension; or  
9 (3) revocation or denial of certification by the North Carolina Sheriffs' Education and Training  
10 Standards Commission based on grounds that would constitute a violation of this Subchapter.

11 (b) When the Commission suspends or denies the certification of a corrections officer pursuant to 12 NCAC 09G  
12 .0504 of this Section, the period of ~~sanction~~ sanction, shall be not less than three years; however, the Commission may  
13 either reduce or suspend the period of sanction ~~under Paragraph (c) of this Rule~~ or substitute a period of probation in  
14 lieu of suspension of ~~certification~~ certification, or impose a combination of reduction, suspension, or probation  
15 following an administrative hearing, where the cause of sanction is:

- 16 (1) commission or conviction of a misdemeanor as defined in 12 NCAC 09G .0102;  
17 (2) discharge by the North Carolina Department of Public Safety, Division of Adult Correction and  
18 Juvenile Justice pursuant to 12 NCAC 09G .0504(b)(4) and (b)(5) of this Section;  
19 (3) refusal to submit to the applicant drug screen required by the Rules in this Subchapter;  
20 (4) production of a positive result on a drug screen reported to the Commission under 12 NCAC 09G  
21 .0206, where the positive result cannot be explained to the Commission's satisfaction. For the  
22 purposes of this Rule, "to the Commission's satisfaction" shall be determined on a case-by-case  
23 basis, and the use of a prescribed drug shall be satisfactory;  
24 (5) has knowingly made a material misrepresentation of any information required for certification or  
25 accreditation;  
26 (6) has knowingly and willfully obtained, attempted to obtain, aided another person to obtain, or aided  
27 another person attempt to obtain credit, training or certification by any means of false pretense,  
28 deception, defraudation, misrepresentation or cheating;  
29 (7) failure to make either of the notifications as required by 12 NCAC 09G .0302;  
30 (8) removal from office under the provisions of G.S. 128-16 or the provisions of G.S. 14-230; or  
31 (9) certification revoked or denied by the North Carolina Sheriffs' Education and Training Standards  
32 Commission, if such certification was revoked or denied based on grounds that would constitute a  
33 violation of Section 09G of these Rules.

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

- 37 (1) failure to meet or satisfy relevant basic training requirements;

- (2) failure to meet or maintain the minimum standards for certification; or
- (3) discharge from the North Carolina Department of Correction for impairment of physical or mental capabilities.

*History Note: Authority G.S. 17C-6; 17C-10;*  
*Temporary Adoption Eff. January 1, 2001;*  
*Eff. August 1, 2002;*  
*Amended Eff. December 1, 2018; December 1, 2004;*  
*Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25,*  
*2019.*