

STATE OF NORTH CAROLINA OFFICE OF ADMINISTRATIVE HEARINGS

December 13, 2021

Charminique D. Williams, Rulemaking Coordinator Criminal Justice Education and Training Standards Commission <u>Sent via email only to:</u> cdwilliams@ncdoj.gov

Re: 12 NCAC 09B .0202, .0209, .0210, .0211, .0212, .0213, .0214, .0226, .0232, .0233, .0237, .0238, .0242, .0244, .0417, 12 NCAC 09G .0414, .0415, .0416.

Dear Ms. Williams:

At its meeting on November 18, 2021 meeting, the Rules Review Commission reviewed eighteen temporary rules filed by the Criminal Justice Education and Training Standards Commission on November 1, 2021. The Commission declined to approve the above-captioned temporary rules based on the failure to comply with the Administrative Procedure Act in accordance with G.S. 150B-21.1(a), and 150B-21.9.

The Commission confirmed the status of these rules in a letter dated November 18, 2021. Pursuant to G.S. 150B-21.1(b2), the Criminal Justice Education and Training Standards Commission responded via email on December 9, 2021 and notified the Commission that the agency would not provide additional findings or submit a new statement for these rules, and requested that the Commission return these rules to the agency.

As such, the above-captioned rules, filed November 1, 2021, are being returned by the Commission to the Criminal Justice Education and Training Standards Commission.

If you have any questions or concerns, please do not hesitate to contact me.

Sincerely,

Brian Liebman Commission Counsel

Donald Robert van der Vaart, Director Chief Administrative Law Judge **Fred G. Morrison, Jr.**Senior Administrative Law Judge

An Equal Employment Opportunity Employer

Burgos, Alexander N

Subject: FW: [External] RE: November 2021 CJETS Temporary Rules

From: Williams, Charminique < cdwilliams@ncdoj.gov>

Sent: Thursday, December 9, 2021 10:05 PM
To: Liebman, Brian R < brian.liebman@oah.nc.gov >
Cc: May, Amber Cronk < amber.may@oah.nc.gov >

Subject: [External] RE: November 2021 CJETS Temporary Rules

CAUTION: External email. Do not click links or open attachments unless you verify. Send all suspicious email as an attachment to Report Spam.

Hi Brian,

CJETS does not intend to make additional submissions to the finding of needs. Therefore, we request RRC return the temporary rules.

Charminique



STATE OF NORTH CAROLINA OFFICE OF ADMINISTRATIVE HEARINGS

November 18, 2021

Chris Blue, Chair

Criminal Justice Education and Training Standards Commission

Sent via email only: CBLUE@townofchapelhill.org

Re: Objection to Rules 12 NCAC 09B .0202, .0209, .0210, .0211, .0212, .0213, .0214, .0226, .0232, .0233, .0237, .0238, .0242, .0244, and .0417; 09G .0414, .0415, and .0416.

Dear Mr. Blue:

At its meeting this morning, the Rules Review Commission declined to approve the above-captioned temporary rules in accordance with G.S. 150B-21.1(b).

The Rules Review Commission found the Criminal Justice Education and Training Standards Commission (CJETS) did not meet the requirements for temporary rules as set forth in G.S. 150B-21.1(a)(1). Specifically, the Commission found that CJETS had not shown that COVID was "unforeseen" at this time, which is required by that subsection in order to engage in temporary rulemaking.

Please respond to this letter in accordance with the provisions of G.S. 150B-21.1(b1) or (b2). If you have any questions regarding the Rule Review Commission's action, please let me know.

Sincerely,

Amanda J. Reede

Commission Counsel

cc: Charminique Williams, Rulemaking Coordinator

Donald Robert van der Vaart, Director Chief Administrative Law Judge Fred G. Morrison, Jr.
Senior Administrative Law Judge

www.oah.nc.gov

1 12 NCAC 09B .0202 is amended under temporary procedures as follows:

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12 NCAC 09B .0202 RESPONSIBILITIES OF THE SCHOOL DIRECTOR

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

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

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

(c) ili additioli t	o Paragr	apn (a) of this Rule, in planning, developing, coordinating, and delivering each Commission-
certified "Crimin	nal Justio	ce Instructor Training Course," the School Director shall:
(1)	Sched	ule course presentation pursuant to Rule .0209 of this Subchapter;
(2)	Sched	ule evaluators as follows:
	(A)	each evaluator, as well as the instructors, shall have 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
	(B)	each instructor and evaluator shall document successful participation in a program
		presented by the North Carolina Justice Academy for purposes of familiarization and
		supplementation relevant to delivery of the instructor training course and trainee
		evaluation;
(3)	Not fe	wer than 30 days before commencing delivery of the course, submit to the Commission a Pre-
	Delive	ery Report of Training Course Presentation [Form F-10A(ITC)] with the following
	attachi	ments:
	(A)	a course schedule showing the arrangement of topical presentations and proposed
		instructional assignments;
	(B)	the names and last four digits of the social security numbers of all instructors and
		evaluators; and
	(C)	a copy of any rules and requirements for the school; and
(4)	Not m	ore than 10 days after course completion, submit to the Commission a Post-Delivery Report
	[Form	F-10B(ITC)] containing the following:
	(A)	class enrollment roster;
	(B)	a course schedule with the designation of instructors and evaluators utilized in delivery;
	(C)	scores recorded for each trainee on the 70 minute skill presentation; and
	(D)	designation of trainees who completed the course in its entirety and whom the School
		Director finds to be competent to instruct.
(d) In addition t	o Paragr	raph (a) of this Rule, in planning, developing, coordinating, and delivering each Commission-
certified RADA	R, RAD	DAR and Time-Distance, Time-Distance, or LIDAR speed measurement operator training
course or re-cert	ification	course, the School Director shall:
(1)	select	and schedule speed measurement instrument instructors who are certified by the Commission
	as inst	ructors for the specific speed measurement instruments in which the trainees are to receive
	instruc	ction 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
	certified "Crimin (1) (2) (2) (3) (4) (4)	certified "Criminal Justice (1) Sched (2) Sched (A) (A) (B) (B) (C) (4) Not m [Form (A) (B) (C) (D) (d) In addition to Paragraterified RADAR, RAD course or re-certification (1) select as instruction (A) (A)

1		(C) require each instructor to sign each individual form and submit the original to the School
2		Director;
3	(2)	not fewer than 30 days before the scheduled starting date, submit to the Director of the Standards
4		Division a Pre-Delivery Report of Speed Measuring Instrument Course Presentation [Form F-10A
5		(SMI)] that shall contain a period of course delivery including the proposed starting date, course
6		location, requested date and location for the administration of the State exam, and the number of
7		trainees to be trained on each type of approved speed measurement instrument. The Director of the
8		Standards Division shall review the request and notify the School Director within thirty business
9		days if the request is approved or denied; and
10	(3)	upon completing delivery of the Commission-certified course, and not more than 10 days after the
11		conclusion of a school's offering of a certified RADAR, RADAR and Time-Distance, Time-
12		Distance, or LIDAR speed measurement operator training course or re-certification course, the
13		School Director shall notify the Commission regarding the progress and achievements of each
14		trainee by submitting a Post-Delivery Report of Training Course Presentation [Form F-10B (SMI)].
15		This report shall include the original motor-skill examination form(s) completed and signed by the
16		certified instructor responsible for administering the motor-skill examination to the respective
17		trainee.
18		
19	History Note:	Authority G.S. 17C-6;
20		Eff. January 1, 1981;
21		Amended Eff. November 1, 1981;
22		Readopted w/change Eff. July 1, 1982;
23		Amended Eff. January 1, 2015; June 1, 2013; April 1, 2009; November 1, 2007; January 1, 2006;
24		May 1, 2004; August 1, 2000; January 1, 1996; November 1, 1993; December 1, 1987; January 1,
25		1985;
26		Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25,
27		2019;
28		Amended Eff. July 1, 2021; January 1, 2021; July 1, 2020.
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1 12 NCAC 09B .0209 is proposed for amendment under temporary procedures as follows: 2 3 12 NCAC 09B .0209 CRIMINAL JUSTICE INSTRUCTOR TRAINING 4 (a) The Instructor Training course required for General Instructor certification shall consist of a minimum of 40 hours 5 of classroom instruction, plus the time required to conduct practical exercises, student presentations, and post testing 6 presented during a period of no more than 15 business days. If the Governor declares a State of Emergency pursuant 7 to N.C.G.S. 166A-19.3(19), the Director of the Criminal Justice Standards Division [may] shall allow additional 8 breaks in a specific course delivery when the Director determines that doing so is necessary based on [circumstances] 9 consideration of the following factors: Irelated to a lawfully declared State of Emergency, 10 Whether instruction has begun in the course or whether course initiation may be postponed; (A) 11 (B) The risk of harm to students which may be caused by continuation of the course; 12 Whether those enrolled in the course have been or will likely be called on action to help (C) 13 address the State of Emergency; 14 The specific need for the waiver; and (D) 15 The degree of benefit to the public in allowing a break in instruction. (E) Notice of waivers granted pursuant to the Section shall be posted on the CJETS (or Sheriffs) website 16 17 https://ncdoj.gov/law-enforcement-training/criminal-justice/. The waiver granted pursuant to this 18 Section shall only apply to courses which began during the effective period of the State of 19 Emergency. 20 (b) Each Instructor Training course shall be designed to provide the trainee with the skills and knowledge to perform 21 the functions of a criminal justice instructor. 22 (c) Each Instructor Training course shall include the following identified topic areas and minimum instructional 23 hours for each area: 24 (1) Orientation and Pre-Test 1 Hour 25 (2) Instructional Systems Design (ISD) 5 Hours Law Enforcement Instructor Liabilities and Legal Responsibilities 26 (3) 2 Hours 4 Hours 27 **(4)** Criminal Justice Instructional Leadership 28 (5) Lesson Plan Preparation: Professional Resources 2 Hours 29 (6) Lesson Plan Development and Formatting 3 Hours 30 **(7)** Adult Learning 2 Hours 31 (8) Instructional Styles and Platform Skills 5 Hours 32 (9) Classroom Management 3 Hours 33 (10)Active Learning: Demonstration and Practical Exercises 3 Hours The Evaluation Process of Learning 34 (11)4 Hours 35 (12)Audio Visual Aids 5 Hours

(13)

Course Closing and Post-test

36

1 Hour

1	(14)	Completion of tasks associated with practical exercises, student presentations, and post testing; the
2		number of hours required to complete this portion of the curriculum shall be based on the number
3		of enrolled students, available facilities, and number of instructors.
4	(d) The "Instru	ctor Training" manual published by the North Carolina Justice Academy shall be the curriculum for
5	instructor traini	ng courses. Copies of this publication may be inspected at the agency:
6		Criminal Justice Standards Division
7		North Carolina Department of Justice
8		1700 Tryon Park Drive
9		Post Office Drawer 149
10		Raleigh, North Carolina 27602
11	and may	y be purchased at the cost of printing and postage from the Academy at the following address:
12		North Carolina Justice Academy
13		Post Office Drawer 99
14		Salemburg, North Carolina 28385
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16	History Note:	Authority G.S. 17C-6;
17		Eff. January 1, 1981;
18		Amended Eff. July 1, 2018; April 1, 2018; January 1, 2018; January 1, 2015; December 1, 2009;
19		August 1, 2005; November 1, 1998; January 1, 1995; March 1, 1990; July 1, 1989; January 1,
20		1985;
21		Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25,
22		2019;
23		Amended Eff. July 1, 2021; January 1, 2021.
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1	12 NCAC 09B	.0210 is amended under temporary procedures as follows:
2	12 1 (6116 0)2	ozio le differenti compositi, procedente de tono nei
3	12 NCAC 09B	.0210 RADAR INSTRUCTOR TRAINING COURSE
4	(a) The radar	instructor training course shall be designed to provide the trainee with the skills and knowledge to
5	proficiently per	form the function of a criminal justice radar instructor. This course shall be for a period not to exceed
6	six consecutive	weeks. If the Governor declares a State of Emergency pursuant to N.C.G.S. 166A-19.3(19), the
7	Director of the	Criminal Justice Standards Division [may]-shall allow additional breaks in a specific course delivery
8	when the Direc	tor determines that doing so is necessary based on [circumstances] consideration of the following
9	factors: [related	to a lawfully declared State of Emergency,]
10	(A)	Whether instruction has begun in the course or whether course initiation may be postponed;
11	<u>(B)</u>	The risk of harm to students which may be caused by continuation of the course;
12	<u>(C)</u>	Whether those enrolled in the course have been or will likely be called on action to help address the
13		State of Emergency:
14	<u>(D)</u>	The specific need for the waiver; and
15	<u>(E)</u>	The degree of benefit to the public in allowing a break in instruction.
16	Notice of wai	vers granted pursuant to the Section shall be posted on the CJETS (or Sheriffs) website
17	https://ncdoj.go	v/law-enforcement-training/criminal-justice/. The waiver granted pursuant to this Section shall only
18	apply to course	s which began during the effective period of the State of Emergency.
19	(b) The radar	instructor training course required for radar instructor certification shall include the topic areas and
20	minimum num	per of hours as outlined in the Radar Instructor Training Course. To qualify for radar instructor
21	certification, an	applicant shall meet the requirements as outlined in the Radar Instructor Training Course and meet
22	the requirement	s of 12 NCAC 09B .0408 and .0409.
23	(c) Each applic	ant for radar instructor training shall:
24	(1)	Present the endorsement of a Commission-recognized school director or agency executive officer
25		or his designee.
26	(2)	Possess full criminal justice general instructor certification as required in 12 NCAC 09B .0302.
27	(3)	Possess a current and valid radar operator certification.
28	(d) The "Radar	Instructor Training Course" as published by the North Carolina Justice Academy shall be applied as
29	basic curricului	n for the radar instructor training course for radar instructors as administered by the Commission.
30	Copies of this p	ublication may be inspected at the office of the agency:
31		Criminal Justice Standards Division
32		North Carolina Department of Justice
33		114 West Edenton Street
34		Old Education Building
35		Post Office Drawer 149
36		Raleigh, North Carolina 27602
37		and may be obtained at cost from the Academy at the following address:

I		North Carolina Justice Academy
2		Post Office Box 99
3		Salemburg, North Carolina 28385
4	(e) Commission	on-certified schools that are certified to offer the "Radar Instructor Training Course" are: The North
5	Carolina Justice	e Academy.
6		
7	History Note:	Authority G.S. 17C-6;
8		Eff. November 1, 1981;
9		Readopted w/change Eff. July 1, 1982;
10		Amended Eff. January 1, 2006; April 1, 1999; November 1, 1998; August 1, 1995; July 1, 1989
11		February 1, 1987; August 1, 1984;
12		Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25
13		2019.

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

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

2 of 2

1	12 NCAC 09B .0212 is proposed for amendment under temporary procedures as follows:
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3	12 NCAC 09B .0212 CERTIFICATION TRAINING FOR RADAR OPERATORS
4	(a) The radar operator training course for law enforcement officers shall be
5	designed to provide the trainee with the skills and knowledge to proficiently perform the function of a law enforcement
6	radar operator. This course shall be for a period not to exceed four consecutive weeks. If the Governor declares a State
7	of Emergency pursuant to N.C.G.S. 166A-19.3(19), the Director of the Criminal Justice Standards Division [may]
8	shall allow additional breaks in a specific course delivery when the Director determines that doing so is necessary
9	<u>based on [eireumstances] consideration of the following factors: [related to a lawfully declared State of Emergency,]</u>
10	(A) Whether instruction has begun in the course or whether course initiation may be postponed;
11	(B) The risk of harm to students which may be caused by continuation of the course;
12	(C) Whether those enrolled in the course have been or will likely be called on action to help address the
13	State of Emergency;
14	(D) The specific need for the waiver; and
15	(E) The degree of benefit to the public in allowing a break in instruction.
16	Notice of waivers granted pursuant to the Section shall be posted on the CJETS (or Sheriffs) website
17	https://ncdoj.gov/law-enforcement-training/criminal-justice/. The waiver granted pursuant to this Section shall only
18	apply to courses which began during the effective period of the State of Emergency.
19	(b) Only employed or appointed personnel of a law enforcement agency shall be enrolled in the radar operator training
20	course. Such a trainee shall not be certified as a radar operator until the basic law enforcement training course has
21	been successfully completed and probationary or general law enforcement certification has been granted. Sheriffs,
22	deputy sheriffs and federal law enforcement personnel, including but not limited to armed forces personnel, shall be
23	allowed to participate in the radar operator training courses on a space available basis at the discretion of the school
24	director without having enrolled in or having successfully completed the basic law enforcement training course and
25	without being currently certified in a probationary status or hold general law enforcement certification. The radar
26	operator training course required for radar operator certification shall include but not be limited to the topic areas and
27	minimum number of hours as outlined in the Radar Operator Training Course. To qualify for radar operator
28	certification, an applicant shall meet the minimum requirements as outlined in the Radar Operator Training Course
29	and meet the requirements of 12 NCAC 09B .0408 and .0409.
30	(c) The "Radar Operator Training Course" as published by the North Carolina Justice Academy is to be applied as
31	basic curriculum for the radar operator training course for radar operators as administered by the Commission. Copies
32	of this publication may be inspected at the office of the agency:
33	Criminal Justice Standards Division
34	North Carolina Department of Justice
35	114 West Edenton Street
36	Old Education Building
37	Post Office Drawer 149

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

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1	12 NCAC 09B .0213 is proposed for amendment under temporary procedures as follows:
2	
3	12 NCAC 09B .0213 CERTIFICATION TRAINING FOR RADAR/TIME-DISTANCE OPERATORS
4	(a) The radar/time-distance operator training course for law enforcement officers shall be designed to provide the
5	trainee with the skills and knowledge to proficiently perform the function of a radar/time-distance operator. This
6	course shall be for a period not to exceed four consecutive weeks. If the Governor declares a State of Emergency
7	pursuant to N.C.G.S. 166A-19.3(19), the Director of the Criminal Justice Standards Division [may]-shall allow
8	additional breaks in a specific course delivery when the Director determines that doing so is necessary based on
9	[circumstances] consideration of the following factors: [related to a lawfully declared State of Emergency,]
10	(A) Whether instruction has begun in the course or whether course initiation may be postponed;
11	(B) The risk of harm to students which may be caused by continuation of the course;
12	(C) Whether those enrolled in the course have been or will likely be called on action to help address the
13	State of Emergency:
14	(D) The specific need for the waiver; and
15	(E) The degree of benefit to the public in allowing a break in instruction.
16	Notice of waivers granted pursuant to the Section shall be posted on the CJETS (or Sheriffs) website
17	https://ncdoj.gov/law-enforcement-training/criminal-justice/. The waiver granted pursuant to this Section shall only
18	apply to courses which began during the effective period of the State of Emergency.
19	(b) Only employed or appointed personnel of a law enforcement agency may be enrolled in the radar and
20	time-distance speed measurement instrument operator training course. Such a trainee shall not be certified as a radar
21	and time-distance speed measurement instrument operator until the basic law enforcement training course has been
22	successfully completed and probationary or general law enforcement certification has been granted. Sheriffs, deputy
23	sheriffs, and federal law enforcement personnel, including but not limited to armed forces personnel, shall be allowed
24	to participate in radar and time-distance speed measurement instrument operator training courses on a space available
25	basis at the discretion of the school director without having enrolled in or having successfully completed the basic law
26	enforcement training course and without being currently certified in a probationary status or holding general law
27	enforcement certification. The radar/time-distance operator training course required for radar/time-distance operator
28	certification shall include but not be limited to the topic areas and minimum number of hours as outlined in the
29	Radar/Time-Distance Operator Training Course. To qualify for radar/time-distance operator certification, an applicant
30	shall meet the minimum requirements as outlined in the Radar/Time-Distance Operator Training Course and meet the
31	requirements of 12 NCAC 9B .0408 and .0409.
32	(c) The "Radar/Time-Distance Operator Training Course" as published by the North Carolina Justice Academy is to
33	be applied as basic curriculum for the radar/time-distance operator training course for radar/time-distance instrument
34	operators as administered by the Commission. Copies of this publication may be inspected at the office of the agency:
35	Criminal Justice Standards Division
36	North Carolina Department of Justice
37	114 West Edenton Street

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

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15

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

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

2 of 2

1	12 NCAC 09B .0	226 is proposed for amendment under temporary procedures as follows:
2		
3	12 NCAC 09B .0	
4	(a) The instructo	r training course for Specialized Firearms Instructor Training Certification shall consist of a minimum
5	of 50 hours of cla	assroom and range instruction plus time required to complete the tasks associated with Range
6	Operations prese	nted during a continuous period of not more than two weeks. <u>If the Governor declares a State of</u>
7	Emergency pursu	nant to N.C.G.S. 166A-19.3(19), the Director of the Criminal Justice Standards Division [may] shall
8	allow additional	breaks in a specific course delivery when the Director determines that doing so is necessary based on
9	[circumstances]	consideration of the following factors: [related to a lawfully declared State of Emergency,]
10	(A)	Whether instruction has begun in the course or whether course initiation may be postponed;
11	<u>(B)</u>	The risk of harm to students which may be caused by continuation of the course;
12	<u>(C)</u>	Whether those enrolled in the course have been or will likely be called on action to help address the
13		State of Emergency:
14	<u>(D)</u>	The specific need for the waiver; and
15	<u>(E)</u>	The degree of benefit to the public in allowing a break in instruction.
16	Notice of waiv	ers granted pursuant to the Section shall be posted on the CJETS (or Sheriffs) website
17	https://ncdoj.gov	/law-enforcement-training/criminal-justice/. The waiver granted pursuant to this Section shall only
18	apply to courses	which began during the effective period of the State of Emergency.
19	(b) Each Specia	lized Firearms Instructor Training course shall be designed to provide the trainee with the skills and
20	knowledge to pe	rform the function of a criminal justice firearms instructor in a Basic Law Enforcement Training
21	(BLET) Course of	or a law enforcement officer in-service firearms training program.
22	(c) Each applica	nt for specialized firearms instructor training shall:
23	(1)	have completed the criminal justice instructor training course;
24	(2)	present a written endorsement by either
25		(A) a certified school director indicating the student may be utilized to instruct firearms in the
26		Basic Law Enforcement Training Course; or
27		(B) a department head, certified school director, or in-service training coordinator, indicating
28		the student may be utilized to instruct firearms in a law enforcement officer in-service
29		firearms training program; and
30	(3)	Once within 365 days prior to enrollment each prospective student shall demonstrate proficiency
31		during a qualification administered by the North Carolina Justice Academy. To successfully
32		complete this qualification each prospective student shall achieve a minimum score of 92 percent 2
33		out of 3 times on both the BLET Day and Night Courses of Fire while using a 'Sam Browne' type
34		belt and security holster and agency-issued duty or ballistic-equivalent ammunition,
35	(d) Each Specia	alized Firearms Instructor Training course shall include the following identified topic areas and
36		tional hours for each area:
37	(1)	Orientation/Pretest 2 Hours

1	(2)	Range	Operations	2 Hours
2	(3)	Civil I	iability	4 Hours
3	(4)	Night	Firing	2 Hours
4	(5)	Comb	at Shooting Classroom and Range	8 Hours
5	(6)	Menta	l Conditioning	1 Hours
6	(7)	Shotgu	ın Operation and Firing	4 Hours
7	(8)	Servic	e Handgun - Operation and Use	8 Hours
8	(9)	Rifle -	Operation and Maintenance	4 Hours
9	(10)	Servic	e Handgun - Maintenance and Cleaning	2 Hours
10	(11)	Range	Medical Emergencies	2 Hours
11	(12)	In-Ser	vice Firearms Requirements	2 Hours
12	(13)	BLET	Lesson Plan Review	1 Hour
13	(14)	Range	Drills as defined in the Specialized Firear	ms Instructor
14		Traini	ng Manual and the Specialized Firearms In	structor Training
15		Course	e Management Guide	8 Hours
16	(15)	Comp	etion of tasks associated with Range C	perations. Completion of tasks associated with
17		Instruc	etor Practicums hours determined by numb	er of students and instructors:
18		(A)	Conduct a BLET Day Course of Fire	
19		(B)	Conduct a BLET Night Course of Fire	
20		(C)	Conduct a Long Gun Course of Fire	
21		(D)	Develop a Combat Course of Fire	
22	(e) The "Specia	alized Fi	rearms Instructor Training Manual" publis	hed by the North Carolina Justice Academy shall
23	be the curriculur	n for the	Specialized Firearms Instructor Training of	ourse. Copies of this publication may be inspected
24	at the:			
25			Criminal Justice Standards	Division
26			North Carolina Department	of Justice
27			1700 Tryon Park Dr	ive
28			Post Office Drawer	149
29			Raleigh, North Carolina	27610
30	and mag	y be obta	ained at the cost of printing and postage from	om the Academy at the following address:
31			North Carolina Justice A	cademy
32			Post Office Box 9	9
33			Salemburg, North Carolin	na 28385
34	(f) The Commis	ssion-cei	tified school that is certified to offer the "S	Specialized Firearms Instructor Training" course is
35	the North Caroli	ina Justio	ee Academy.	
36				
37	History Note:	Author	rity G.S. 17C-6;	

21212.21

CJETS-Temporary-Rules-Technical-Changes

1	Eff. May 1, 1986;
2	Amended Eff. January 1, 2015; February 1, 2013; August 1, 2006; August 1, 2000; November 1,
3	1998; August 1, 1995; February 1, 1991; March 1, 1990; July 1, 1989;
4	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25,
5	2019;
6	Amended Eff. January 1, 2021.
7	
8	

20 3 of 3

1	12 NCAC 09B .023	22 is proposed for amendment under temporary procedures as follows:
2		
3	12 NCAC 09B .023	32 SPECIALIZED SUBJECT CONTROL ARREST TECHNIQUES INSTRUCTOR
4		TRAINING
5	(a) The instructor t	raining course required for Specialized Subject Control Arrest Techniques Instructor Certification
6	shall consist of a m	inimum of 29 hours of classroom instruction plus time required to complete the tasks associated
7	with Subject Contr	ol Arrest Techniques Instructional Methods and Demonstration presented during a continuous
8	period of not more	than two weeks. If the Governor declares a State of Emergency pursuant to N.C.G.S. 166A-
9	19.3(19), the Direc	tor of the Criminal Justice Standards Division [may] shall allow additional breaks in a specific
10	course delivery who	en the Director determines that doing so is necessary based on [circumstances] consideration of the
11	following factors: [-	related to a lawfully declared State of Emergency,]
12	(A) W	Whether instruction has begun in the course or whether course initiation may be postponed;
13	<u>(B)</u> T	he risk of harm to students which may be caused by continuation of the course;
14	(C) W	Whether those enrolled in the course have been or will likely be called on action to help address the
15	<u>S</u>	tate of Emergency:
16	(D) T	he specific need for the waiver; and
17	<u>(E) T</u>	he degree of benefit to the public in allowing a break in instruction.
18	Notice of waivers	granted pursuant to the Section shall be posted on the CJETS (or Sheriffs) website
19	https://ncdoj.gov/la	w-enforcement-training/criminal-justice/. The waiver granted pursuant to this Section shall only
20	apply to courses wh	nich began during the effective period of the State of Emergency.
21	(b) Each Specializ	red Subject Control Arrest Techniques Instructor Training course shall be designed to provide the
22	trainee with the skil	lls and knowledge to perform the function of a criminal justice Specialized Subject Control Arrest
23	Techniques Instruct	or in a Basic Law Enforcement Training Course or a Law Enforcement Officers' Annual In-Service
24	Training Program.	
25	(c) Each applicant	for Specialized Subject Control Arrest Techniques Instructor Training shall:
26	(1) h	ave completed the Criminal Justice Instructor Training course;
27	(2) pr	resent a letter from a licensed physician stating the applicant's physical fitness to participate in the
28	CO	ourse;
29	(3) pr	resent a written endorsement by either
30	(4	a certified School Director indicating the student is qualified to instruct subject control
31		arrest techniques in Basic Law Enforcement Training Courses; or
32	(I	a Department Head, certified School Director, or In-Service Training Coordinator
33		indicating the student may be utilized to instruct subject control arrest techniques for the
34		Law Enforcement Officers' Annual In-Service Training program; and
35	(4) W	Vithin 365 days prior to enrollment in the Subject Control Arrest Techniques Instructor Training
36	co	ourse the prospective student shall complete the following assessments administered by the North
37	C	arolina Justice Academy:

1 of 3

1		(A)	a qualification requiring the individual to de	emonstrate 100 percent proficiency on the Basic
2			Law Enforcement Training Subject Contro	l Arrest Techniques; and
3		(B)	achieve at least the 60th percentile on a phy	rsical fitness assessment.
4	(d) Each Spec	cialized S	Subject Control Arrest Techniques Instructo	r Training course shall include the following
5	identified topic	areas and	d minimum instructional hours for each area:	
6	(1)	Orienta	ation	1 Hour
7	(2)	Respon	nse to Injury	4 Hours
8	(3)	Comba	at Conditioning	4 Hours
9	(4)	Safety	Guidelines/Rules	2 Hours
10	(5)	Fundar	mentals of Professional Liability	4 Hours
11	(6)	Practic	al Skills Enhancement	4 Hours
12	(7)	Studen	t Instructional Practicum	6 Hours
13	(8)	BLET	Lesson Plan Review	4 Hours
14	(9)	Compl	etion of tasks associated with Subject Control	ol Arrest Techniques Instructional Methods and
15		Demor	nstrations. The number of hours required to c	complete this portion of the curriculum shall be
16		based o	on the number of enrolled students, available	facilities, and number of instructors.
17	(e) The "Spec	ialized S	ubject Control Arrest Techniques Instructor	Training Manual" as published by the North
18	Carolina Justice	e Academ	ny shall be the curriculum for the Specialized	d Subject Control Arrest Techniques Instructor
19	Training course	e. Copies	of this publication may be inspected at the:	
20			Criminal Justice Standards D	ivision
21			North Carolina Department of	Justice
22			1700 Tryon Park Drive	
23			Post Office Drawer 149	
24			Raleigh, North Carolina 27	7610
25	and ma	ay be obta	ined at the cost of printing and postage from	the Academy at the following address:
26			North Carolina Justice Acad	lemy
27			Post Office Box 99	
28			Salemburg, North Carolina 2	28385
29	(f) The Comm	nission-ce	rtified school that is certified to offer the "S	Specialized Subject Control Arrest Techniques
30	Instructor Train	ning" cour	rse is the North Carolina Justice Academy.	
31				
32	History Note:	Author	rity G.S. 17C-6;	
33		Eff. Fe	bruary 1, 1987;	
34		Amend	led Eff. February 1, 2016; January 1, 2015; F	February 1, 2013; December 1, 2009; August 1,
35		2006;	August 1, 2000; November 1, 1998; August 1	, 1995; March 1, 1990; July 1, 1989;
36		Pursua	ant to G.S. 150B-21.3A, rule is necessary w	ithout substantive public interest Eff. May 25,
37		2019;		

1 Amended Eff. January 1, 2021.

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1	12 NCAC 09B .0	0233 is p	roposed for amendment under temporary procedures as follows:
2			
3	12 NCAC 09B.	0233	SPECIALIZED PHYSICAL FITNESS INSTRUCTOR TRAINING
4	(a) The instructo	or trainir	g course required for Specialized Physical Fitness Instructor Certification shall consist of a
5	minimum of 47 l	nours of	classroom and field instruction, plus the tasks associated with Physical Fitness Assessments,
6	Exercise Program	ns, and I	nstructional Methods, presented during a continuous period of not more than two weeks. If
7	the Governor dec	clares a S	State of Emergency pursuant to N.C.G.S. 166A-19.3(19), the Director of the Criminal Justice
8	Standards Divisi	on [may	shall allow additional breaks in a specific course delivery when the Director determines that
9	doing so is neces	ssary bas	ed on [circumstances] consideration of the following factors: [related to a lawfully declared
10	State of Emerger	ney,]	
11	<u>(A)</u>	Whethe	er instruction has begun in the course or whether course initiation may be postponed;
12	(B)	The ris	k of harm to students which may be caused by continuation of the course;
13	<u>(C)</u>	Whethe	er those enrolled in the course have been or will likely be called on action to help address the
14		State o	f Emergency;
15	(D)	The sp	ecific need for the waiver; and
16	<u>(E)</u>	The de	gree of benefit to the public in allowing a break in instruction.
17	Notice of waiv	ers grai	nted pursuant to the Section shall be posted on the CJETS (or Sheriffs) website
18	https://ncdoj.gov	/law-enf	orcement-training/criminal-justice/. The waiver granted pursuant to this Section shall only
19	apply to courses	which b	egan during the effective period of the State of Emergency.
20	(b) Each Specia	alized Ph	sysical Fitness Instructor Training course shall be designed to provide the trainee with the
21	skills and know	ledge to	perform the function of a criminal justice physical fitness instructor in a Basic Law
22	Enforcement Tra	aining Co	ourse or a Law Enforcement Officers' Annual In-Service Training Program.
23	(c) Each applica	int for sp	ecialized physical fitness training shall:
24	(1)	qualify	through one of the following three options:
25		(A)	have completed the criminal justice general instructor training course;
26		(B)	hold a current and valid North Carolina Teacher's Certificate, hold a baccalaureate degree
27			in physical education, and be teaching in physical education topics; or
28		(C)	be presently instructing physical education topics in a community college, college, or
29			university and possess a baccalaureate degree in physical education;
30	(2)	present	a written endorsement by either:
31		(A)	a certified School Director indicating the student may be utilized to instruct physical fitness
32			in Basic Law Enforcement Training Courses; or
33		(B)	a certified School Director, or In-Service Training Coordinator indicating the student may
34			be utilized to instruct physical fitness for the Law Enforcement Officers' In-Service
35			Training Program;
36	(3)	present	a letter from a physician stating fitness to participate in the course; and

1	(4)	Within 365 days prior to enrollment complete a qualification administered by	the North Carolina
2		Justice Academy requiring the individual to:	
3		(A) complete Scenario #1 of the Police Officer Physical Abilities Test (I	POPAT) in no more
4		than six minutes;	
5		(B) complete Scenario #2 of the POPAT in no more than three minutes; an	nd
6		(C) complete a physical fitness assessment achieve at a minimum percenti	le score of 60.
7	(d) Each Specia	alized Physical Fitness Instructor Training course shall include the following ident	ified topic areas and
8	minimum instru	actional hours for each area:	
9	(1)	Orientation	1 Hour
10	(2)	Physical Fitness Sessions	6 Hours
11	(3)	Physical Fitness Assessments, Exercise Programs, and Instructional Methods	14 Hours
12	(4)	Injury Care and Prevention	4 Hours
13	(5)	Nutrition	7 Hours
14	(6)	Civil Liability	3 Hours
15	(7)	CVD Risk Factors	3 Hours
16	(8)	Developing In-Service Wellness Programs and Validating Fitness Standards	4 Hours
17	(9)	Lesson Plan Review	2 Hours
18	(10)	Exercise Leadership	3 Hours
19	(11)	Completion of tasks associated with Physical Fitness Assessments, Exerc	cise Programs, and
20		Instructional Methods. The number of hours required to complete this portion	n of the curriculum
21		shall be determined by number of students, number of instructors, and available	e facilities.
22	(e) The "Physic	cal Fitness Instructor Training Manual" as published by the North Carolina Justic	e Academy shall be
23	the curriculum	for specialized physical fitness instructor training courses. Copies of this publication	on may be inspected
24	at the:		
25		Criminal Justice Standards Division	
26		North Carolina Department of Justice	
27		1700 Tryon Park Drive	
28		Post Office Drawer 149	
29		Raleigh, North Carolina 27610	
30	and ma	y be obtained at the cost of printing and postage from the Academy at the followi	ng address:
31		North Carolina Justice Academy	
32		Post Office Box 99	
33		Salemburg, North Carolina 28385	
34	(f) The Comm	ission-certified school that is certified to offer the "Specialized Physical Fitness	Instructor Training"
35	course is the No	orth Carolina Justice Academy.	
36			
37	History Note:	Authority G.S. 17C-6;	

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21812.21

CJETS-Temporary-Rules-Technical-Changes

1	Eff. July 1, 1989;
2	Amended Eff. February 1, 2016; January 1, 2015; February 1, 2013; December 1, 2009; August 1,
3	2006; August 1, 2002; August 1, 2000; November 1, 1998; March 1, 1990; August 1, 1985.
4	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25,
5	2019;
6	Amended Eff. January 1, 2021.
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1	12 NCAC 09B	.0237 is proposed for amendment under temporary procedures as follows:		
2				
3	12 NCAC 09B	.0237 LIDAR INSTRUCTOR TRAINING COURSE		
4	(a) The Lidar	Instructor Training Course shall be designed to provide the trainee with the skills and knowledge to		
5	proficiently perform the function of a lidar instructor. This course shall be for a period not to exceed six consecutive			
6	weeks. If the Governor declares a State of Emergency pursuant to N.C.G.S. 166A-19.3(19), the Director of the			
7	Criminal Justice Standards Division [may] shall allow additional breaks in a specific course delivery when the Directo			
8	determines that doing so is necessary based on [circumstances] consideration of the following factors: [related to			
9	lawfully declar	ed State of Emergency,]		
10	<u>(A)</u>	Whether instruction has begun in the course or whether course initiation may be postponed;		
11	<u>(B)</u>	The risk of harm to students which may be caused by continuation of the course;		
12	<u>(C)</u>	Whether those enrolled in the course have been or will likely be called on action to help address the		
13		State of Emergency:		
14	<u>(D)</u>	The specific need for the waiver; and		
15	<u>(E)</u>	The degree of benefit to the public in allowing a break in instruction.		
16	Notice of waivers granted pursuant to the Section shall be posted on the CJETS (or Sheriffs) website			
17	https://ncdoj.go	ov/law-enforcement-training/criminal-justice/. The waiver granted pursuant to this Section shall only		
18	apply to course	s which began during the effective period of the State of Emergency.		
19	(b) The Lidar	Instructor Training Course required for lidar instructor certification shall include the topic areas and		
20	number of hours as outlined in the Lidar Instructor Training Course. To qualify for lidar instructor certification, ar			
21	applicant shall meet the requirements as outlined in The Lidar Instructor Training Course and meet the requirements			
22	of 12 NCAC 09	9B .0408 and .0409.		
23	(c) Each applie	cant for lidar instructor training shall:		
24	(1)	Present the endorsement of a Commission-recognized school director or agency executive officer		
25		or his designee.		
26	(2)	Possess full criminal justice General Instructor Certification as required in 12 NCAC 09B .0302.		
27	(3)	Possess a current and valid lidar operator certification.		
28		Instructor Training Course" as published by the North Carolina Justice Academy shall be applied as		
29	basic curricului	m for the lidar instructor training course for lidar instructors as administered by the Commission. Copies		
30	of this publicat	ion may be inspected at the office of the agency:		
31		Criminal Justice Standards Division		
32		North Carolina Department of Justice		
33		114 West Edenton Street		
34		Old Education Building		
35		Post Office Drawer 149		
36		Raleigh, North Carolina 27602		
37		and may be obtained at cost from the Academy at the following address:		

3012.21

1		North Carolina Justice Academy
2		Post Office Box 99
3		Salemburg, North Carolina 28385
4	(e) Commission-certified schools that are certified to offer the Lidar LIDAR Instructor Training Course are: The	
5	North Carolina Justice Academy.	
6		
7	History Note:	Authority G.S. 17C-6;
8		Eff. May 1, 2004;
9		Amended Eff. November 1, 2007;
10		Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25,
11		2019.
12		
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1	12 NCAC 09B .0238 is proposed for amendment under temporary procedures as follows:		
2			
3	12 NCAC 09B .0238 CERTIFICATION TRAINING FOR LIDAR OPERATORS		
4	(a) The Lidar Operator Training Course for law enforcement officers shall be designed to provide the trainee with		
5	the skills and knowledge to proficiently perform the function of a law enforcement lidar operator. This course shall		
6	be for a period not to exceed four consecutive weeks. If the Governor declares a State of Emergency pursuant to		
7	N.C.G.S. 166A-19.3(19), the Director of the Criminal Justice Standards Division [may] shall allow additional break		
8	in a specific course delivery when the Director determines that doing so is necessary based on [circumstances]		
9	consideration of the following factors: [related to a lawfully declared State of Emergency,]		
10	(A) Whether instruction has begun in the course or whether course initiation may be postponed;		
11	(B) The risk of harm to students which may be caused by continuation of the course;		
12	(C) Whether those enrolled in the course have been or will likely be called on action to help address the		
13	State of Emergency:		
14	(D) The specific need for the waiver; and		
15	(E) The degree of benefit to the public in allowing a break in instruction.		
16	Notice of waivers granted pursuant to the Section shall be posted on the CJETS (or Sheriffs) website		
17	https://ncdoj.gov/law-enforcement-training/criminal-justice/. The waiver granted pursuant to this Section shall only		
18	apply to courses which began during the effective period of the State of Emergency.		
19	(b) Only employed or appointed personnel of a law enforcement agency shall be enrolled in the Lidar Operato		
20	Training Course. Such a trainee shall not be certified as a lidar operator until the Basic Law Enforcement Training		
21	Course has been successfully completed and probationary or general law enforcement certification has been granted		
22	Sheriffs, deputy sheriffs and federal law enforcement personnel, including armed forces personnel, shall be allowed		
23	to participate in the lidar operator training courses on a space available basis at the discretion of the school director		
24	without having enrolled in or having successfully completed the Basic Law Enforcement Training Course and without		
25	being currently certified in a probationary status or holding general law enforcement certification. The Lidar Operator		
26	Training Course required for lidar operator certification shall include the topic areas and number of hours as outlined		
27	in the Lidar Operator Training Course. To qualify for lidar operator certification, an applicant shall meet th		
28	requirements as outlined in the Lidar Operator Training Course and meet the requirements of 12 NCAC 09B .040		
29	and .0409.		
30	(c) The "Lidar Operator Training Course" as published by the North Carolina Justice Academy shall be applied as		
31	basic curriculum for the Lidar Operator Training Course for lidar operators as administered by the Commission		
32	Copies of this publication may be inspected at the office of the agency:		
33	Criminal Justice Standards Division		
34	North Carolina Department of Justice		
35	114 West Edenton Street		
36	Old Education Building		
37	Post Office Drawer 149		

31212.21

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

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

1		Post Office Drawer 149
2		Raleigh, North Carolina 27602
3		and may be obtained at cost from the Academy at the following address:
4		North Carolina Justice Academy
5		Post Office Box 99
6		Salemburg, North Carolina 28385
7		
8	History Note:	Authority G.S. 17C-6;
9		Eff. November 1, 2007;
10		Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25,
11		2019.
12		
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12 NCAC 09B .0244 is proposed for amendment under temporary procedures as follows:

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

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

37

Criminal Justice Standards Division

CJETS-Temporary-Rules-Technical-Changes

1		North Carolina Department of Justice
2		114 West Edenton Street
3		Old Education Building
4		Post Office Drawer 149
5		Raleigh, North Carolina 27602
6		and may be obtained at cost from the Academy at the following address:
7		North Carolina Justice Academy
8		Post Office Box 99
9		Salemburg, North Carolina 28385
10		
11	History Note:	Authority G.S. 17C-6;
12		Eff. November 1, 2007;
13		Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25
14		2019.
15		
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1	12 NCAC 09B .0	417 is pı	roposed for amendment under temporary procedures as follows:
2			
3	12 NCAC 09B .0	417	SPECIALIZED EXPLOSIVES AND HAZARDOUS MATERIALS INSTRUCTOR
4			TRAINING
5	(a) The instructor	training	course required for Specialized Explosives and Hazardous Materials Instructor Certification
6	shall consist of a	minimur	n of 59 hours of classroom instruction plus time required to complete Instructor Practicums
7	presented during	a contini	nous period of not more than two weeks If the Governor declares a State of
8	Emergency pursu	ant to N	C.G.S. 166A-19.3(19), the Director of the Criminal Justice Standards Division [may] shall
9	allow additional b	oreaks in	a specific course delivery when the Director determines that doing so is necessary based on
10	[circumstances] c	onsidera	tion of the following factors: [related to a lawfully declared State of Emergency,]
11	(A)	Whethe	r instruction has begun in the course or whether course initiation may be postponed;
12	<u>(B)</u>	The risk	of harm to students which may be caused by continuation of the course;
13	<u>(C)</u>	Whethe	r those enrolled in the course have been or will likely be called on action to help address the
14		State of	Emergency;
15	<u>(D)</u>	The spe	cific need for the waiver; and
16	<u>(E)</u>	The deg	ree of benefit to the public in allowing a break in instruction.
17	Notice of waive	ers gran	ted pursuant to the Section shall be posted on the CJETS (or Sheriffs) website
18	https://ncdoj.gov/	law-enfo	orcement-training/criminal-justice/. The waiver granted pursuant to this Section shall only
19	apply to courses v	which be	gan during the effective period of the State of Emergency.
20	(b) Each Speciali	ized Exp	losives and Hazardous Materials Instructor Training course shall be designed to provide the
21			knowledge to perform the function of a criminal justice explosives and hazardous materials
22	instructor in a Ba	sic Law	Enforcement Training Course or a Law Enforcement Officers' Annual In-Service Training
23	Program.		
24	(c) Each applican	nt for Sp	ecialized Explosives and Hazardous Materials Instructor Training shall:
25	(1)	have co	mpleted either:
26		(A)	the criminal justice instructor training course; or
27		(B)	the Fire Service Instructor Methodology Course or the equivalent utilizing the Instructional
28			Systems Design model, an international model with application in education, military
29			training, and private enterprise;
30	(2)	present	a written endorsement by either:
31		(A)	a certified school director indicating the student will be utilized to instruct explosives and
32			hazardous materials in Basic Law Enforcement Training Courses; or
33		(B)	a department head, certified school director, or in-service training coordinator, indicating
34			the student will be utilized to instruct explosives and hazardous materials training in the
35			Law Enforcement Officer's Annual In-Service Training Program; and

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

1		Raleigh, North Carolina 27610	
2	and may be obtained at no cost to the student from the Academy at the following address:		
3		North Carolina Justice Academy	
4		Post Office Box 99	
5		Salemburg, North Carolina 28385	
6	(f) The North	Carolina Justice Academy is certified to offer the Specialized Explosives and Hazardous Materials	
7	Instructor Train	ing course.	
8			
9	History Note:	Authority G.S. 17C-6; 17C-10;	
10		Eff. June 1, 2013;	
11		Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25	
12		2019;	
13		Amended Eff. January 1, 2021.	
14			
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1	12 NCAC 09G	.0414 is proposed for amendment under temporary procedures as follows:
2		
3	12 NCAC 09G	.0414 INSTRUCTOR TRAINING
4	(a) The Instruc	tor Training course required for General Instructor certification shall consist of at least the minimum
5	number of hour	s of instruction as defined in 12 NCAC 09B .0209 to be completed within 15 business days <u>If the</u>
6	Governor decla	res a State of Emergency pursuant to N.C.G.S. 166A-19.3(19), the Director of the Criminal Justice
7	Standards Divis	ion [may] shall allow additional breaks in a specific course delivery when the Director determines that
8	doing so is nece	essary based on [circumstances] consideration of the following factors: [related to a lawfully declared
9	State of Emerge	ency,]
10	(A)	Whether instruction has begun in the course or whether course initiation may be postponed;
11	<u>(B)</u>	The risk of harm to students which may be caused by continuation of the course;
12	<u>(C)</u>	Whether those enrolled in the course have been or will likely be called on action to help address the
13		State of Emergency:
14	<u>(D)</u>	The specific need for the waiver; and
15	<u>(E)</u>	The degree of benefit to the public in allowing a break in instruction.
16	Notice of wai	vers granted pursuant to the Section shall be posted on the CJETS (or Sheriffs) website
17	https://ncdoj.go	v/law-enforcement-training/criminal-justice/. The waiver granted pursuant to this Section shall only
18	apply to course	s which began during the effective period of the State of Emergency.
19	(b) Each Instru	ctor Training course shall be designed to provide the trainee with the skills and knowledge to perform
20	the functions of	a criminal justice instructor.
21	(c) The "Instr	uctor Training Manual" published by the North Carolina Justice Academy shall be applied as the
22	curriculum for	instructor training courses. Copies of this publication may be inspected at the agency:
23		Criminal Justice Standards Division
24		North Carolina Department of Justice
25		1700 Tryon Park Drive
26		Post Office Drawer 149
27		Raleigh, North Carolina 27602
28	and may be pur	chased at the cost of printing and postage from the North Carolina Justice Academy at the following
29	address:	
30		North Carolina Justice Academy
31		Post Office Drawer 99
32		Salemburg, North Carolina 28385
33		
34	History Note:	Authority G.S. 17C-6;
35		Temporary Adoption Eff. January 1, 2001;
36		Eff. August 1, 2002;
37		Amended Eff. July 1, 2018; April 1, 2018; January 1, 2018; January 1, 2015;

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

2 of 2 39

1	12 NCAC 09G	.0415 is proposed for amendment under temporary procedures as follows:
2		
3	12 NCAC 09G	.0415 CORRECTIONS SPECIALIZED INSTRUCTOR TRAINING – FIREARMS
4	(a) The instruc	tor training course requirement for Corrections Specialized Instructor Training – Firearms certification
5	shall consist of	at least 80 hours of instruction presented during a period of not more than two consecutive weeks. <u>If</u>
6	the Governor d	eclares a State of Emergency pursuant to N.C.G.S. 166A-19.3(19), the Director of the Criminal Justice
7	Standards Divis	sion [may] shall allow additional breaks in a specific course delivery when the Director determines that
8	doing so is nec	essary based on [eircumstances] consideration of the following factors: [related to a lawfully declared
9	State of Emerg	ency,]
10	<u>(A)</u>	Whether instruction has begun in the course or whether course initiation may be postponed;
11	(B)	The risk of harm to students which may be caused by continuation of the course;
12	<u>(C)</u>	Whether those enrolled in the course have been or will likely be called on action to help address the
13		State of Emergency:
14	(D)	The specific need for the waiver; and
15	<u>(E)</u>	The degree of benefit to the public in allowing a break in instruction.
16	Notice of wa	ivers granted pursuant to the Section shall be posted on the CJETS (or Sheriffs) website
17	https://ncdoj.go	ov/law-enforcement-training/criminal-justice/. The waiver granted pursuant to this Section shall only
18	apply to course	s which began during the effective period of the State of Emergency.
19	(b) Each Corre	ections Specialized Instructor Training - Firearms course shall be designed to provide the trainee with
20	the skills and	knowledge to perform the function of a corrections firearms instructor in the "Basic Training -
21	Correctional O	fficer" course, "Basic Training - Probation/Parole Officer" course, and in-service training courses for
22	correctional of	ficers and probation/parole officers.
23	(c) Each Corre	ctions Specialized Firearms Instructor Training course shall include the following topical areas:
24	(1)	Course Overview;
25	(2)	Legal Considerations for Firearm Instructors;
26	(3)	Department of Public Safety, Division of Adult Correction Firearms Training Courses;
27	(4)	Firearms Safety;
28	(5)	Range Operations;
29	(6)	Medical Emergencies on the Range;
30	(7)	Handgun – Operation, Use and Maintenance:
31		(A) Handgun Training – Classroom and Range;
32		(B) Handgun Low/Limited Light Fire; and
33		(C) Handgun Care and Maintenance;
34	(8)	Advanced Handgun Training - Classroom and Range;
35	(9)	Shotgun Operation, Use and Maintenance:
36		(A) Shotgun Training – Classroom and Range;
37		(B) Shotgun Low/Limited Light Fire – Range; and

1		(C) Shotgun Care and Maintenance;
2	(10)	Special Techniques, Training Aids, and Methods:
3	(11)	Situational Use of Firearms:
4		(A) The Shooting Decision;
5		(B) Situational Use of Firearms;
6		(C) Situational Exercises – Day; and
7		(D) Situational Exercises – Low/Limited Light; and
8	(12)	Administrative Matters, Testing, and Evaluation.
9	(d) The Con	nmission certified school that is certified to offer the "Corrections Specialized Instructor
10	Training - Firea	rms" course is the Office of Staff Development and Training of the North Carolina Department of
11	Public Safety.	
12		
13	History Note:	Authority G.S. 17C-6;
14		Temporary Adoption Eff. January 1, 2001;
15		Eff. August 1, 2002;
16		Amended Eff. May 1, 2014; April 1, 2008; February 1, 2006; August 1, 2004;
17		Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25,
18		2019.
19		
20		

41

1	12 NCAC 09G .041	6 is proposed for amendment under temporary procedures as follows:
2		
3	12 NCAC 09G .041	,
4		RESTRAINTS, AND DEFENSIVE TECHNIQUES
5		aining course requirement for corrections specialized controls, restraints, and defensive techniques
6		pertification shall consist of at least 80 hours of instruction presented during a period of not more
7	than two consecutiv	e weeks. If the Governor declares a State of Emergency pursuant to N.C.G.S. 166A-19.3(19), the
8	Director of the Crim	ninal Justice Standards Division [may] shall allow additional breaks in a specific course delivery
9	when the Director d	etermines that doing so is necessary based on [eireumstances] consideration of the following
10	factors: [related to a	lawfully declared State of Emergency,]
11	(A) W	hether instruction has begun in the course or whether course initiation may be postponed;
12	<u>(B)</u> Th	ne risk of harm to students which may be caused by continuation of the course;
13	<u>(C)</u> W	Thether those enrolled in the course have been or will likely be called on action to help address the
14	St	ate of Emergency;
15	<u>(D)</u> Tl	ne specific need for the waiver; and
16	<u>(E) Tl</u>	ne degree of benefit to the public in allowing a break in instruction.
17	Notice of waivers	granted pursuant to the Section shall be posted on the CJETS (or Sheriffs) website
18	https://ncdoj.gov/lav	w-enforcement-training/criminal-justice/. The waiver granted pursuant to this Section shall only
19	apply to courses wh	ich began during the effective period of the State of Emergency.
20	(b) Each correction	ns specialized controls, restraints, and defensive techniques instructor training course shall be
21	designed to provide	e the trainee with the skills and knowledge to perform the function of a corrections controls,
22	restraints, and defe	ensive techniques instructor in the "Basic Training - Correctional Officer" course, "Basic
23	Training - Probati	on/Parole Officer" course, and in-service training courses for correctional officers and
24	probation/parole off	icers.
25	(c) Each correction	s specialized controls, restraints, and defensive techniques instructor training course shall include
26	the following topica	l areas:
27	(1) In	troduction to Controls, Restraints, and Defensive Techniques;
28	(2) Pł	nysical Fitness/Warm-up and Stretching;
29	(3) Ro	esponse to Injury;
30	(4) Ba	asic Controls and Techniques;
31	(5) A	dvanced Controls and Techniques;
32	(6) Re	estraint Applications; and
33	(7) C	RDT Program Student Evaluations and Testing.
34	(d) The Commi	ssion-certified school that is certified to offer the "Corrections Specialized Instructor
35	Training/Controls, I	Restraints, and Defensive Techniques" course is the Office of Staff Development and Training of
36	the North Carolina I	Department of Public Safety.

37

CJETS-Temporary-Rules-Technical-Changes

1	History Note:	Authority G.S. 17C-6;
2		Temporary Adoption Eff. January 1, 2001;
3		Eff. August 1, 2002;
4		Amended Eff. May 1, 2014; November 1, 2005; August 1, 2004;
5		Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25
6		2019.
7		
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TEMPORARY RULE RRC STAFF OPINION

PLEASE NOTE: THIS COMMUNICATION IS EITHER 1) ONLY THE RECOMMENDATION OF AN RRC STAFF ATTORNEY AS TO ACTION THAT THE ATTORNEY BELIEVES THE COMMISSION SHOULD TAKE ON THE CITED RULE AT ITS NEXT MEETING, OR 2) AN OPINION OF THAT ATTORNEY AS TO SOME MATTER CONCERNING THAT RULE. THE AGENCY AND MEMBERS OF THE PUBLIC ARE INVITED TO SUBMIT THEIR OWN COMMENTS AND RECOMMENDATIONS (ACCORDING TO RRC RULES) TO THE COMMISSION.

AGENCY: Criminal Justice Education and Training Standards Commission

RULE CITATION: All Rules Filed

RECOMMENDED ACTION:

Approve, but note staff's comment

X Object, based on:

X Failure to meet G.S. 150B-21.1(a) criteria

Lack of statutory authority

X Unclear or ambiguous

Unnecessary

Failure to comply with the APA

COMMENT:

The Criminal Justice Education and Training Standards Commission (CJETS) filed 18 temporary rules in 12 NCAC 09B and 09G. CJETS stated in each of the Temporary Rulemaking Findings of Need forms that the agency is relying upon G.S. 150B-21.1(a)(1) as its basis to engage in temporary rulemaking.

G.S. 150B-21.1(a)(1) states:

- (a) Adoption. An agency may adopt a temporary rule when it finds that adherence to the notice and hearing requirements of G.S. 150B-21.2 would be contrary to the public interest and that the immediate adoption of the rule is required by one or more of the following:
- (1) A serious and unforeseen threat to the public health, safety, or welfare.

The agency's rationale to justify this basis states:

Explain: The Governor of North Carolina issued Executive Order No. 228, authorizing the extension of time to complete Criminal Justice Training Courses as need to ensure the completion of training to certify trainees, officers, and instructors. Also, to coordinate a response and enact protective measures to help prevent the spread of COVID-19 and other variants. The COVID-19 is a respiratory disease that can result in severe illness or death. Once an outbreak of the COVID-19 begins, it isn't easy to contain. North Carolina Community Colleges and agencies facilitate many of the Criminal Justice Training Courses. To preserve the health and well-being of the staff, students, and community, training courses began to close for 2-3 weeks. Training closures exceeding the requirements set forth in the NCAC 12 09B, 09C, and 09G impact the completion of training, certification of criminal justice officers and instructors' carry out their respective professional duties. In addition, Executive Order No. 228 expired on October 27, 2021. Criminal Justice Officers per code are required to complete specific training to maintain their certification. Failure to comply with the requirements results in delayed or loss of officers' certification to serve their communities and enforce the law. To prepare for any further potential unforeseen threat to public health or safety CJETS is pursuing rulemaking.

Based upon the explanation offered by the agency, it appears that the agency is relying upon the COVID-19 pandemic and variants as its basis for temporary rulemaking. While staff agrees that the pandemic does present a serious threat to public health, staff does not believe that at this point, it is "unforeseen," given that the pandemic began in the spring of 2020. The agency has not offered any explanation as to why the rulemaking was not needed until now, rather than last year when the pandemic began.

The agency refers to an Executive Order, EO 228, which was issued on August 27, 2021, in its explanation. As noted by the agency, that Executive Order expired October 27, 2021. Staff notes that Executive Orders are not a ground for engaging in temporary rulemaking pursuant to G.S. 150B-21.1.

In addition, in several rules, the agency is proposing what appear to be "clean up" amendments, such as capitalizing initialisms or updating the agency's address. Pursuant to G.S. 150B-21.5(a), the agency can update its address without notice, comment, or review by the RRC by notifying the Codifier. It does not appear that any of these "clean up" amendments meet the temporary rulemaking threshold set forth in G.S. 150B-21.1(a).

Therefore, staff does not believe that the agency has shown that the proposed temporary rules comply with G.S. 150B-21.1(a)(1), as it has not shown that the circumstances giving rise to the rulemaking are "unforeseen" at this time or that the other proposed changes are affected by G.S. 150B-21.1 at all.

Further, for every Rule, the agency is proposing to add language that states, "[T]he Director of the Criminal Justice Standards Division may allow additional breaks in a specific course delivery when the Director determines that doing so is necessary based on circumstances related to a lawfully declared State of Emergency."

Staff believes this language is ambiguous. It allows the Director broad discretion to vary the requirements within the Rule whenever the Director decides to do so, and the only limit is that the Director must determine it is necessary based upon a state of emergency. It does not state how the Director will make that determination, only that the Director must decide it is "necessary." Staff also notes that the agency says the Director may waive the rules based upon an emergency but is not required to do so, without stating the circumstances under which the Director can decide to not waive the Rule based upon an emergency. Further, the language gives rise to the question of what is a "lawfully declared" state of emergency. In addition, the Rule does not contain information on how this determination will be shared with the regulated public, nor how long the waiver will last. Therefore, staff believes this language is ambiguous as written.

§ 150B-21.1. Procedure for adopting a temporary rule.

- (a) Adoption. An agency may adopt a temporary rule when it finds that adherence to the notice and hearing requirements of G.S. 150B-21.2 would be contrary to the public interest and that the immediate adoption of the rule is required by one or more of the following:
 - (1) A serious and unforeseen threat to the public health, safety, or welfare.
 - (2) The effective date of a recent act of the General Assembly or the United States Congress.
 - (3) A recent change in federal or State budgetary policy.
 - (4) A recent federal regulation.
 - (5) A recent court order.
 - (6) The need for a rule establishing review criteria as authorized by G.S. 131E-183(b) to complement or be made consistent with the State Medical Facilities Plan approved by the Governor, if the rule addresses a matter included in the State Medical Facilities Plan, and the proposed rule and a notice of public hearing is submitted to the Codifier of Rules prior to the effective date of the Plan.
 - (7) The need for the Wildlife Resources Commission to establish any of the following:
 - a. No wake zones.
 - b. Hunting or fishing seasons, including provisions for manner of take or any other conditions required for the implementation of such season.
 - c. Hunting or fishing bag limits.
 - d. Management of public game lands as defined in G.S. 113-129(8a).
 - (8) The need for the Secretary of State to implement the certification technology provisions of Article 11A of Chapter 66 of the General Statutes, to adopt uniform Statements of Policy that have been officially adopted by the North American Securities Administrators Association, Inc., for the purpose of promoting uniformity of state securities regulation, and to adopt rules governing the conduct of hearings pursuant to this Chapter.
 - (9) The need for the Commissioner of Insurance to implement the provisions of G.S. 58-2-205.
 - (10) The need for the State Chief Information Officer to implement the information technology procurement provisions of Article 15 of Chapter 143B of the General Statutes.

- (11) The need for the State Board of Elections to adopt a temporary rule after prior notice or hearing or upon any abbreviated notice or hearing the agency finds practical for one or more of the following:
 - a. In accordance with the provisions of G.S. 163-22.2.
 - b. To implement any provisions of state or federal law for which the State Board of Elections has been authorized to adopt rules.
 - c. The need for the rule to become effective immediately in order to preserve the integrity of upcoming elections and the elections process.
- (12) Repealed by Session Laws 2015-264, s. 22, effective October 1, 2015.
- (13), (14) Reserved.
- (15) Expired pursuant to Session Laws 2002-164, s. 5, effective October 1, 2004.
- (16) Expired pursuant to Session Laws 2003-184, s. 3, effective July 1, 2005.
- (17) To maximize receipt of federal funds for the Medicaid or NC Health Choice programs within existing State appropriations, to reduce Medicaid or NC Health Choice expenditures, and to reduce Medicaid and NC Health Choice fraud and abuse.
- (a1) Recodified as subdivision (a)(16) of this section by Session Laws 2004-156, s. 1.
- (a2) A recent act, change, regulation, or order as used in subdivisions (2) through (5) of subsection (a) of this section means an act, change, regulation, or order occurring or made effective no more than 210 days prior to the submission of a temporary rule to the Rules Review Commission. Upon written request of the agency, the Commission may waive the 210-day requirement upon consideration of the degree of public benefit, whether the agency had control over the circumstances that required the requested waiver, notice to and opposition by the public, the need for the waiver, and previous requests for waivers submitted by the agency.
- (a3) Unless otherwise provided by law, the agency shall:
 - (1) At least 30 business days prior to adopting a temporary rule, submit the rule and a notice of public hearing to the Codifier of Rules, and the Codifier of Rules shall publish the proposed temporary rule and the notice of public hearing on the Internet to be posted within five business days.
 - (2) At least 30 business days prior to adopting a temporary rule, notify persons on the mailing list maintained pursuant to G.S. 150B-21.2(d) and any other interested parties of its intent to adopt a temporary rule and of the public hearing.
 - (3) Accept written comments on the proposed temporary rule for at least 15 business days prior to adoption of the temporary rule.
 - (4) Hold at least one public hearing on the proposed temporary rule no less than five days after the rule and notice have been published. If notice of a public hearing

has been published and that public hearing has been cancelled, the agency shall publish notice at least five days prior to the date of any rescheduled hearing.

- (a4) An agency must also prepare a written statement of its findings of need for a temporary rule stating why adherence to the notice and hearing requirements in G.S. 150B-21.2 would be contrary to the public interest and why the immediate adoption of the rule is required. If the temporary rule establishes a new fee or increases an existing fee, the agency shall include in the written statement that it has complied with the requirements of G.S. 12-3.1. The statement must be signed by the head of the agency adopting the temporary rule.
- Review. When an agency adopts a temporary rule it must submit the rule and the agency's written statement of its findings of the need for the rule to the Rules Review Commission. Within 15 business days after receiving the proposed temporary rule, the Commission shall review the agency's written statement of findings of need for the rule and the rule to determine whether the statement meets the criteria listed in subsection (a) of this section and the rule meets the standards in G.S. 150B-21.9. The Commission shall direct a member of its staff who is an attorney licensed to practice law in North Carolina to review the statement of findings of need and the rule. The staff member shall make a recommendation to the Commission, which must be approved by the Commission or its designee. The Commission's designee shall be a panel of at least three members of the Commission. In reviewing the statement, the Commission or its designee may consider any information submitted by the agency or another person. If the Commission or its designee finds that the statement meets the criteria listed in subsection (a) of this section and the rule meets the standards in G.S. 150B-21.9, the Commission or its designee must approve the temporary rule and deliver the rule to the Codifier of Rules within two business days of approval. The Codifier of Rules must enter the rule into the North Carolina Administrative Code on the sixth business day following receipt from the Commission or its designee.
- (b1) If the Commission or its designee finds that the statement does not meet the criteria listed in subsection (a) of this section or that the rule does not meet the standards in G.S. 150B-21.9, the Commission or its designee must immediately notify the head of the agency. The agency may supplement its statement of need with additional findings or submit a new statement. If the agency provides additional findings or submits a new statement, the Commission or its designee must review the additional findings or new statement within five business days after the agency submits the additional findings or new statement. If the Commission or its designee again finds that the statement does not meet the criteria listed in subsection (a) of this section or that the rule does not meet the standards in G.S. 150B-21.9, the Commission or its designee must immediately notify the head of the agency and return the rule to the agency.
- (b2) If an agency decides not to provide additional findings or submit a new statement when notified by the Commission or its designee that the agency's findings of need for a rule do not meet the required criteria or that the rule does not meet the required standards, the agency must notify the Commission or its designee of its decision. The Commission or its designee shall then return the rule to the agency. When the Commission returns a rule to an agency in accordance with this subsection, the agency may file an action for declaratory judgment in Wake County Superior Court pursuant to Article 26 of Chapter 1 of the General Statutes.

- (b3) Notwithstanding any other provision of this subsection, if the agency has not complied with the provisions of G.S. 12-3.1, the Codifier of Rules shall not enter the rule into the Code.
- (c) Standing. A person aggrieved by a temporary rule adopted by an agency may file an action for declaratory judgment in Wake County Superior Court pursuant to Article 26 of Chapter 1 of the General Statutes. In the action, the court shall determine whether the agency's written statement of findings of need for the rule meets the criteria listed in subsection (a) of this section and whether the rule meets the standards in G.S. 150B-21.9. The court shall not grant an ex parte temporary restraining order.
- (c1) Filing a petition for rule making or a request for a declaratory ruling with the agency that adopted the rule is not a prerequisite to filing an action under this subsection. A person who files an action for declaratory judgment under this subsection must serve a copy of the complaint on the agency that adopted the rule being contested, the Codifier of Rules, and the Commission.
- (d) Effective Date and Expiration. A temporary rule becomes effective on the date specified in G.S. 150B-21.3. A temporary rule expires on the earliest of the following dates:
 - (1) The date specified in the rule.
 - (2) The effective date of the permanent rule adopted to replace the temporary rule, if the Commission approves the permanent rule.
 - (3) The date the Commission returns to an agency a permanent rule the agency adopted to replace the temporary rule.
 - (4) The effective date of an act of the General Assembly that specifically disapproves a permanent rule adopted to replace the temporary rule.
 - (5) 270 days from the date the temporary rule was published in the North Carolina Register, unless the permanent rule adopted to replace the temporary rule has been submitted to the Commission.
- (e) Publication. When the Codifier of Rules enters a temporary rule in the North Carolina Administrative Code, the Codifier must publish the rule in the North Carolina Register. (1973, c. 1331, s. 1; 1981, c. 688, s. 12; 1981 (Reg. Sess., 1982), c. 1232, s. 1; 1983, c. 857; c. 927, ss. 4, 8; 1985, c. 746, s. 1; 1985 (Reg. Sess., 1986), c. 1022, s. 1(1), 1(8); 1987, c. 285, ss. 10-12; 1991, c. 418, s. 1; 1991 (Reg. Sess., 1992), c. 900, s. 149; 1993, c. 553, s. 54; 1995, c. 507, s. 27.8(c); 1996, 2nd Ex. Sess., c. 18, ss. 7.10(c), (d); 1997-403, ss. 1-3; 1998-127, s. 2; 1998-212, s. 26B(h); 1999-434, s. 16; 1999-453, s. 5(a); 2000-69, ss. 3, 5; 2000-148, ss. 4, 5; 2001-126, s. 12; 2001-421, ss. 2.3, 5.3; 2001-424, ss. 27.17(b), (c), 27.22(a), (b); 2001-487, s. 21(g); 2002-97, ss. 2, 3; 2002-164, s. 4.6; 2003-184, s. 3; 2003-229, s. 2; 2003-413, ss. 27, 29; 2004-156, s. 1; 2011-398, s. 4; 2013-360, s. 12H.9(d); 2013-413, s. 39; 2015-241, s. 7A.4(ee); 2015-264, s. 22; 2017-6, s. 3; 2018-146, ss. 3.1(a), (b), 6.1; 2020-3, s. 4.25(a).

TEMPORARY RULES REQUEST FOR TECHNICAL CHANGE

AGENCY: Criminal Justice Education and Training Standards Commission

RULE CITATION: All Rules Filed

DEADLINE FOR RECEIPT: Monday, November 15, 2021

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

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

In reviewing these rules, the staff determined that the following technical changes need to be made:

In the Temporary Rulemaking Findings of Need Form:

Box (5)d., you state the comment period was September 15 through October 5. That is only 14 business days and G.S. 150B-21.1(a3)(3) requires a 15-day comment period. You published on the OAH website that the comment period ended October 6. Please confirm the date your comment period ended and if necessary, update the form to reflect that.

Box (5)e., what is the date you sent notice to your interested parties? Please note, G.S. 150B-21.1(a1), the statute you are citing to, was recodified to G.S. 150B-21.1(a)(16) in 2004. G.S. 150B-21.1(a)(16) was repealed in 2005.

In Box 6, why are you referring to, "Training closures exceeding the requirements set forth in the NCAC 12... 09C[.]"? You did not move to amend any of the 12 NCAC 09C rules through temporary rulemaking, so I do not understand the reference.

For the following Rules, please change the following:

12 NCAC 09B .0214 – On Box (5)f., you state the agency adopted this Rule on September 3, 2021, rather than the October 28 date on the other forms for the remaining rules. Please confirm and update the date of adoption.

12 NCAC 09B .0233 – On Box 4, remove the effective date of October 28, 2021, as this was not an emergency rule.

12 NCAC 09B .0242 - On Box 4, please check "No"

12 NCAC 09B .0244 – On Box 2, please correct the name of the Rule by inserting the "/" between "Time-Distance" and "LIDAR"

Amanda J. Reeder
Commission Counsel
Date submitted to agency: November 8, 2021

On Box 4, please check "No"

12 NCAC 09G .0416 – On Box 2, please correct the name of the Rule by making "Training - Control" plural to match the name in the Rule as submitted.

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



TEMPORARY RULE-MAKING FINDINGS OF NEED

[Authority G.S. 150B-21.1]

OAH	USE	ONL	١

VOLUME:

ISSUE:

1. Rule-Making Agency: North Carolina Criminal Justice Education Training and Standards Commission
2. Rule citation & name: 12 NCAC 09B .0202 RESPONSIBILITIES OF THE SCHOOL DIRECTOR
3. Action: Adoption Amendment Repeal
4. Was this an Emergency Rule: ☐ Yes
5. Provide dates for the following actions as applicable:
a. Proposed Temporary Rule submitted to OAH: September 7, 2021
b. Proposed Temporary Rule published on the OAH website: September 14, 2021
c. Public Hearing date: October 25, 2021
d. Comment Period: September 15, 2021-October 5, 2021
e. Notice pursuant to G.S. 150B-21.1(a3)(2): 150B-21.1(a1)
f. Adoption by agency on: October 28, 2021
g. Proposed effective date of temporary rule [if other than effective date established by G.S. 150B- 21.1(b) and G.S. 150B-21.3]: November 30, 2021
h. Rule approved by RRC as a permanent rule [See G.S. 150B-21.3(b2)]:
6. Reason for Temporary Action. Attach a copy of any cited law, regulation, or document necessary for the review.
A serious and unforeseen threat to the public health, safety or welfare. The effective date of a recent act of the General Assembly or of the U.S. Congress. Cite: Effective date:
A recent change in federal or state budgetary policy.
Effective date of change: A recent federal regulation.
Cite:
Effective date: A recent court order.
Cite order:
 ☐ State Medical Facilities Plan. ☐ Other:
Explain: The Governor of North Carolina issued Executive Order No. 228, authorizing the extension of time to complete Criminal Justice Training Courses as need to ensure the completion of training to certify trainees, officers, and instructors. Also, to coordinate a response and enact protective measures to help prevent the spread of COVID-19 and other variants. The COVID-19 is a respiratory disease that can result in severe illness or death. Once an outbreak of the COVID-19 begins, it isn't easy to contain. North Carolina Community Colleges and agencies facilitate many of the Criminal Justice Training Courses. To preserve the health and well-being of the staff, students, and community, training courses began to close for 2-3 weeks. Training closures exceeding the requirements set forth in the NCAC 12 09B, 09C, and 09G impact the completion of training, certification of criminal justice officers and instructors' carry out their respective professional duties. In addition, Executive Order No. 228 expired on October 27, 2021. Criminal Justice Officers per code are required to complete specific training to maintain their certification. Failure to comply with the requirements results in delayed or loss of officers' certification to serve their communities and enforce the law. To prepare for any further potential unforeseen threat to public health or safety CJETS is pursuing rulemaking.

7. Why is adherence to notice and hearing requirements contrary to the public interest and the immediate adoption of the rule is required?			
Failure to comply with the requirements results in delayed or loss of officers' certification to serve their communities and enforce			
the law.			
8. Rule establishes or increases a fee? (See G.S. 12-3.1)			
☐ Yes	☐ Yes		
Agency submitted request for consultation on: Consultation not required. Cite authority:			
⊠ No			
9. Rule-making Coordinator: Charminique D. Williams	10	. Signature of Agency-Headi*:	
Phone: (919) 779-8206			
E-Mail: cdwilliams@ncdoj.gov	*	If this function has been delegated (reassigned) pursuant	
		G.S. 143B-10(a), submit a copy of the delegation with is form.	
Agency contact, if any:		ped Name: Chris Blue	
_Phone:	Ti	tle: Commission Chair	
E-Mail:	E-	Mail: CBLUE@townofchapelhill.org	
RULES REVIEW COMMISSION USE ONL	Y .		
Action taken:	Submit	ed for RRC Review:	
		•	
Date returned to agency:			
Date Tennined to agency.			

1	12 NCAC 09B	.0202 is amended under temporary procedures as follows:
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,
5	the School Dire	ctor shall:
6	(1)	Formalize and schedule the course curriculum in accordance with the curriculum standards
7		established in this Subchapter;
8	(2)	Select and schedule instructors who are certified by the Commission;
9	(3)	Provide each instructor with a current Commission course outline and all necessary additional
10		information concerning the instructor's duties and responsibilities;
11	(4)	Notify each instructor that he or she shall comply with the Basic Law Enforcement Training Course
12		Management Guide and provide him or her access to the most current version of the Course
13		Management Guide;
14	(5)	Ensure each instructor utilizes Commission approved lesson plans and instructional materials;
15	(6)	Arrange for the availability of appropriate audiovisual aids and materials, publications, facilities,
16		and equipment for training in all topic areas;
17	(7)	Develop, adopt, reproduce, and distribute any supplemental rules and requirements determined by
18		the school to be necessary or appropriate for:
19		(A) effective course delivery;
20		(B) establishing responsibilities and obligations of agencies or departments employing or
21		sponsoring course trainees; and
22		(C) regulating trainee participation and demeanor, ensuring trainee attendance, and
23		maintaining performance records;
24	(8)	If appropriate, recommend housing and dining facilities for trainees;
25	(9)	Administer the course delivery in accordance with Commission approved lesson plans and course
26		management guides;
27	(10)	Maintain direct supervision, direction, and control over the performance of all persons to whom any
28		portion of the planning, development, presentation, or administration of a course has been delegated.
29		The comprehensive final examination shall be administered by the Criminal Justice Education and
30		Training Standards Commission; and
31	(11)	Report the completion of each presentation of a Commission-certified criminal justice training
32		course to the Commission, utilizing forms required for submission, which are located on the
33		Agency's website: https://ncdoj.gov/law-enforcement-training/criminal-justice/forms-and-
34		publications/.
35	(b) In addition	to Paragraph (a) of this Rule, in planning, developing, coordinating, and delivering each Commission-
36	certified Basic I	Law Enforcement Training Course, the School Director shall:

1 (1) Deliver training in accordance with the most current version of the Basic Law Enforcement Training 2 Course Management Guide as published by the North Carolina Justice Academy; 3 (2) Schedule course presentation to include 12 hours of instruction each week during consecutive 4 calendar weeks, except that there may be as many as three one-week breaks until course 5 requirements are completed; the Director of the Criminal Justice Standards Division may allow additional breaks in a specific course delivery when the Director determines that doing so is 6 7 necessary based on circumstances related to a lawfully declared State of Emergency. 8 (3) Schedule only specialized instructors certified by the Commission to teach those high-liability areas 9 as specified in Rule .0304(a) of this Subchapter as either the lead instructor or as assistant instructors 10 or role players; 11 (4) With the exception of the First Responder, Physical Fitness, Explosives and Hazardous Materials, 12 and topical areas outlined in Rule .0304(a) of this Subchapter, schedule one specialized instructor 13 certified by the Commission for every six trainees while engaged in a practical performance 14 exercise; 15 (5) Schedule one specialized instructor certified by the Commission for every eight trainees while engaged in a practical performance exercise in the topical area "Subject Control Arrest Techniques"; 16 17 (6) Schedule no single individual to instruct more than 35 percent of the total hours of the curriculum 18 during any one delivery of the Basic Law Enforcement Training Course presentation; 19 Not less than 30 days before commencing delivery of the Basic Law Enforcement Training Course, (7) 20 submit to the Commission a Pre-Delivery Report of Training Course Presentation pursuant to 12 21 NCAC 09C .0211. The Pre-Delivery Report (Form F-10A) shall indicate a requested date and 22 location for the administration of the State comprehensive exam, and include the following 23 attachments: 24 (A) a course schedule showing the arrangement of topical presentations and proposed 25 instructional assignments; and 26 (B) a copy of any rules and requirements for the school. A copy of those rules shall also be 27 given to each trainee and to the executive officer of each trainee's employing or sponsoring 28 agency or department at the time the trainee enrolls in the course; 29 (8) Monitor, or designate an instructor certified by the Commission to monitor, a presentation of each 30 instructor once during each three year certification period in each topic taught by the instructor and 31 prepare a written evaluation on the instructor's performance and suitability for subsequent 32 instructional assignments. The observations shall be of sufficient duration to ensure that the 33 instructor is using the Instructional System Design model, and that the delivery is objective-based, 34 documented by, and consistent with a Commission-approved lesson plan. For each topic area, the 35 School Director's evaluation shall be based upon the course delivery observations, the instructor's 36 use of the approved lesson plan, and the results of the student evaluations of the instructor. For 37 probationary instructors, the evaluations conducted by another instructor shall be prepared on the

1		Crimin	al Justice Instructor Evaluation (Form F-16) and forwarded to the Commission. Based on		
2		this ev	aluation, the School Director shall recommend approval or denial of requests for General		
3		Instruc	Instructor Certification. For all other instructors, these evaluations shall be prepared on the Criminal		
4		Justice	Instructor Evaluation (Form F-16), be kept on file by the school for a period of three years,		
5		and sh	all be made available for inspection by a representative of the Commission upon request. In		
6		the ev	ent the evaluation of an instructor indicates that his or her performance was less than		
7		accepta	able, the School Director shall forward a copy of the evaluation to the Commission. Any		
8		instruc	tor who is evaluating the instructional presentation of another instructor shall hold		
9		certific	eation in the same instructional topic area as that for which the instructor is being evaluated;		
10	(9)	Admin	ister or designate a staff person to administer course specific tests during course delivery:		
11		(A)	to determine and record the level of trainee comprehension and retention of instructional		
12			subject matter;		
13		(B)	to provide a basis for a final determination or recommendation regarding the minimum		
14			degree of knowledge and skill of each trainee to function as an inexperienced law		
15			enforcement officer; and		
16		(C)	to determine subject or topic areas of deficiency for the application of Rule .0405(a)(3) of		
17			this Subchapter; and		
18	(10)	Not m	ore than 10 days after the conclusion of a school's offering of Basic Law Enforcement		
19		Trainir	ng, submit to the Commission a Post-Delivery Report of Training Course Presentation (Form		
20		F-10B)) that shall include:		
21		(A)	a "Student Course Completion" form for each individual enrolled on the day of orientation;		
22		(B)	a "Certification and Test Score Release" form;		
23		(C)	the "Police Officer Physical Ability Test (POPAT) Post-Course" final form; and		
24		(D)	the orientation class enrollment roster.		
25	(c) In addition to	o Paragra	aph (a) of this Rule, in planning, developing, coordinating, and delivering each Commission-		
26	certified "Crimin	nal Justic	ee Instructor Training Course," the School Director shall:		
27	(1)	Schedu	ale course presentation pursuant to Rule .0209 of this Subchapter;		
28	(2)	Schedu	ile evaluators as follows:		
29		(A)	each evaluator, as well as the instructors, shall have completed a Commission-certified		
30			instructor training course or an equivalent instructor training course utilizing the		
31			Instructional Systems Design model, an international model with applications in education,		
32			military training, and private enterprise; and		
33		(B)	each instructor and evaluator shall document successful participation in a program		
34			presented by the North Carolina Justice Academy for purposes of familiarization and		
35			supplementation relevant to delivery of the instructor training course and trainee		
36			evaluation;		

I	(3)	Not fewer than 30 days before commencing delivery of the course, submit to the Commission a Pre-	
2		Delivery Report of Training Course Presentation [Form F-10A(ITC)] with the following	
3		attachments:	
4		(A) a course schedule showing the arrangement of topical presentations and proposed	
5		instructional assignments;	
6		(B) the names and last four digits of the social security numbers of all instructors and	
7		evaluators; and	
8		(C) a copy of any rules and requirements for the school; and	
9	(4)	Not more than 10 days after course completion, submit to the Commission a Post-Delivery Repor	
10		[Form F-10B(ITC)] containing the following:	
11		(A) class enrollment roster;	
12		(B) a course schedule with the designation of instructors and evaluators utilized in delivery;	
13		(C) scores recorded for each trainee on the 70 minute skill presentation; and	
14		(D) designation of trainees who completed the course in its entirety and whom the School	
15		Director finds to be competent to instruct.	
16	(d) In addition t	to Paragraph (a) of this Rule, in planning, developing, coordinating, and delivering each Commission-	
17	certified RADA	R, RADAR and Time-Distance, Time-Distance, or LIDAR speed measurement operator training	
18	course or re-cer	tification course, the School Director shall:	
19	(1)	select and schedule speed measurement instrument instructors who are certified by the Commission	
20		as instructors for the specific speed measurement instruments in which the trainees are to receive	
21		instruction as follows:	
22		(A) provide to the instructor the Commission form(s) for motor skill examination on each	
23		trainee;	
24		(B) require the instructor to complete the motor skill examination form on each trained	
25		indicating the level of proficiency obtained on each specific instrument; and	
26		(C) require each instructor to sign each individual form and submit the original to the Schoo	
27		Director;	
28	(2)	not fewer than 30 days before the scheduled starting date, submit to the Director of the Standards	
29		Division a Pre-Delivery Report of Speed Measuring Instrument Course Presentation [Form F-10A	
30		(SMI)] that shall contain a period of course delivery including the proposed starting date, course	
31		location, requested date and location for the administration of the State exam, and the number of	
32		trainees to be trained on each type of approved speed measurement instrument. The Director of the	
33		Standards Division shall review the request and notify the School Director within thirty business	
34		days if the request is approved or denied; and	
35	(3)	upon completing delivery of the Commission-certified course, and not more than 10 days after the	
36		conclusion of a school's offering of a certified RADAR, RADAR and Time-Distance, Time-	
37		Distance, or LIDAR speed measurement operator training course or re-certification course, the	

1		School Director shall notify the Commission regarding the progress and achievements of each
2		trainee by submitting a Post-Delivery Report of Training Course Presentation [Form F-10B (SMI)].
3		This report shall include the original motor-skill examination form(s) completed and signed by the
4		certified instructor responsible for administering the motor-skill examination to the respective
5		trainee.
6		
7	History Note:	Authority G.S. 17C-6;
8		Eff. January 1, 1981;
9		Amended Eff. November 1, 1981;
10		Readopted w/change Eff. July 1, 1982;
11		Amended Eff. January 1, 2015; June 1, 2013; April 1, 2009; November 1, 2007; January 1, 2006;
12		May 1, 2004; August 1, 2000; January 1, 1996; November 1, 1993; December 1, 1987; January 1,
13		1985;
14		Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25,
15		2019;
16		Amended Eff. July 1, 2021; January 1, 2021; July 1, 2020.
17		
18		



TEMPORARY RULE-MAKING FINDINGS OF NEED

[Authority G.S. 150B-21.1]

OAH	USE	ONLY,
		61

VOLUME:

ISSUE:

1. Rule-Making Agency: North Carolina Criminal Justice Education Training and Standards Commission		
2. Rule citation & name: 12 NCAC 09B .0209 CRIMINAL JUSTICE INSTRUCTOR TRAINING		
3. Action: Adoption Amendment Repeal		
4. Was this an Emergency Rule: ☐ Yes		
5. Provide dates for the following actions as applicable:		
a. Proposed Temporary Rule submitted to OAH: September 7, 2021		
b. Proposed Temporary Rule published on the OAH website: September 14, 2021		
c. Public Hearing date: October 25, 2021		
d. Comment Period: September 15, 2021-October 5, 2021		
e. Notice pursuant to G.S. 150B-21.1(a3)(2): 150B-21.1(a1)		
f. Adoption by agency on: October 28, 2021		
g. Proposed effective date of temporary rule [if other than effective date established by G.S. 150B- 21.1(b) and G.S. 150B-21.3]: November 30, 2021		
h. Rule approved by RRC as a permanent rule [See G.S. 150B-21.3(b2)]:		
6. Reason for Temporary Action. Attach a copy of any cited law, regulation, or document necessary for the review.		
A serious and unforeseen threat to the public health, safety or welfare.		
The effective date of a recent act of the General Assembly or of the U.S. Congress.		
Cite: Effective date:		
A recent change in federal or state budgetary policy.		
Effective date of change:		
A recent federal regulation. Cite:		
Effective date:		
A recent court order. Cite order:		
State Medical Facilities Plan.		
☐ Other:		
Explain: The Governor of North Carolina issued Executive Order No. 228, authorizing the extension of time to complete Criminal Justice Training Courses as need to ensure the completion of training to certify trainees, officers, and instructors. Also, to		

Explain: The Governor of North Carolina issued Executive Order No. 228, authorizing the extension of time to complete Criminal Justice Training Courses as need to ensure the completion of training to certify trainees, officers, and instructors. Also, to coordinate a response and enact protective measures to help prevent the spread of COVID-19 and other variants. The COVID-19 is a respiratory disease that can result in severe illness or death. Once an outbreak of the COVID-19 begins, it isn't easy to contain. North Carolina Community Colleges and agencies facilitate many of the Criminal Justice Training Courses. To preserve the health and well-being of the staff, students, and community, training courses began to close for 2-3 weeks. Training closures exceeding the requirements set forth in the NCAC 12 09B, 09C, and 09G impact the completion of training, certification of criminal justice officers and instructors' carry out their respective professional duties. In addition, Executive Order No. 228 expired on October 27, 2021. Criminal Justice Officers per code are required to complete specific training to maintain their certification. Failure to comply with the requirements results in delayed or loss of officers' certification to serve their communities and enforce the law. To prepare for any further potential unforeseen threat to public health or safety CJETS is pursuing rulemaking.

rule is required? Failure to comply with the requirements results in delayed or loss of officers' certification to serve their communities and enforce the law.		
8. Rule establishes or increases a fee? (See G.S. 12-3.1)		
Yes Agency submitted request for consultation on: Consultation not required. Cite authority:		
⊠ No		
9. Rule-making Coordinator: Charminique D. Williams	10. Signature of Agency Head	
Phone: (919) 779-8206		
E-Mail: cdwilliams@ncdoj.gov	* If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form.	
Agency contact, if any:	Typed Name: Chris Blue	
Phone:	Title: Commission Chair	
E-Mail:	E-Mail: CBLUE@townofchapelhill.org	
RULES REVIEW COMMISSION USE ONL Action taken:	Y Submitted for RRC Review:	
☐ Date returned to agency:		

1 12 NCAC 09B .0209 is proposed for amendment under temporary procedures as follows: 2 3 12 NCAC 09B .0209 CRIMINAL JUSTICE INSTRUCTOR TRAINING 4 (a) The Instructor Training course required for General Instructor certification shall consist of a minimum of 40 hours 5 of classroom instruction, plus the time required to conduct practical exercises, student presentations, and post testing 6 presented during a period of no more than 15 business days. The Director of the Criminal Justice Standards Division 7 may allow additional breaks in a specific course delivery when the Director determines that doing so is necessary 8 based on circumstances related to a lawfully declared State of Emergency. 9 (b) Each Instructor Training course shall be designed to provide the trainee with the skills and knowledge to perform 10 the functions of a criminal justice instructor. 11 (c) Each Instructor Training course shall include the following identified topic areas and minimum instructional 12 hours for each area: 13 (1) Orientation and Pre-Test 1 Hour 14 (2) Instructional Systems Design (ISD) 5 Hours 15 Law Enforcement Instructor Liabilities and Legal Responsibilities 2 Hours (3) 16 **(4)** Criminal Justice Instructional Leadership 4 Hours 17 Lesson Plan Preparation: Professional Resources 2 Hours (5) 18 (6) Lesson Plan Development and Formatting 3 Hours 19 2 Hours **(7)** Adult Learning 20 (8) Instructional Styles and Platform Skills 5 Hours (9) 21 Classroom Management 3 Hours 22 (10)Active Learning: Demonstration and Practical Exercises 3 Hours 23 (11)The Evaluation Process of Learning 4 Hours 24 Audio Visual Aids 5 Hours (12)25 (13)Course Closing and Post-test 1 Hour 26 (14)Completion of tasks associated with practical exercises, student presentations, and post testing; the 27 number of hours required to complete this portion of the curriculum shall be based on the number 28 of enrolled students, available facilities, and number of instructors. 29 (d) The "Instructor Training" manual published by the North Carolina Justice Academy shall be the curriculum for 30 instructor training courses. Copies of this publication may be inspected at the agency: 31 Criminal Justice Standards Division 32 North Carolina Department of Justice 33 1700 Tryon Park Drive 34 Post Office Drawer 149 35 Raleigh, North Carolina 27602

36

37

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

North Carolina Justice Academy

1		Post Office Drawer 99
2		Salemburg, North Carolina 28385
3		
4	History Note:	Authority G.S. 17C-6;
5		Eff. January 1, 1981;
6		Amended Eff. July 1, 2018; April 1, 2018; January 1, 2018; January 1, 2015; December 1, 2009;
7		August 1, 2005; November 1, 1998; January 1, 1995; March 1, 1990; July 1, 1989; January 1,
8		1985;
9		Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25,
10		2019;
11		Amended Eff. July 1, 2021; January 1, 2021.
12		
13		



TEMPORARY RULE-MAKING FINDINGS OF NEED

[Authority G.S. 150B-21.1]

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VOLUME:

ISSUE:

1. Rule-Making Agency: North Carolina Criminal Justice Education Training and Standards Commission		
2. Rule citation & name: 12 NCAC 09B .0210 RADAR INSTRUCTOR TRA	AINING COURSE	
3. Action: Adoption Amendment	Repeal	
4. Was this an Emergency Rule: ☐ Yes Effective date: ☐ No		
5. Provide dates for the following actions as applicable:		
a. Proposed Temporary Rule submitted to OAH: September 7, 2021		
b. Proposed Temporary Rule published on the OAH website: September 1	14, 2021	
c. Public Hearing date: October 25, 2021		
d. Comment Period: September 15, 2021-October 5, 2021		
e. Notice pursuant to G.S. 150B-21.1(a3)(2): 150B-21.1(a1)		
f. Adoption by agency on: October 28, 2021		
 g. Proposed effective date of temporary rule [if other than effective date es and G.S. 150B-21.3]: November 30, 2021 	tablished by G.S. 150B- 21.1(b)	
h. Rule approved by RRC as a permanent rule [See G.S. 150B-21.3(b2)]:		
6. Reason for Temporary Action. Attach a copy of any cited law, regulation,	or document necessary for the review.	
A serious and unforeseen threat to the public health, safety or welfare. The effective date of a recent act of the General Assembly or of the U.S. Congress. Cite:		
Effective date:		
A recent change in federal or state budgetary policy. Effective date of change:		
A recent federal regulation.		
Cite: Effective date:		
A recent court order.		
Cite order: State Medical Facilities Plan. Other:		
Explain: The Governor of North Carolina issued Executive Order No. 228, author-Justice Training Courses as need to ensure the completion of training to certify tra coordinate a response and enact protective measures to help prevent the spread of a respiratory disease that can result in severe illness or death. Once an outbreak of North Carolina Community Colleges and agencies facilitate many of the Criminal and well-being of the staff, students, and community, training courses began to cle requirements set forth in the NCAC 12 09B, 09C, and 09G impact the completion officers and instructors' carry out their respective professional duties. In addition, 2021. Criminal Justice Officers per code are required to complete specific training with the requirements results in delayed or loss of officers' certification to serve the for any further potential unforeseen threat to public health or safety CIETS is purs	cinees, officers, and instructors. Also, to COVID-19 and other variants. The COVID-19 is f the COVID-19 begins, it isn't easy to contain. Justice Training Courses. To preserve the health ose for 2-3 weeks. Training closures exceeding the of training, certification of criminal justice Executive Order No. 228 expired on October 27, to maintain their certification. Failure to comply heir communities and enforce the law. To prepare	

7. Why is placence to notice and hearing requirements contrary to the public interest and the immediate adoption of the rule is required? Failure to comply with the requirements results in delayed or loss of officers' certification to serve their communities and enforce the law.		
8. Rule establishes or increases a fee? (See G.S. 12-3.1) Yes Agency submitted request for consultation on: Consultation not required. Cite authority: No		
9. Rule-making Coordinator: Charminique D. Williams Phone: (919) 779-8206	10. Signature of Agency Head*:	
E-Mail: cdwilliams@ncdoj.gov	* If this function has been-delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form.	
Agency contact, if any: Phone:	Typed Name: Chris Blue -Title:-Commission-Chair	
E-Mail: E-Mail: CBLUE@townofchapelhill.org		
RULES REVIEW COMMISSION USE ONL	<u> </u>	
Action taken:	Submitted for RRC Review:	
☐ Date returned to agency:		

1	12 NCAC 09B	0210 is amended under temporary procedures as follows:		
2				
3	12 NCAC 09B	.0210 RADAR INSTRUCTOR TRAINING COURSE		
4	(a) The radar in	nstructor training course RADAR Instructor Training Course shall be designed to provide the trainee		
5	with the skills a	with the skills and knowledge to proficiently perform the function of a criminal justice radar RADAR instructor. This		
6	course shall be	course shall be for a period not to exceed six consecutive weeks. The Director of the Criminal Justice Standard		
7	Division may a	Division may allow additional breaks in a specific course delivery when the Director determines that doing so is		
8	necessary based on circumstances related to a lawfully declared State of Emergency.			
9	(b) The radar instructor training course RADAR Instructor Training Course required for radar RADAR instructor			
10	certification shall include the topic areas and minimum number of hours as outlined in the Radar RADAR Instructor			
11	Training Course. To qualify for radar RADAR instructor certification, an applicant shall meet the requirements as			
12	outlined in the	Radar RADAR Instructor Training Course and meet the requirements of 12 NCAC 09B .0408 and		
13	.0409.			
14	(c) Each applicant for radar instructor training shall:			
15	(1)	Present the endorsement of a Commission-recognized school director or agency executive officer		
16		or his designee.		
17	(2)	Possess full criminal justice general instructor certification as required in 12 NCAC 09B .0302.		
18	(3)	Possess a current and valid radar operator certification.		
19		"RADAR Instructor Training Course" as published by the North Carolina Justice Academy shall be		
20	applied as basic curriculum for the radar instructor training course for radar instructors as administered by the			
21	Commission. Commission.	opies of this publication may be inspected at the office of the agency:		
22		Criminal Justice Standards Division		
23		North Carolina Department of Justice		
24		1700 Tryon Park Drive		
25		114 West Edenton Street		
26		Old Education Building		
27		Post Office Drawer 149		
28		Raleigh, North Carolina 27602		
29		and may be obtained at cost from the Academy at the following address:		
30		North Carolina Justice Academy		
31		Post Office Box 99		
32		Salemburg, North Carolina 28385		
33	(e) Commission-certified schools that are certified to offer the "Radar Instructor Training Course" are: The North			
34	Carolina Justice Academy.			
35				
36	History Note:	Authority G.S. 17C-6;		
37		Eff. November 1, 1981;		

l	Readopted w/change Eff. July 1, 1982;
2	Amended Eff. January 1, 2006; April 1, 1999; November 1, 1998; August 1, 1995; July 1, 1989;
3	February 1, 1987; August 1, 1984;
1	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25,
5	2019.



TEMPORARY RULE-MAKING FINDINGS OF NEED

[Authority G.S. 150B-21.1]

OAH	USE	ONLY 69

VOLUME:

ISSUE:

1. Rule-Making Agency: North Carolina Criminal Justice Education Training and Standards Commission					
2. Rule citation & name: 12 NCAC 09B .0211 TIME-DISTANCE INSTRUCTOR TRAINING COURSE					
3. Action: Adoption Amendment Repeal					
4. Was this an Emergency Rule: Yes Effective date: No					
5. Provide dates for the following actions as applicable:					
a. Proposed Temporary Rule submitted to OAH: September 7, 2021					
b. Proposed Temporary Rule published on the OAH website: September 14, 2021					
c. Public Hearing date: October 25, 2021					
d. Comment Period: September 15, 2021-October 5, 2021					
e. Notice pursuant to G.S. 150B-21.1(a3)(2): 150B-21.1(a1)					
f. Adoption by agency on: October 28, 2021					
g. Proposed effective date of temporary rule [if other than effective date established by G.S. 150B- 21.1(b) and G.S. 150B-21.3]: November 30, 2021					
h. Rule approved by RRC as a permanent rule [See G.S. 150B-21.3(b2)]:					
6. Reason for Temporary Action. Attach a copy of any cited law, regulation, or document necessary for the review.					
A serious and unforeseen threat to the public health, safety or welfare. The effective date of a recent act of the General Assembly or of the U.S. Congress. Cite: Effective date:					
A recent change in federal or state budgetary policy.					
Effective date of change: A recent federal regulation.					
Cite:					
Effective date: A recent court order.					
Cite order:					
☐ State Medical Facilities Plan. ☐ Other:					
Explain: The Governor of North Carolina issued Executive Order No. 228, authorizing the extension of time to complete Criminal Justice Training Courses as need to ensure the completion of training to certify trainees, officers, and instructors. Also, to coordinate a response and enact protective measures to help prevent the spread of COVID-19 and other variants. The COVID-19 is a respiratory disease that can result in severe illness or death. Once an outbreak of the COVID-19 begins, it isn't easy to contain. North Carolina Community Colleges and agencies facilitate many of the Criminal Justice Training Courses. To preserve the health and well-being of the staff, students, and community, training courses began to close for 2-3 weeks. Training closures exceeding the requirements set forth in the NCAC 12 09B, 09C, and 09G impact the completion of training, certification of criminal justice officers and instructors' carry out their respective professional duties. In addition, Executive Order No. 228 expired on October 27, 2021. Criminal Justice Officers per code are required to complete specific training to maintain their certification. Failure to comply with the requirements results in delayed or loss of officers' certification to serve their communities and enforce the law. To prepare for any further potential unforeseen threat to public health or safety CJETS is pursuing rulemaking.					

7. Why is adherence to notice and hearing requirements contrary to the public interest and the immediate adoption of the rule is required?		
Failure to comply with the requirements results in delayed or loss of officers' certification to serve their communities and enforce the law.		
the law.		
8. Rule establishes or increases a fee? (See G.S. 12-3.1)		
Yes Agency submitted request for consultation on: Consultation not required. Cite authority:		
⊠ No		
9. Rule-making Coordinator: Charminique D. Williams	10. Signature of Agency Head*:	
Phone: (919) 779-8206		
E-Mail: cdwilliams@ncdoj.gov	* If this function has been delegated (reassigned) pursuant	
	to G.S. 143B-10(a), submit a copy of the delegation with	
Agency contact, if any:	this form, Typed Name: Chris Blue	
Phone;	Title: Commission Chair	
E-Mail:	E-Mail: CBLUE@townofchapelhill.org	
RULES REVIEW COMMISSION USE ONL	\mathbf{Y}	
Action taken:	Submitted for RRC Review:	
	-	
☐ Date returned to agency:		

1	12 NCAC 09B	.0211 is proposed for amendment under temporary procedures as follows:
2		
3	12 NCAC 09B	.0211 TIME-DISTANCE INSTRUCTOR TRAINING COURSE
4	(a) The time of	distance instructor training course Time-Distance Instructor Training Course shall be designed to
5	provide the train	nee with the skills and knowledge to proficiently perform the function of a time-distance-Time-Distance
6	instructor. This	course shall be for a period not to exceed eight consecutive weeks. The Director of the Criminal Justice
7	Standards Divis	sion may allow additional breaks in a specific course delivery when the Director determines that doing
8	so is necessary	based on circumstances related to a lawfully declared State of Emergency.
9	(b) Each appl	icant for the time distance speed measurement instrument instructor training course Time-Distance
10	Instructor Train	ing Course shall meet the requirements of 12 NCAC 09B .0210(c)(1) and (2) and 12 NCAC 09B .0309.
11	The time distar	nee instructor training course Time-Distance Instructor Training Course required for time distance
12	Time-Distance	instructor certification shall include the topic areas and minimum number of hours as outlined in the
13	Time-Distance	Instructor Training Course. To qualify for time distance-Time-Distance instructor certification, an
14	applicant shall	meet the requirements as outlined in the Time-Distance Instructor Training Course and meet the
15	requirement of	12 NCAC 09B .0408 and .0409.
16	(c) The "Time	-Distance Instructor Training Course" as published by the North Carolina Justice Academy shall be
17	applied as basic	c curriculum for the eriminal justice time distance speed measurement instrument instructor training
18	course Time-Di	istance Instructor Training Course for time distance Time-Distance speed measurement instructors as
19	administered by	the Commission. Copies of this publication may be inspected at the office of the agency:
20		Criminal Justice Standards Division
21		North Carolina Department of Justice
22		1700 Tyron Park Drive
23		114 West Edenton Street
24		Old Education Building
25		Post Office Drawer 149
26		Raleigh, North Carolina 27602
27		and may be obtained at cost from the Academy at the following address:
28		North Carolina Justice Academy
29		Post Office Box 99
30		Salemburg, North Carolina 28385
31	(d) Commissio	n-certified schools that are certified to offer the "Time Distance Instructor Training Course" are: The
32	North Carolina	Justice Academy.
33		
34	History Note:	Authority G.S. 17C-6;
35		Eff. November 1, 1981;
36		Readopted w/change Eff. July 1, 1982;

1	Amended Eff. November 1, 2007; April 1, 1999; November 1, 1998; November 1, 1993; July 1
2	1989; February 1, 1987; August 1, 1984;
3	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25
4	2019.
5	
6	
7	
8	

2 of 2



[Authority G.S. 150B-21.1]

OAH	USE	ONLY

VOLUME:

1. Rule-Making Agency: North Carolina Criminal Justice Education Training and Standards Commission			
2. Rule citation & name: 12 NCAC 09B .0212 CERTIFICATION TRAINING FOR RADAR OPERATORS			
3. Action: Adoption Amendment Repeal			
4. Was this an Emergency Rule: Yes Effective date: No			
5. Provide dates for the following actions as applicable:			
a. Proposed Temporary Rule submitted to OAH: September 7, 2021			
b. Proposed Temporary Rule published on the OAH website: September 14, 2021			
c. Public Hearing date: October 25, 2021			
d. Comment Period: September 15, 2021-October 5, 2021			
e. Notice pursuant to G.S. 150B-21.1(a3)(2): 150B-21.1(a1)			
f. Adoption by agency on: October 28, 2021			
g. Proposed effective date of temporary rule [if other than effective date established by G.S. 150B- 21.1(b) and G.S. 150B-21.3]:			
h. Rule approved by RRC as a permanent rule [See G.S. 150B-21.3(b2)]:			
6. Reason for Temporary Action. Attach a copy of any cited law, regulation, or document necessary for the review.			
A serious and unforeseen threat to the public health, safety or welfare. The effective date of a recent act of the General Assembly or of the U.S. Congress. Cite: Effective date: A recent change in federal or state budgetary policy. Effective date of change: A recent federal regulation. Cite:			
Effective date: A recent court order.			
Cite order:			
 ☐ State Medical Facilities Plan.☐ Other:			
Explain: The Governor of North Carolina issued Executive Order No. 228, authorizing the extension of time to complete Criminal fustice Training Courses as need to ensure the completion of training to certify trainees, officers, and instructors. Also, to coordinate a response and enact protective measures to help prevent the spread of COVID-19 and other variants. The COVID-19 is a respiratory disease that can result in severe illness or death. Once an outbreak of the COVID-19 begins, it isn't easy to contain. North Carolina Community Colleges and agencies facilitate many of the Criminal Justice Training Courses. To preserve the health and well-being of the staff, students, and community, training courses began to close for 2-3 weeks. Training closures exceeding the requirements set forth in the NCAC 12 09B, 09C, and 09G impact the completion of training, certification of criminal justice officers and instructors' carry out their respective professional duties. In addition, Executive Order No. 228 expired on October 27, 2021. Criminal Justice Officers per code are required to complete specific training to maintain their certification. Failure to comply with the requirements results in delayed or loss of officers' certification to serve their communities and enforce the law. To prepare for any further potential unforeseen threat to public health or safety CJETS is pursuing rulemaking.			

7. Why is adherence to notice and hearing requirements contrary to the public interest and the immediate adoption of the rule is required? Failure to comply with the requirements results in delayed or loss of officers' certification to serve their communities and enforce the law.		
8. Rule establishes or increases a fee? (See G.S. 12-3.1) [Yes		
Agency submitted request for consultation on: Consultation not required. Cite authority:		
⊠ No		
9. Rule-making Coordinator: Charminique D. Williams	10. Signature of Agency Heads:	
Phone: (919) 779-8206	10. Signature of Agency Heade.	
E-Mail: cdwilliams@ncdoj.gov	* If this function has been delegated (reassigned) pursuant	
	to G.S. 143B-10(a), submit a copy of the delegation with this form.	
Agency contact, if any:	Typed Name: Chris Blue	
Phone:	Title: Commission-Chair	
E-Mail: RULES REVIEW COMMISSION USE ONL	E-Mail: CBLUE@townofchapelhill.org	
Action taken:	Submitted for RRC Review:	
Date returned to greeney		
Date returned to agency:		

1	12 NCAC 09B .0212 is proposed for amendment under temporary procedures as follows:
2	
3	12 NCAC 09B .0212 CERTIFICATION TRAINING FOR RADAR OPERATORS
4	(a) The radar operator training course RADAR Operator Training Course for law enforcement officers shall be
5	designed to provide the trainee with the skills and knowledge to proficiently perform the function of a law enforcement
6	radar operator. This course shall be for a period not to exceed four consecutive weeks. The Director of the Criminal
7	Justice Standards Division may allow additional breaks in a specific course delivery when the Director determines
8	that doing so is necessary based on circumstances related to a lawfully declared State of Emergency.
9	(b) Only employed or appointed personnel of a law enforcement agency shall be enrolled in the radar operator training
10	course. RADAR Operator Training Course. Such a trainee shall not be certified as a radar-RADAR operator until the
11	basic law enforcement training course has been successfully completed and probationary or general law enforcement
12	certification has been granted. Sheriffs, deputy sheriffs and federal law enforcement personnel, including but not
13	limited to armed forces personnel, shall be allowed to participate in the RADAR Operator Training Course radar
14	operator training courses on a space available basis at the discretion of the school director without having enrolled in
15	or having successfully completed the basic law enforcement training course and without being currently certified in a
16	probationary status or hold general law enforcement certification. The radar RADAR operator training course required
17	for radar RADAR operator certification shall include but not be limited to the topic areas and minimum number of
18	hours as outlined in the Radar RADAR Operator Training Course. To qualify for radar RADAR operator certification,
19	an applicant shall meet the minimum requirements as outlined in the Radar RADAR Operator Training Course and
20	meet the requirements of 12 NCAC 09B .0408 and .0409.
21	(c) The "Radar RADAR Operator Training Course" as published by the North Carolina Justice Academy is to be
22	applied as basic curriculum for the radar operator training course RADAR Operator Training Course for radar
23	operators as administered by the Commission. Copies of this publication may be inspected at the office of the agency:
24	Criminal Justice Standards Division
25	North Carolina Department of Justice
26	1700 Tryon Park Drive
27	114 West Edenton Street
28	Old Education Building
29	Post Office Drawer 149
30	Raleigh, North Carolina 27602
31	and may be obtained at cost from the Academy at the following address:
32	North Carolina Justice Academy
33	Post Office Box 99
34	Salemburg, North Carolina 28385
35	
36	History Note: Authority G.S. 17C-6;
37	Eff. November 1, 1981;

30 1 of 2

1	Readopted w/change Eff. July 1, 1982;
2	Temporary Amendment Eff. February 24, 1984 for a period of 120 days to expire on June 22, 1984;
3	Amended Eff. April 1, 1999; November 1, 1998; August 1, 1995; February 1, 1991; July 1, 1989;
4	August 1, 1984;
5	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25,
6	2019.
7	
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[Authority G.S. 150B-21.1]

OAH	USE	ONI	¥,

VOLUME:

1. Rule-Making Agency: North Carolina Criminal Justice Education Training and Standards Commission			
2. Rule citation & name: 12 NCAC 09B .0213 CERTIFICATION TRAINING FOR RADAR /TIME-DISTANCE OPERATORS			
3. Action: Adoption Amendment Repeal			
of Redon			
4. Was this an Emergency Rule: ☐ Yes Effective date: ☐ No			
5. Provide dates for the following actions as applicable:			
a. Proposed Temporary Rule submitted to OAH: September 7, 2021			
b. Proposed Temporary Rule published on the OAH website: September 14, 2021			
c. Public Hearing date: October 25, 2021			
d. Comment Period: September 15, 2021-October 5, 2021			
e. Notice pursuant to G.S. 150B-21.1(a3)(2): 150B-21.1(a1)			
f. Adoption by agency on: October 28, 2021			
g. Proposed effective date of temporary rule [if other than effective date established by G.S. 150B- 21.1(b) and G.S. 150B-21.3]: November 30, 2021			
h. Rule approved by RRC as a permanent rule [See G.S. 150B-21.3(b2)]:			
6. Reason for Temporary Action. Attach a copy of any cited law, regulation, or document necessary for the review.			
A serious and unforeseen threat to the public health, safety or welfare. The effective date of a recent act of the General Assembly or of the U.S. Congress. Cite: Effective date:			
A recent change in federal or state budgetary policy.			
Effective date of change: A recent federal regulation.			
Cite: Effective date:			
A recent court order.			
Cite order: State Medical Facilities Plan.			
Other:			
Explain: The Governor of North Carolina issued Executive Order No. 228, authorizing the extension of time to complete Criminal Justice Training Courses as need to ensure the completion of training to certify trainees, officers, and instructors. Also, to coordinate a response and enact protective measures to help prevent the spread of COVID-19 and other variants. The COVID-19 is a respiratory disease that can result in severe illness or death. Once an outbreak of the COVID-19 begins, it isn't easy to contain. North Carolina Community Colleges and agencies facilitate many of the Criminal Justice Training Courses. To preserve the health and well-being of the staff, students, and community, training courses began to close for 2-3 weeks. Training closures exceeding the requirements set forth in the NCAC 12 09B, 09C, and 09G impact the completion of training, certification of criminal justice officers and instructors' carry out their respective professional duties. In addition, Executive Order No. 228 expired on October 27, 2021. Criminal Justice Officers per code are required to complete specific training to maintain their certification. Failure to comply with the requirements results in delayed or loss of officers' certification to serve their communities and enforce the law. To prepare for any further potential unforescent threat to public health or safety CIETS is pursuing rulemaking.			

rule is required? Failure to comply with the requirements results in delayed or the law.	loss of officers' certification to serve their communities and enforce
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8. Rule establishes or increases a fee? (See G.S. 12-3.1)	
Yes Agency submitted request for consultation on: Consultation not required. Cite authority:	
⊠ No	
9. Rule-making Coordinator: Charminique D. Williams	10. Signature of Agency Head:
Phone: (919) 779-8206	
E-Mail: cdwilliams@ncdoj.gov	* If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with
A	this form.
Agency contact, if any:	Typed Name: Chris Blue
Phone:	Title:-Commission-Chair
E-Mail:	E-Mail: CBLUE@townofchapelhill.org
RULES REVIEW COMMISSION USE ONLY	
Action taken:	Submitted for RRC Review:
Date returned to agency:	

12 NCAC 09B .0213 is proposed for amendment under temporary procedures as follows:

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12 NCAC 09B .0213 CER	RTIFICATION TRAINING FOR R	RADAR/TIME-DISTANCI	E OPERATORS
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(a) The radar/time distance operator training course RADAR/Time-Distance Operator Training Course for law enforcement officers shall be designed to provide the trainee with the skills and knowledge to proficiently perform the function of a radar/time distance RADAR/Time-Distance operator. This course shall be for a period not to exceed four consecutive weeks. The Director of the Criminal Justice Standards Division may allow additional breaks in a specific course delivery when the Director determines that doing so is necessary based on circumstances related to a lawfully declared State of Emergency.

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

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

Criminal Justice Standards Division North Carolina Department of Justice 1700 Tyron Park Drive 114 West Edenton Street **Old Education Building** Post Office Drawer 149 Raleigh, North Carolina 27602 and may be obtained at cost from the Academy at the following address: North Carolina Justice Academy

34 1 of 2

1		Post Office Box 99
2		Salemburg, North Carolina 28385
3		
4	History Note:	Authority G.S. 17C-6;
5		Eff. November 1, 1981;
6		Readopted w/change Eff. July 1, 1982;
7		Amended Eff. April 1, 1999; November 1, 1998; August 1, 1995; February 1, 1991; July 1, 1989;
8		August 1, 1984;
9		Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25
10		2019.
11		
12		



[Authority G.S. 150B-21.1]

VOLUME:

ISSUE:

1. Rule-Making Agency: North Carolina Criminal Justice Education Training and Standards Commission			
2. Rule citation & name: 12 NCAC 09B .0214 CERTIFICATION TRAINING FOR TIME-DISTANCE OPERATORS			
3. Action: Adoption Amendment Repeal			
4. Was this an Emergency Rule: Yes Effective date:			
5. Provide dates for the following actions as applicable:			
a. Proposed Temporary Rule submitted to OAH: September 7, 2021			
b. Proposed Temporary Rule published on the OAH website: September 14, 2021			
c. Public Hearing date: October 25, 2021			
d. Comment Period: September 15, 2021-October 5, 2021			
e. Notice pursuant to G.S. 150B-21.1(a3)(2): 150B-21.1(a1)			
f. Adoption by agency on: September 3, 2021			
g. Proposed effective date of temporary rule [if other than effective date established by G.S. 150B- 21.1(b) and G.S. 150B-21.3]: November 30, 2021			
h. Rule approved by RRC as a permanent rule [See G.S. 150B-21.3(b2)]:			
6. Reason for Temporary Action. Attach a copy of any cited law, regulation, or document necessary for the review.			
A serious and unforeseen threat to the public health, safety or welfare. The effective date of a recent act of the General Assembly or of the U.S. Congress. Cite: Effective date: A recent change in federal or state budgetary policy.			
Effective date of change: A recent federal regulation.			
Cite:			
Effective date: A recent court order. Cite order: State Medical Facilities Plan. Other:			
Explain: The Governor of North Carolina issued Executive Order No. 228, authorizing the extension of time to complete Criminal Justice Training Courses as need to ensure the completion of training to certify trainees, officers, and instructors. Also, to coordinate a response and enact protective measures to help prevent the spread of COVID-19 and other variants. The COVID-19 is a respiratory disease that can result in severe illness or death. Once an outbreak of the COVID-19 begins, it isn't easy to contain. North Carolina Community Colleges and agencies facilitate many of the Criminal Justice Training Courses. To preserve the health and well-being of the staff, students, and community, training courses began to close for 2-3 weeks. Training closures exceeding the requirements set forth in the NCAC 12 09B, 09C, and 09G impact the completion of training, certification of criminal justice officers and instructors' carry out their respective professional duties. In addition, Executive Order No. 228 expired on October 27, 2021. Criminal Justice Officers per code are required to complete specific training to maintain their certification. Failure to comply			

with the requirements results in delayed or loss of officers' certification to serve their communities and enforce the law. To prepare

for any further potential unforeseen threat to public health or safety CJETS is pursuing rulemaking.

7. Why is therence to notice and hearing requirements contrary to the public interest and the immediate adoption of the rule is required? Failure to comply with the requirements results in delayed or loss of officers' certification to serve their communities and enforce the law.			
8. Rule establishes or increases a fee? (See G.S. 12-3.1)			
Yes Agency submitted request for consultation on: Consultation not required. Cite authority:			
⊠ No			
9. Rule-making Coordinator: Charminique D. Williams	10. Signature of Agency Head?		
Phone: (919) 779-8206			
E-Mail: cdwilliams@ncdoj.gov	* If this function has been delegated (reassigned) pursuant		
	to G.S. 143B-10(a), submit a copy of the delegation with this form.		
Agency contact, if any:	Typed Name: Chris Blue		
_Phone:			
E-Mail:	E-Mail: CBLUE@townofchapelhill.org		
RULES REVIEW COMMISSION USE ONL Action taken:	Y Submitted for RRC Review:		
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☐ Date returned to agency:			

12 NCAC 09B .0214 is proposed for amendment under temporary procedures as follows:

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12 NCAC 09B .0214	CERTIFICATION TH	RAINING FOR TIME	-DISTANCE OPERATOR

(a) The time distance operator training course Time-Distance Operator Training Course for law enforcement officers shall be designed to provide the trainee with the skills and knowledge to proficiently perform the function of a time distance Time-Distance operator. This course shall not exceed four consecutive weeks. The Director of the Criminal Justice Standards Division may allow additional breaks in a specific course delivery when the Director determines that doing so is necessary based on circumstances related to a lawfully declared State of Emergency.

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

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

Criminal Justice Standards Division North Carolina Department of Justice 1700 Tryon Park Drive 114 West Edenton Street Old Education Building Post Office Drawer 149 Raleigh, North Carolina 27602 and may be obtained at cost from the Academy at the following address: North Carolina Justice Academy Post Office Box 99 Salemburg, North Carolina 28385

38 1 of 2

1	History Note:	Authority G.S. 17C-6;
2		Eff. November 1, 1981;
3		Readopted w/change Eff. July 1, 1982;
4		Amended Eff. April 1, 1999; November 1, 1998; August 1, 1995; February 1, 1991; July 1, 1989;
5		August 1, 1984;
6		Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25,
7		2019.
8		
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[Authority G.S. 150B-21.1]

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VOLUME:

1. Rule-Making Agency: North Carolina Criminal Justice Education Training and Standards Commission				
2. Rule citation & name: 12 NCAC 09B .0226 SPECIALIZED FIREARMS INSTRUCTOR TRAINING				
3. Action: Adoption Amendment Repeal				
4. Was this an Emergency Rule: Yes Effective date:				
5. Provide dates for the following actions as applicable:				
a. Proposed Temporary Rule submitted to OAH: September 7, 2021				
b. Proposed Temporary Rule published on the OAH website: September 14, 2021				
c. Public Hearing date: October 25, 2021				
d. Comment Period: September 15, 2021-October 5, 2021				
e. Notice pursuant to G.S. 150B-21.1(a3)(2): 150B-21.1(a1)				
f. Adoption by agency on: October 28, 2021				
g. Proposed effective date of temporary rule [if other than effective date established by G.S. 150B- 21.1(b) and G.S. 150B-21.3]: November 30, 2021				
h. Rule approved by RRC as a permanent rule [See G.S. 150B-21.3(b2)]:				
6. Reason for Temporary Action. Attach a copy of any cited law, regulation, or document necessary for the review.				
A serious and unforeseen threat to the public health, safety or welfare. The effective date of a recent act of the General Assembly or of the U.S. Congress. Cite:				
Effective date: A recent change in federal or state budgetary policy.				
Effective date of change:				
A recent federal regulation. Cite:				
Effective date:				
A recent court order. Cite order:				
☐ State Medical Facilities Plan. ☐ Other:				
Explain: The Governor of North Carolina issued Executive Order No. 228, authorizing the extension of time to complete Criminal Justice Training Courses as need to ensure the completion of training to certify trainees, officers, and instructors. Also, to coordinate a response and enact protective measures to help prevent the spread of COVID-19 and other variants. The COVID-19 is a respiratory disease that can result in severe illness or death. Once an outbreak of the COVID-19 begins, it isn't easy to contain. North Carolina Community Colleges and agencies facilitate many of the Criminal Justice Training Courses. To preserve the health and well-being of the staff, students, and community, training courses began to close for 2-3 weeks. Training closures exceeding the requirements set forth in the NCAC 12 09B, 09C, and 09G impact the completion of training, certification of criminal justice officers and instructors' carry out their respective professional duties. In addition, Executive Order No. 228 expired on October 27, 2021. Criminal Justice Officers per code are required to complete specific training to maintain their certification. Failure to comply with the requirements results in delayed or loss of officers' certification to serve their communities and enforce the law. To prepare for any further potential unforeseen threat to public health or safety CJETS is pursuing rulemaking.				

rule is required? Failure to comply with the requirements results in delayed or loss of officers' certification to serve their communities and enforce the law.		
	1	
8. Rule establishes or increases a fee? (See G.S. 12-3.1)		
Yes Agency submitted request for consultation on: Consultation not required. Cite authority:		
⊠ No	•	
9. Rule-making Coordinator: Charminique D. Williams	10. Signature of Agency Head*	
Phone: (919) 779-8206		
E-Mail: cdwilliams@ncdoj.gov	* If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with	
Agency contact, if any:	this form. Typed Name: Chris Blue	
Phone:	Title: Commission Chair	
E-Mail:	E-Mail: CBLUE@townofchapelhill.org	
RULES REVIEW COMMISSION USE ONL Action taken:	Y Submitted for RRC Review:	
- AVMON MINON	Sublifited for KKC Keview.	
☐ Date returned to agency:		

12 NCAC 09B .0226 is proposed for amendment under temporary procedures as follows:

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12 NCAC 09B .0226 SPECIALIZED FIREARMS INSTRUCTOR TRAINING

- 4 (a) The instructor training course for Specialized Firearms Instructor Training Certification shall consist of a minimum
- 5 of 50 hours of classroom and range instruction plus time required to complete the tasks associated with Range
- 6 Operations presented during a continuous period of not more than two weeks. The Director of the Criminal Justice
- 7 Standards Division may allow additional breaks in a specific course delivery when the Director determines that doing
- 8 so is necessary based on circumstances related to a lawfully declared State of Emergency.
- 9 (b) Each Specialized Firearms Instructor Training course shall be designed to provide the trainee with the skills and
- 10 knowledge to perform the function of a criminal justice firearms instructor in a Basic Law Enforcement Training
- 11 (BLET) Course or a law enforcement officer in-service firearms training program.
- 12 (c) Each applicant for specialized firearms instructor training shall:
 - (1) have completed the criminal justice instructor training course;
 - (2) present a written endorsement by either
 - (A) a certified school director indicating the student may be utilized to instruct firearms in the Basic Law Enforcement Training Course; or
 - (B) a department head, certified school director, or in-service training coordinator, indicating the student may be utilized to instruct firearms in a law enforcement officer in-service firearms training program; and
 - Once within 365 days prior to enrollment each prospective student shall demonstrate proficiency during a qualification administered by the North Carolina Justice Academy. To successfully complete this qualification each prospective student shall achieve a minimum score of 92 percent 2 out of 3 times on both the BLET Day and Night Courses of Fire while using a 'Sam Browne' type belt and security holster and agency-issued duty or ballistic-equivalent ammunition,
 - (d) Each Specialized Firearms Instructor Training course shall include the following identified topic areas and minimum instructional hours for each area:

27	(1)	Orientation/Pretest	2 Hours
28	(2)	Range Operations	2 Hours
29	(3)	Civil Liability	4 Hours
30	(4)	Night Firing	2 Hours
31	(5)	Combat Shooting Classroom and Range	8 Hours
32	(6)	Mental Conditioning	1 Hours
33	(7)	Shotgun Operation and Firing	4 Hours
34	(8)	Service Handgun - Operation and Use	8 Hours
35	(9)	Rifle - Operation and Maintenance	4 Hours
36	(10)	Service Handgun - Maintenance and Cleaning	2 Hours
37	(11)	Range Medical Emergencies	2 Hours

1	(12)	In-Service Firearms Requirements	2 Hours
2	(13)	BLET Lesson Plan Review	1 Hour
3	(14) Range Drills as defined in the Specialized Firearms Instructor		
4	Training Manual and the Specialized Firearms Instructor Training		
5		Course Management Guide	8 Hours
6	(15)	Completion of tasks associated with Range Operations.	Completion of tasks associated with
7		Instructor Practicums hours determined by number of stude	ents and instructors:
8		(A) Conduct a BLET Day Course of Fire	
9		(B) Conduct a BLET Night Course of Fire	
10		(C) Conduct a Long Gun Course of Fire	
11		(D) Develop a Combat Course of Fire	
12	(e) The "Speci	alized Firearms Instructor Training Manual" published by the	e North Carolina Justice Academy shall
13	be the curriculu	m for the Specialized Firearms Instructor Training course. Cop	pies of this publication may be inspected
14	at the:		
15		Criminal Justice Standards Division	
16		North Carolina Department of Justice	
17	1700 Tryon Park Drive		
18	Post Office Drawer 149		
19	Raleigh, North Carolina 27610		
20	and may be obtained at the cost of printing and postage from the Academy at the following address:		
21	North Carolina Justice Academy		
22	Post Office Box 99		
23		Salemburg, North Carolina 28385	
24	(f) The Commi	ssion-certified school that is certified to offer the "Specialized	Firearms Instructor Training" course is
25	the North Carol	ina Justice Academy.	
26			
27	History Note:	Authority G.S. 17C-6;	
28		Eff. May 1, 1986;	
29		Amended Eff. January 1, 2015; February 1, 2013; August	1, 2006; August 1, 2000; November 1,
30		1998; August 1, 1995; February 1, 1991; March 1, 1990; J	<i>July 1, 1989;</i>
31		Pursuant to G.S. 150B-21.3A, rule is necessary without s	ubstantive public interest Eff. May 25,
32		2019;	
33		Amended Eff. January 1, 2021.	
34			
35			



[Authority G.S. 150B-21.1]

OAH	USE	ONLY

VOLUME:

1. Rule-Making Agency: North Carolina Criminal Justice Education Training and Standards Commission			
2. Rule citation & name: 12 NCAC 09B .0232 SPECIALIZED SUBJECT CONTROL ARREST TECHNIQUES INSTRUCTOR TRAINING			
3. Action: Adoption Amendment Repeal			
4. Was this an Emergency Rule: Yes Effective date:			
5. Provide dates for the following actions as applicable:			
a. Proposed Temporary Rule submitted to OAH: September 7, 2021			
b. Proposed Temporary Rule published on the OAH website: September 14, 2021			
c. Public Hearing date: October 25, 2021			
d. Comment Period: September 15, 2021-October 5, 2021			
e. Notice pursuant to G.S. 150B-21.1(a3)(2): 150B-21.1(a1)			
f. Adoption by agency on: October 28, 2021			
g. Proposed effective date of temporary rule [if other than effective date established by G.S. 150B- 21.1(b) and G.S. 150B-21.3]: November 30, 2021			
h. Rule approved by RRC as a permanent rule [See G.S. 150B-21.3(b2)]:			
6. Reason for Temporary Action. Attach a copy of any cited law, regulation, or document necessary for the review.			
A serious and unforeseen threat to the public health, safety or welfare. The effective date of a recent act of the General Assembly or of the U.S. Congress. Cite: Effective date:			
A recent change in federal or state budgetary policy.			
Effective date of change: A recent federal regulation.			
Cite: Effective date:			
A recent court order.			
Cite order: State Medical Facilities Plan.			
Other:			
Explain: The Governor of North Carolina issued Executive Order No. 228, authorizing the extension of time to complete Criminal Justice Training Courses as need to ensure the completion of training to certify trainees, officers, and instructors. Also, to coordinate a response and enact protective measures to help prevent the spread of COVID-19 and other variants. The COVID-19 is a respiratory disease that can result in severe illness or death. Once an outbreak of the COVID-19 begins, it isn't easy to contain. North Carolina Community Colleges and agencies facilitate many of the Criminal Justice Training Courses. To preserve the health and well-being of the staff, students, and community, training courses began to close for 2-3 weeks. Training closures exceeding the requirements set forth in the NCAC 12 09B, 09C, and 09G impact the completion of training, certification of criminal justice officers and instructors' carry out their respective professional duties. In addition, Executive Order No. 228 expired on October 27, 2021. Criminal Justice Officers per code are required to complete specific training to maintain their certification. Failure to comply with the requirements results in delayed or loss of officers' certification to serve their communities and enforce the law. To prepare for any further potential unforeseen threat to public health or safety CJETS is pursuing rulemaking.			

	rule is required?		of officers' certification to serve their communities and enforce	
	8. Rule establishes or increases a fee? (See G.S. 12-3.1)			
	Yes Agency submitted request for consultation on: Consultation not required. Cite authority:			
	⊠ No			
	9. Rule-making Coordinator: Charminique D. Williams Phone: (919) 779-8206		10. Signature of Agency Head*:	
	E-Mail: cdwilliams@ncdoj.gov		* If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form.	
	Agency contact, if any:		Typed Name: Chris Blue	
	_Phone:		Title: Commission Chair	
	E-Mail:		E-Mail: CBLUE@townofchapelhill.org	
6	RULES REVIEW COMMISSION USE ONLY Action taken:		mitted for RRC Review:	
		· ·· ·		
	Date returned to agency:			

1 12 NCAC 09B .0232 is proposed for amendment under temporary procedures as follows: 2 3 12 NCAC 09B .0232 SPECIALIZED SUBJECT CONTROL ARREST TECHNIQUES INSTRUCTOR 4 TRAINING 5 (a) The instructor training course required for Specialized Subject Control Arrest Techniques Instructor Certification 6 shall consist of a minimum of 29 hours of classroom instruction plus time required to complete the tasks associated 7 with Subject Control Arrest Techniques Instructional Methods and Demonstration presented during a continuous 8 period of not more than two weeks. The Director of the Criminal Justice Standards Division may allow additional 9 breaks in a specific course delivery when the Director determines that doing so is necessary based on circumstances 10 related to a lawfully declared State of Emergency. 11 (b) Each Specialized Subject Control Arrest Techniques Instructor Training course shall be designed to provide the 12 trainee with the skills and knowledge to perform the function of a criminal justice Specialized Subject Control Arrest 13 Techniques Instructor in a Basic Law Enforcement Training Course or a Law Enforcement Officers' Annual In-Service 14 Training Program. 15 (c) Each applicant for Specialized Subject Control Arrest Techniques Instructor Training shall: 16 (1) have completed the Criminal Justice Instructor Training course; 17 (2) present a letter from a licensed physician stating the applicant's physical fitness to participate in the 18 course; 19 present a written endorsement by either (3) 20 (A) a certified School Director indicating the student is qualified to instruct subject control 21 arrest techniques in Basic Law Enforcement Training Courses; or 22 (B) a Department Head, certified School Director, or In-Service Training Coordinator 23 indicating the student may be utilized to instruct subject control arrest techniques for the Law Enforcement Officers' Annual In-Service Training program; and 24 25 (4) Within 365 days prior to enrollment in the Subject Control Arrest Techniques Instructor Training 26 course the prospective student shall complete the following assessments administered by the North 27 Carolina Justice Academy: 28 (A) a qualification requiring the individual to demonstrate 100 percent proficiency on the Basic 29 Law Enforcement Training Subject Control Arrest Techniques; and achieve at least the 60th percentile on a physical fitness assessment. 30 (B) 31 (d) Each Specialized Subject Control Arrest Techniques Instructor Training course shall include the following 32 identified topic areas and minimum instructional hours for each area: 33 1 Hour (1) Orientation 34 4 Hours (2) Response to Injury 35 (3) **Combat Conditioning** 4 Hours (4) 2 Hours 36 Safety Guidelines/Rules 37 (5) Fundamentals of Professional Liability 4 Hours

1	(6)	Practical Skills Enhancement	4 Hours
2	(7)	Student Instructional Practicum	6 Hours
3	(8)	BLET Lesson Plan Review	4 Hours
4	(9)	Completion of tasks associated with Subject Control	ol Arrest Techniques Instructional Methods and
5		Demonstrations. The number of hours required to	complete this portion of the curriculum shall be
6		based on the number of enrolled students, available	facilities, and number of instructors.
7	(e) The "Spec	ialized Subject Control Arrest Techniques Instructor	r Training Manual" as published by the North
8	Carolina Justice	e Academy shall be the curriculum for the Specialize	d Subject Control Arrest Techniques Instructor
9	Training course	c. Copies of this publication may be inspected at the:	
10		Criminal Justice Standards D	Division
11		North Carolina Department of	f Justice
12		1700 Tryon Park Drive	e
13		Post Office Drawer 14	9
14		Raleigh, North Carolina 2'	7610
15	and ma	by be obtained at the cost of printing and postage from	the Academy at the following address:
16		North Carolina Justice Aca	demy
17		Post Office Box 99	
18		Salemburg, North Carolina	28385
19	(f) The Comm	sission-certified school that is certified to offer the "	Specialized Subject Control Arrest Techniques
20	Instructor Train	ing" course is the North Carolina Justice Academy.	
21			
22	History Note:	Authority G.S. 17C-6;	
23		Eff. February 1, 1987;	
24		Amended Eff. February 1, 2016; January 1, 2015; I	February 1, 2013; December 1, 2009; August 1,
25		2006; August 1, 2000; November 1, 1998; August 1	', 1995; March 1, 1990; July 1, 1989;
26		Pursuant to G.S. 150B-21.3A, rule is necessary w	vithout substantive public interest Eff. May 25,
27		2019;	
28		Amended Eff. January 1, 2021.	
29			
30			



[Authority G.S. 150B-21.1]

OAH	USE	ONLY

VOLUME:

ISSUE:

1. Rule-Making Agency: North Carolina Criminal Justice Education Training and Standards Commission					
2. Rule citation & name: 12 NCAC 09B .0233 SPECIAI	IZED PHYSICAL F	FITNESS INSTRUCTOR TRAINING			
3. Action: Adoption Amendo	nent	Repeal			
4. Was this an Emergency Rule: Yes Effectiv	e date: October 28, 2	2021			
5. Provide dates for the following actions as applicable:					
a. Proposed Temporary Rule submitted to OAH: Sep	tember 7, 2021				
b. Proposed Temporary Rule published on the OAH v	ebsite: September 1	14, 2021			
c. Public Hearing date: October 25, 2021					
d. Comment Period: September 15, 2021-October 5, 2	021	•			
e. Notice pursuant to G.S. 150B-21.1(a3)(2): 150B-21.	l(a1)				
f. Adoption by agency on: October 28, 2021					
g. Proposed effective date of temporary rule [if other and G.S. 150B-21.3]: November 30, 2021	han effective date es	tablished by G.S. 150B- 21.1(b)			
h. Rule approved by RRC as a permanent rule [See G	S. 150B-21.3(b2)]:				
6. Reason for Temporary Action. Attach a copy of any	ited law, regulation	, or document necessary for the review.			
A serious and unforeseen threat to the public health, safety or welfare. The effective date of a recent act of the General Assembly or of the U.S. Congress. Cite:					
Effective date: A recent change in federal or state budgetary pol	iev.				
Effective date of change:					
A recent federal regulation. Cite:					
Effective date: A recent court order. Cite order: State Medical Facilities Plan. Other:					
Explain: The Governor of North Carolina issued Executive Justice Training Courses as need to ensure the completion of coordinate a response and enact protective measures to help a respiratory disease that can result in severe illness or death North Carolina Community Colleges and agencies facilitate and well-being of the staff, students, and community, training requirements set forth in the NCAC 12 09B, 09C, and 09G is	Etraining to certify tra prevent the spread of . Once an outbreak of many of the Criminal g courses began to clo	ainees, officers, and instructors. Also, to COVID-19 and other variants. The COVID-19 is of the COVID-19 begins, it isn't easy to contain. I Justice Training Courses. To preserve the health ose for 2-3 weeks. Training closures exceeding the			

officers and instructors' carry out their respective professional duties. In addition, Executive Order No. 228 expired on October 27, 2021. Criminal Justice Officers per code are required to complete specific training to maintain their certification. Failure to comply with the requirements results in delayed or loss of officers' certification to serve their communities and enforce the law. To prepare

for any further potential unforeseen threat to public health or safety CJETS is pursuing rulemaking.

rule is required?	or loss of officers' certification to serve their communities and enforce
8. Rule establishes or increases a fee? (See G.S. 12-3.1)	
Yes Agency submitted request for consultation on: Consultation not required. Cite authority:	
⊠ No	
9. Rule-making Coordinator: Charminique D. Williams	10. Signature of Agency Head*.
Phone: (919) 779-8206	
E-Mail: cdwilliams@ncdoj.gov	* If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with
Agency contact, if any:	this form. Typed Name: Chris Blue
Phone:	Title: Commission Chair
E-Mail:	E-Mail: CBLUE@townofchapelhill.org
RULES REVIEW COMMISSION USE ONL Action taken:	X Submitted for RRC Review:
	Submitted for Kick Keylow.
☐ Date returned to agency:	

1	12 NCAC 09B	.0233 is	proposed for amendment under temporary procedures as follows:	
2				
3	12 NCAC 09B	.0233	SPECIALIZED PHYSICAL FITNESS INSTRUCTOR TRAININ	\mathbf{G}
4	(a) The instruc	tor traini	ing course required for Specialized Physical Fitness Instructor Certification	on shall consist of a
5	minimum of 47 hours of classroom and field instruction, plus the tasks associated with Physical Fitness Assessments,			
6	Exercise Progr	ams, and	Instructional Methods, presented during a continuous period of not mo	ore than two weeks.
7	The Director o	f the Cri	minal Justice Standards Division may allow additional breaks in a spec	ific course delivery
8	when the Direc	tor deter	mines that doing so is necessary based on circumstances related to a law	fully declared State
9	of Emergency.			
10	(b) Each Spec	ialized P	Physical Fitness Instructor Training course shall be designed to provide	the trainee with the
11	skills and kno	wledge t	to perform the function of a criminal justice physical fitness instruct	or in a Basic Law
12	Enforcement T	raining C	Course or a Law Enforcement Officers' Annual In-Service Training Progra	am.
13	(c) Each applie	cant for s	pecialized physical fitness training shall:	
14	(1)	qualif	y through one of the following three options:	
15		(A)	have completed the criminal justice general instructor training course;	
16		(B)	hold a current and valid North Carolina Teacher's Certificate, hold a b	accalaureate degree
17			in physical education, and be teaching in physical education topics; or	
18		(C)	be presently instructing physical education topics in a community	college, college, or
19			university and possess a baccalaureate degree in physical education;	
20	(2)	preser	nt a written endorsement by either:	
21		(A)	a certified School Director indicating the student may be utilized to inst	ruct physical fitness
22			in Basic Law Enforcement Training Courses; or	
23		(B)	a certified School Director, or In-Service Training Coordinator indicate	ing the student may
24			be utilized to instruct physical fitness for the Law Enforcement	Officers' In-Service
25			Training Program;	
26	(3)	preser	nt a letter from a physician stating fitness to participate in the course; and	
27	(4)	Within	n 365 days prior to enrollment complete a qualification administered by	the North Carolina
28		Justice	e Academy requiring the individual to:	
29		(A)	complete Scenario #1 of the Police Officer Physical Abilities Test (F	POPAT) in no more
30			than six minutes;	
31		(B)	complete Scenario #2 of the POPAT in no more than three minutes; an	nd
32		(C)	complete a physical fitness assessment achieve at a minimum percenti	le score of 60.
33	(d) Each Speci	alized Ph	nysical Fitness Instructor Training course shall include the following ident	ified topic areas and
34	minimum instr	uctional l	hours for each area:	
35	(1)	Orient	tation	1 Hour
36	(2)	Physic	cal Fitness Sessions	6 Hours
37	(3)	Physic	cal Fitness Assessments, Exercise Programs, and Instructional Methods	14 Hours

1	(4)	Injury Care and Prevention	4 Hours		
2	(5)	Nutrition	7 Hours		
3	(6)	Civil Liability	3 Hours		
4	(7)	CVD Risk Factors	3 Hours		
5	(8)	Developing In-Service Wellness Programs and Validating Fitness Standards	4 Hours		
6	(9)	Lesson Plan Review	2 Hours		
7	(10)	Exercise Leadership	3 Hours		
8	(11)	Completion of tasks associated with Physical Fitness Assessments, Exer-	cise Programs, and		
9		Instructional Methods. The number of hours required to complete this portion	on of the curriculum		
10		shall be determined by number of students, number of instructors, and available	e facilities.		
11	(e) The "Physic	cal Fitness Instructor Training Manual" as published by the North Carolina Justic	ce Academy shall be		
12	the curriculum f	for specialized physical fitness instructor training courses. Copies of this publicati	on may be inspected		
13	at the:				
14		Criminal Justice Standards Division			
15		North Carolina Department of Justice			
16		1700 Tryon Park Drive			
17	Post Office Drawer 149				
18	Raleigh, North Carolina 27610				
19	and ma	y be obtained at the cost of printing and postage from the Academy at the follows	ing address:		
20		North Carolina Justice Academy			
21		Post Office Box 99			
22		Salemburg, North Carolina 28385			
23	(f) The Commi	ission-certified school that is certified to offer the "Specialized Physical Fitness	Instructor Training"		
24	course is the North Carolina Justice Academy.				
25					
26	History Note:	Authority G.S. 17C-6;			
27		Eff. July 1, 1989;			
28		Amended Eff. February 1, 2016; January 1, 2015; February 1, 2013; December	er 1, 2009; August 1,		
29		2006; August 1, 2002; August 1, 2000; November 1, 1998; March 1, 1990; August 1, 2000; November 1, 1998; March 1, 1990; August 1, 2000; November 1, 1998; March 1, 1990; August 1, 2000; November 1, 1998; March 1, 1990; August 1, 2000; November 1, 1998; March 1, 1990; August 1, 2000; November 1, 1998; March 1, 1990; August 1, 2000; November 1, 1998; March 1, 1990; August 1, 2000; November 1, 1998; March 1, 1990; August 1, 2000; November 1, 1998; March 1, 1990; August 1, 2000; November 1, 1998; March 1, 1990; August 1, 2000; November 1, 1998; March 1, 1990; August 1, 2000; November 1, 1998; March 1, 1990; August 1, 2000; November 1, 1998; March 1, 1990; August 1, 2000; November 1, 1998; March 1, 1990; August 1, 2000; November 1, 1990; August 1, 2000; November 1	gust 1, 1985.		
30		Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public in	nterest Eff. May 25,		
31		2019;			
32		Amended Eff. January 1, 2021.			
33					
34					



[Authority G.S. 150B-21.1]

OAH	USE	ONLY
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VOLUME:

ISSUE:

1. Rule-Making Agency: North Carolina Criminal Justice Education Training and Standards Commission				
2. Rule citation & name: 12 NCAC 09B .0237 LIDAR INSTRUCTOR TRAINING COURSE				
3. Action: Adoption Amendment Repeal				
4. Was this an Emergency Rule: Yes Effective date:				
5. Provide dates for the following actions as applicable:				
a. Proposed Temporary Rule submitted to OAH: September 7, 2021				
b. Proposed Temporary Rule published on the OAH website: September 14, 2021				
c. Public Hearing date: October 25, 2021				
d. Comment Period: September 15, 2021-October 5, 2021				
e. Notice pursuant to G.S. 150B-21.1(a3)(2): 150B-21.1(a1)				
f. Adoption by agency on: October 28, 2021				
g. Proposed effective date of temporary rule [if other than effective date established by G.S. 150B- 21.1(b) and G.S. 150B-21.3]: November 30, 2021				
h. Rule approved by RRC as a permanent rule [See G.S. 150B-21.3(b2)]:				
6. Reason for Temporary Action. Attach a copy of any cited law, regulation, or document necessary for the review.				
A serious and unforeseen threat to the public health, safety or welfare. The effective date of a recent act of the General Assembly or of the U.S. Congress. Cite: Effective date:				
A recent change in federal or state budgetary policy. Effective date of change:				
A recent federal regulation, Cite:				
Effective date: A recent court order. Cite order: State Medical Facilities Plan.				
Other:				
Explain: The Governor of North Carolina issued Executive Order No. 228, authorizing the extension of time to complete Criminal Justice Training Courses as need to ensure the completion of training to certify trainees, officers, and instructors. Also, to coordinate a response and enact protective measures to help prevent the spread of COVID-19 and other variants. The COVID-19 is a respiratory disease that can result in severe illness or death. Once an outbreak of the COVID-19 begins, it isn't easy to contain. North Carolina Community Colleges and agencies facilitate many of the Criminal Justice Training Courses. To preserve the health and well-being of the staff, students, and community, training courses began to close for 2-3 weeks. Training closures exceeding the requirements set forth in the NCAC 12 09B, 09C, and 09G impact the completion of training, certification of criminal justice officers and instructors' carry out their respective professional duties. In addition, Executive Order No. 228 expired on October 27, 2021. Criminal Justice Officers per code are required to complete specific training to maintain their certification. Failure to comply with the requirements results in delayed or loss of officers' certification to serve their communities and enforce the law. To prepare				

for any further potential unforeseen threat to public health or safety CJETS is pursuing rulemaking.

rule is required? Failure to comply with the requirements results in delayed or loss of officers' certification to serve their communities and enforce the law.			
	·		
8. Rule establishes or increases a fee? (See G.S. 12-3.1) Yes Agency submitted request for consultation on:			
Consultation not required. Cite authority:			
☑ No			
9. Rule-making Coordinator: Charminique D. Williams	10. Signature of Agency Wead?:		
Phone: (919) 779-8206			
E-Mail: cdwilliams@ncdoj.gov	* If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with		
Agency contact, if any:	this form. Typed Name: Chris Blue		
Phone:	Title: Commission Chair		
E-Mail:	E-Mail: CBLUE@townofchapelhill.org		
RULES REVIEW COMMISSION USE ONLY Action taken: Submitted for RRC Review:			
	SOUTH AND		
☐ Date returned to agency:			

1	12 NCAC 09B	.0237 is proposed for amendment under temporary procedures as follows:
2		
3	12 NCAC 09B	.0237 LIDAR INSTRUCTOR TRAINING COURSE
4	(a) The Lidar L	<u>IDAR</u> Instructor Training Course shall be designed to provide the trainee with the skills and knowledge
5	to proficiently	perform the function of a lidar LIDAR instructor. This course shall be for a period not to exceed six
6	consecutive we	eks. The Director of the Criminal Justice Standards Division may allow additional breaks in a specific
7	course delivery	when the Director determines that doing so is necessary based on circumstances related to a lawfully
8	declared State of	of Emergency.
9	(b) The Lidar	<u>LIDAR</u> Instructor Training Course required for <u>lidar</u> <u>LIDAR</u> instructor certification shall include the
10	topic areas and	number of hours as outlined in the $\underline{\text{Lidar}}$ $\underline{\text{LIDAR}}$ Instructor Training Course. To qualify for $\underline{\text{lidar}}$
11	LIDAR instruc	tor certification, an applicant shall meet the requirements as outlined in The Lidar LIDAR Instructor
12	Training Cours	e and meet the requirements of 12 NCAC 09B .0408 and .0409.
13	(c) Each applic	eant for lidar LIDAR instructor training shall:
14	(1)	Present the endorsement of a Commission-recognized school director or agency executive officer
15		or his designee.
16	(2)	Possess full criminal justice General Instructor Certification as required in 12 NCAC 09B .0302.
17	(3)	Possess a current and valid lidar LIDAR operator certification.
18	(d) The "Lidar	- <u>"LIDAR"</u> Instructor Training Course" as published by the North Carolina Justice Academy shall be
19	applied as basic	curriculum for the lidar instructor training course LIDAR Instructor Training Course for lidar LIDAR
20	instructors as ac	lministered by the Commission. Copies of this publication may be inspected at the office of the agency:
21		Criminal Justice Standards Division
22		North Carolina Department of Justice
23		1700 Tryon Park Drive
24		114 West Edenton Street
25		Old Education Building
26		Post Office Drawer 149
27		Raleigh, North Carolina 27602
28		and may be obtained at cost from the Academy at the following address:
29		North Carolina Justice Academy
30		Post Office Box 99
31		Salemburg, North Carolina 28385
32	(e) Commission	on-certified schools that are certified to offer the Lidar LIDAR Instructor Training Course are: The
33	North Carolina	Justice Academy.
34		
35	History Note:	Authority G.S. 17C-6;
36		Eff. May 1, 2004;
37		Amended Eff. November 1, 2007;

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



[Authority G.S. 150B-21.1]

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VOLUME:

1. Rule-Making Agency: North Caronna Criminal Justice Education Training and Standards Commission			
2. Rule citation & name: 12 NCAC 09B .0238 CERTIFICATION TRAINING FOR LIDAR OPERATORS			
3. Action: Adoption Amendment Repeal			
4. Was this an Emergency Rule: Yes Effective date:			
5. Provide dates for the following actions as applicable:			
a. Proposed Temporary Rule submitted to OAH: September 7, 2021			
b. Proposed Temporary Rule published on the OAH website: September 14, 2021			
c. Public Hearing date: October 25, 2021			
d. Comment Period: September 15, 2021-October 5, 2021			
e. Notice pursuant to G.S. 150B-21.1(a3)(2): 150B-21.1(a1)			
f. Adoption by agency on: October 28, 2021			
g. Proposed effective date of temporary rule [if other than effective date established by G.S. 150B- 21.1(b) and G.S. 150B-21.3]: November 30, 2021			
h. Rule approved by RRC as a permanent rule [See G.S. 150B-21.3(b2)]:			
6. Reason for Temporary Action. Attach a copy of any cited law, regulation, or document necessary for the review	w.		
A serious and unforeseen threat to the public health, safety or welfare. The effective date of a recent act of the General Assembly or of the U.S. Congress. Cite: Effective date:			
A recent change in federal or state budgetary policy. Effective date of change:			
A recent federal regulation. Cite:			
Effective date: A recent court order.			
Cite order: State Medical Facilities Plan. Other:			
Explain: The Governor of North Carolina issued Executive Order No. 228, authorizing the extension of time to complete Justice Training Courses as need to ensure the completion of training to certify trainees, officers, and instructors. Also, to coordinate a response and enact protective measures to help prevent the spread of COVID-19 and other variants. The Coarespiratory disease that can result in severe illness or death. Once an outbreak of the COVID-19 begins, it isn't easy to North Carolina Community Colleges and agencies facilitate many of the Criminal Justice Training Courses. To preserve and well-being of the staff, students, and community, training courses began to close for 2-3 weeks. Training closures exrequirements set forth in the NCAC 12 09B, 09C, and 09G impact the completion of training, certification of criminal justificers and instructors' carry out their respective professional duties. In addition, Executive Order No. 228 expired on Coarespiece of training to maintain their certification, Failure with the requirements results in delayed or loss of officers' certification to serve their communities and enforce the law. for any further potential unforeseen threat to public health or safety CJETS is pursuing rulemaking.	DVID-19 is contain. the health ceeding the stice ctober 27, to comply		

	contrary to the public interest and the immediate adoption of the
Failure to comply with the requirements results in delayed of the law.	r loss of officers' certification to serve their communities and enforce
8. Rule establishes or increases a fee? (See G.S. 12-3.1)	
Yes	
Agency submitted request for consultation on: Consultation not required. Cite authority:	
⊠ No	
9. Rule-making Coordinator: Charminique D. Williams	10. Signature of Agency Head*:
Phone: (919) 779-8206	
E-Mail: cdwilliams@ncdoj.gov	* If this function has been delegated (reassigned) pursuant
	to G.S. 143B-10(a), submit a copy of the delegation with this form,
Agency contact, if any:	Typed Name: Chris Blue
Phone:	Title: Commission Chair
E-Mail:	
	E-Mail: CBLUE@townofchapelhill.org
RULES REVIEW COMMISSION USE ONL Action taken:	
Action taken:	Submitted for RRC Review:
	· · · · · · · · · · · · · · · · · · ·
☐ Date returned to agency:	
- · ·	

1	12 NCAC 09B .0238 is proposed for amendment under temporary procedures as follows:
2	12 NCAC 00D 0220 CERTIFICATION TRAINING FOR LIBAR OPERATORS
3	12 NCAC 09B .0238 CERTIFICATION TRAINING FOR LIDAR OPERATORS
4	(a) The <u>Lidar LIDAR</u> Operator Training Course for law enforcement officers shall be designed to provide the trained
5	with the skills and knowledge to proficiently perform the function of a law enforcement lidar <u>LIDAR</u> operator. This
6	course shall be for a period not to exceed four consecutive weeks. The Director of the Criminal Justice Standards
7	Division may allow additional breaks in a specific course delivery when the Director determines that doing so is
8	necessary based on circumstances related to a lawfully declared State of Emergency.
9	(b) Only employed or appointed personnel of a law enforcement agency shall be enrolled in the <u>Lidar-LIDAR</u> Operator
10	Training Course. Such a trainee shall not be certified as a lidar <u>LIDAR</u> operator until the Basic Law Enforcement
11	Training Course has been successfully completed and probationary or general law enforcement certification has been
12	granted. Sheriffs, deputy sheriffs and federal law enforcement personnel, including armed forces personnel, shall be
13	allowed to participate in lidar operator training courses the <u>LIDAR Operator Training Course</u> on a space available
14	basis at the discretion of the school director without having enrolled in or having successfully completed the Basic
15	Law Enforcement Training Course and without being currently certified in a probationary status or holding general
16	law enforcement certification. The Lidar LIDAR Operator Training Course required for lidar LIDAR operator
17	certification shall include the topic areas and number of hours as outlined in the Lidar LIDAR Operator Training
18	Course. To qualify for lidar LIDAR operator certification, an applicant shall meet the requirements as outlined in the
19	Lidar LIDAR Operator Training Course and meet the requirements of 12 NCAC 09B .0408 and .0409.
20	(c) The "Lidar LIDAR Operator Training Course" as published by the North Carolina Justice Academy shall be
21	applied as basic curriculum for the Lidar LIDAR Operator Training Course for lidar LIDAR operators as administered
22	by the Commission. Copies of this publication may be inspected at the office of the agency:
23	Criminal Justice Standards Division
24	North Carolina Department of Justice
25	1700 Tyron Park Drive
26	114 West Edenton Street
27	Old Education Building
28	Post Office Drawer 149
29	Raleigh, North Carolina 27602
30	and may be obtained at cost from the Academy at the following address:
31	North Carolina Justice Academy
32	Post Office Box 99
33	Salemburg, North Carolina 28385
34	
35	History Note: Authority G.S. 17C-6;
36	Eff. May 1, 2004;
37	Amended Eff. November 1, 2007;

58 1 of 2

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



[Authority G.S. 150B-21.1]

OAH	USE	ONLY
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VOLUME:

1. Rule-Making Agency: North Carolina Criminal Justice Education Training and Standards Commission
2. Rule citation & name: 12 NCAC 09B .0242 CERTIFICATION TRAINING FOR RADAR/LIDAR OPERATORS
3. Action: Adoption Amendment Repeal
4. Was this an Emergency Rule: Yes Effective date: No
5. Provide dates for the following actions as applicable:
a. Proposed Temporary Rule submitted to OAH: September 7, 2021
b. Proposed Temporary Rule published on the OAH website: September 14, 2021
c. Public Hearing date: October 25, 2021
d. Comment Period: September 15, 2021-October 5, 2021
e. Notice pursuant to G.S. 150B-21.1(a3)(2): 150B-21.1(a1)
f. Adoption by agency on: October 28, 2021
g. Proposed effective date of temporary rule [if other than effective date established by G.S. 150B- 21.1(b) and G.S. 150B-21.3]: November 30, 2021
h. Rule approved by RRC as a permanent rule [See G.S. 150B-21.3(b2)]:
6. Reason for Temporary Action. Attach a copy of any cited law, regulation, or document necessary for the review.
A serious and unforeseen threat to the public health, safety or welfare. The effective date of a recent act of the General Assembly or of the U.S. Congress. Cite: Effective date:
A recent change in federal or state budgetary policy. Effective date of change:
A recent federal regulation.
Cite: Effective date:
A recent court order. Cite order:
State Medical Facilities Plan. Other:
Explain: The Governor of North Carolina issued Executive Order No. 228, authorizing the extension of time to complete Criminal Justice Training Courses as need to ensure the completion of training to certify trainees, officers, and instructors. Also, to coordinate a response and enact protective measures to help prevent the spread of COVID-19 and other variants. The COVID-19 is a respiratory disease that can result in severe illness or death. Once an outbreak of the COVID-19 begins, it isn't easy to contain. North Carolina Community Colleges and agencies facilitate many of the Criminal Justice Training Courses. To preserve the health and well-being of the staff, students, and community, training courses began to close for 2-3 weeks. Training closures exceeding the requirements set forth in the NCAC 12 09B, 09C, and 09G impact the completion of training, certification of criminal justice officers and instructors' carry out their respective professional duties. In addition, Executive Order No. 228 expired on October 27, 2021. Criminal Justice Officers per code are required to complete specific training to maintain their certification. Failure to comply with the requirements results in delayed or loss of officers' certification to serve their communities and enforce the law. To prepare for any further potential unforeseen threat to public health or safety CJETS is pursuing rulemaking.

rule is required?	contrary to the public interest and the maneurate adoption of the	
Failure to comply with the requirements results in delayed or loss of officers' certification to serve their communities and enforce		
the law.		
8. Rule establishes or increases a fee? (See G.S. 12-3.1)		
Yes Agency submitted request for consultation on:		
Consultation not required. Cite authority:		
⊠ No	-	
9. Rule-making Coordinator: Charminique D. Williams	10. Signature of Agency Head:	
Phone: (919) 779-8206		
E-Mail: cdwilliams@ncdoj.gov	* If this function has been delegated (reassigned) pursuant	
•	to G.S. 143B-10(a), submit a copy of the delegation with this form.	
Agency contact, if any:	Typed Name: Chris Blue	
Phone:	Title: Commission Chair	
1 none.	Title, Commission Chair	
E-Mail:	E-Mail: CBLUE@townofchapelhill.org	
RULES REVIEW COMMISSION USE ONL		
Action taken:	Submitted for RRC Review:	
☐ Date returned to agency:		
	· · ·	

12 NCAC 09B .0242 is proposed for amendment under temporary procedures as follows:

1 2

3 12 NCAC 09B .0242 CERTIFICATION TRAINING FOR RADAR/LIDAR OPERATORS 4 (a) The radar/lidar operator training course RADAR/LIDAR Operator Training Course for law enforcement officers 5 shall be designed to provide the trainee with the skills and knowledge to proficiently perform the function of a radar 6 RADAR and lidar LIDAR operator. This course shall be for a period not to exceed four consecutive weeks. The 7 Director of the Criminal Justice Standards Division may allow additional breaks in a specific course delivery when 8 the Director determines that doing so is necessary based on circumstances related to a lawfully declared State of 9 Emergency. 10 (b) Only employed or appointed personnel of a law enforcement agency may be enrolled in the radar/lidar speed 11 measurement instrument operator training course. RADAR/LIDAR Operator Training Course. Such a trainee shall 12 not be certified as a radar RADAR and lidar LIDAR speed measurement instrument operator until the basic law 13 enforcement training course has been successfully completed and probationary or general law enforcement 14 certification has been granted. Sheriffs, deputy sheriffs, and federal law enforcement personnel, including armed 15 forces personnel, shall be allowed to participate in a radar/lidar speed measurement instrument operator training 16 courses RADAR/LIDAR Operator Training Course on a space available basis at the discretion of the school director 17 without having enrolled in or having successfully completed the basic law enforcement training course and without 18 being currently certified in a probationary status or holding general law enforcement certification. The radar/lidar 19 operator training course RADAR/LIDAR Operator Training Course required for radar-RADAR and lidar LIDAR 20 operator certification shall include the topic areas and number of hours as outlined in the Radar/Lidar Operator 21 Training Course. To qualify for radar-RADAR and lidar LIDAR operator certification, an applicant shall meet the 22 requirements as outlined in the Radar/Lidar RADAR/LIDAR Operator Training Course and meet the requirements of 23 12 NCAC 09B .0408 and .0409. 24 (c) The "Radar/Lidar "RADAR/LIDAR Operator Training Course" as published by the North Carolina Justice Academy shall be applied as basic curriculum for the radar/lidar operator training course RADAR/LIDAR Operator 25 26 <u>Training Course</u> for radar RADAR and lidar <u>LIDAR</u> instrument operators as administered by the Commission. Copies 27 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 114 West Edenton Street

28 29 30 31 32 Old Education Building 33 Post Office Drawer 149 34 Raleigh, North Carolina 27602 35 and may be obtained at cost from the Academy at the following address: 36 North Carolina Justice Academy Post Office Box 99 37

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1		Salemburg, North Carolina 28385
2		
3	History Note:	Authority G.S. 17C-6;
4		Eff. November 1, 2007;
5		Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25
6		2019.
7		
8		



[Authority G.S. 150B-21.1]

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VOLUME:

1. Rule-Making Agency: North Carolina Criminal Justice Education Training and Standards Commission
2. Rule citation & name: 12 NCAC 09B .0244 CERTIFICATION TRAINING FOR RADAR/TIME-DISTANCE LIDAR
OPERATORS
3. Action: Adoption Amendment Repeal
4. Was this an Emergency Rule: Yes Effective date:
5. Provide dates for the following actions as applicable:
a. Proposed Temporary Rule submitted to OAH: September 7, 2021
b. Proposed Temporary Rule published on the OAH website: September 14, 2021
c. Public Hearing date: October 25, 2021
d. Comment Period: September 15, 2021-October 5, 2021
e. Notice pursuant to G.S. 150B-21.1(a3)(2): 150B-21.1(a1)
f. Adoption by agency on: October 28, 2021
g. Proposed effective date of temporary rule [if other than effective date established by G.S. 150B- 21.1(b) and G.S. 150B-21.3]: November 30, 2021
h. Rule approved by RRC as a permanent rule [See G.S. 150B-21.3(b2)]:
6. Reason for Temporary Action. Attach a copy of any cited law, regulation, or document necessary for the review.
A serious and unforeseen threat to the public health, safety or welfare. The effective date of a recent act of the General Assembly or of the U.S. Congress. Cite: Effective date:
A recent change in federal or state budgetary policy.
Effective date of change: A recent federal regulation.
Cite:
Effective date: A recent court order.
Cite order:
☐ State Medical Facilities Plan. ☐ Other:
Explain: The Governor of North Carolina issued Executive Order No. 228, authorizing the extension of time to complete Criminal Justice Training Courses as need to ensure the completion of training to certify trainees, officers, and instructors. Also, to coordinate a response and enact protective measures to help prevent the spread of COVID-19 and other variants. The COVID-19 is a respiratory disease that can result in severe illness or death. Once an outbreak of the COVID-19 begins, it isn't easy to contain. North Carolina Community Colleges and agencies facilitate many of the Criminal Justice Training Courses. To preserve the health and well-being of the staff, students, and community, training courses began to close for 2-3 weeks. Training closures exceeding the requirements set forth in the NCAC 12 09B, 09C, and 09G impact the completion of training, certification of criminal justice officers and instructors' carry out their respective professional duties. In addition, Executive Order No. 228 expired on October 27, 2021. Criminal Justice Officers per code are required to complete specific training to maintain their certification. Failure to comply with the requirements results in delayed or loss of officers' certification to serve their communities and enforce the law. To prepare for any further potential unforeseen threat to public health or safety CJETS is pursuing rulemaking.

	r loss of officers' certification to serve their communities and enforce
8. Rule establishes or increases a fee? (See G.S. 12-3.1) ☐ Yes Agency submitted request for consultation on: Consultation not required. Cite authority: ☑ No	
9. Rule-making Coordinator: Charminique D. Williams Phone: (919) 779-8206 E-Mail: cdwilliams@ncdoj.gov	* If this function has been/delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form.
Agency contact, if any: Phone:	Typed Name: Chris Blue
Phone: E-Mail:	Title: Commission Chair E-Mail: CBLUE@townofchapelhill.org
RULES REVIEW COMMISSION USE ONL Action taken:	Y Submitted for RRC Review:
☐ Date returned to agency:	

12 NCAC 09B	.0244 is proposed fo	r amendment under	temporary procedur	es as follows:

2					
3	12 NCAC 09B .0244	CERTIFICATION	TRAINING	FOR	RADAR/TIME-DISTANCE/LIDAR
4		OPERATORS			
5	(a) The radar/time distant	nce/lidar operator trainin;	g course RADAF	R/Time-D	istance/LIDAR Operator Training Course
6	for law enforcement off	icers shall be designed t	o provide the tra	inee with	the skills and knowledge to proficiently
7	perform the function of a	ı radar, time distance, <u>R</u> /	ADAR, Time-Dis	stance, and	d lidar <u>LIDAR</u> operator. This course shall
8	be for a period not to ex	ceed four consecutive w	eeks. The Direct	or of the	Criminal Justice Standards Division may
9	allow additional breaks i	n a specific course delive	ery when the Dire	ctor deter	mines that doing so is necessary based on
10	circumstances related to	a lawfully declared State	e of Emergency.		
11	(b) Only employed of	r appointed personnel o	of a law enforces	ment age	ncy may be enrolled in the radar/time-
12	distance/lidar speed me	asurement instrument o	perator training	course. R	ADAR/Time-Distance/LIDAR Operator
13	Training Course. Such a	trainee shall not be cer	tified as a radar,	time dist	ance, RADAR, Time-Distance, and lidar
14	LIDAR speed measurem	ent instrument operator u	ıntil the basic law	enforcen	nent training course has been successfully
15	completed and probation	ary or general law enfor	cement certificat	ion has be	een granted. Sheriffs, deputy sheriffs, and
16	federal law enforcement	personnel, including arr	ned forces person	nnel, shal	l be allowed to participate in radar, time-
17	distance, and lidar speed	measurement instrument	operator training	; courses <u>I</u>	RADAR/Time-Distance/LIDAR Operator
18	Course the on a space a	vailable basis at the disc	cretion of the sch	nool direc	tor without having enrolled in or having
19	successfully completed	the basic law enforcer	ment training co	ourse and	without being currently certified in a
20	probationary status or he	olding general law enforce	cement certificati	ion. The r	adar/time distance/lidar operator training
21	course RADAR/Time-D	istance/LIDAR Operator	Training Course	required	for radar, time distance, RADAR, Time-
22	Distance, and lidar LIDA	<u>AR</u> operator certification	shall include the	topic area	as and number of hours as outlined in The
23	Radar/Time Distance/Li	dar RADAR/Time-Dista	nce/LIDAR Ope	rator Trai	ining Course. To qualify for radar, time-
24	distance, RADAR, Time	:-Distance, and lidar LID	OAR operator cer	tification,	an applicant shall meet the requirements
25	as outlined in The Rada	r/Time Distance/Lidar <u>R</u>	ADAR/Time-Dis	stance/LII	<u>OAR</u> Operator Training Course and meet
26	the requirements of 12 N	ICAC 09B .0408 and .04	09.		
27	(c) The "Radar/Time D	istance/Lidar "RADAR/	Time-Distance/L	<u>IDAR</u> Op	perator Training Course" as published by
28	the North Carolina Justi	ce Academy shall be ap	plied as basic cu	rriculum	for the radar/time distance/lidar operator
29	training course RADAR	/Time-Distance/LIDAR	Operator Trainin	g Course	for radar, time distance, RADAR, Time-
30	Distance, and lidar LIDA	<u>AR</u> instrument operators	as administered b	y the Co	mmission. Copies of this publication may
31	be inspected at the office	e of the agency:			
32		Criminal	Justice Standard	ls Divisio	n
33		North Car	rolina Departmen	nt of Justic	ce
34		<u>17</u>	'00 Tryon Park D	<u>rive</u>	
35		11/	1 West Edenton S	Street	
36		Ol	d Education Buil	ding	

Post Office Drawer 149

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



[Authority G.S. 150B-21.1]

OAH	USE	ONLY_
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VOLUME:

1. Rule-Making Agency: North Carolina Criminal Justice Education Training and Standards Commission					
2. Rule citation & name: 12 NCAC 09B .0417 SPECIALZED EXPLOSIVES AND HAZARDOUS MATERIAL INSTRUCTOR TRAINING					
3. Action: Adoption Amendment Repeal					
4. Was this an Emergency Rule: Yes Effective date: No					
5. Provide dates for the following actions as applicable:					
a. Proposed Temporary Rule submitted to OAH: September 7, 2021					
b. Proposed Temporary Rule published on the OAH website: September 14, 2021					
c. Public Hearing date: October 25, 2021					
d. Comment Period: September 15, 2021-October 5, 2021					
e. Notice pursuant to G.S. 150B-21.1(a3)(2): 150B-21.1(a1)					
f. Adoption by agency on: October 28, 2021					
g. Proposed effective date of temporary rule [if other than effective date established by G.S. 150B- 21.1(b) and G.S. 150B-21.3]: November 30, 2021					
h. Rule approved by RRC as a permanent rule [See G.S. 150B-21.3(b2)]:					
6. Reason for Temporary Action. Attach a copy of any cited law, regulation, or document necessary for the review.					
A serious and unforeseen threat to the public health, safety or welfare. The effective date of a recent act of the General Assembly or of the U.S. Congress. Cite: Effective date: A recent change in federal or state budgetary policy.					
Effective date of change: A recent federal regulation.					
Cite: Effective date: A recent court order. Cite order: State Medical Facilities Plan. Other:					
Explain: The Governor of North Carolina issued Executive Order No. 228, authorizing the extension of time to complete Criminal Justice Training Courses as need to ensure the completion of training to certify trainees, officers, and instructors. Also, to coordinate a response and enact protective measures to help prevent the spread of COVID-19 and other variants. The COVID-19 is a respiratory disease that can result in severe illness or death. Once an outbreak of the COVID-19 begins, it isn't easy to contain. North Carolina Community Colleges and agencies facilitate many of the Criminal Justice Training Courses. To preserve the health and well-being of the staff, students, and community, training courses began to close for 2-3 weeks. Training closures exceeding the requirements set forth in the NCAC 12 09B, 09C, and 09G impact the completion of training, certification of criminal justice officers and instructors' carry out their respective professional duties. In addition, Executive Order No. 228 expired on October 27, 2021. Criminal Justice Officers per code are required to complete specific training to maintain their certification. Failure to comply with the requirements results in delayed or loss of officers' certification to serve their communities and enforce the law. To prepare for any further potential unforeseen threat to public health or safety CJETS is pursuing rulemaking.					

7. Why is adherence to notice and hearing requirements contrary to the public interest and the immediate adoption of the rule is required? Failure to comply with the requirements results in delayed or loss of officers' certification to serve their communities and enforce the law.				
	·			
8. Rule establishes or increases a fee? (See G.S. 12-3.1)				
Yes Agency submitted request for consultation on: Consultation not required. Cite authority:				
⊠ No .				
9. Rule-making Coordinator: Charminique D. Williams	10. Signature of Agency Head*/			
Phone: (919) 779-8206	10. Signature of Agency Head?			
E-Mail: cdwilliams@ncdoj.gov	* If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with			
Agency contact, if any:	this form. Typed Name: Chris Blue			
Phone:	Title: Commission Chair			
E-Mail:	E-Mail: CBLUE@townofchapelhill.org			
RULES REVIEW COMMISSION USE ONL Action taken:	Y Submitted for RRC Review:			
Action taken.	Submitted for RRC Review.			
	ganter com care con activities comments on process consistent activities and activities and activities and activities			
Date returned to agency:				

1	12 NCAC 09B .04	417 is p	roposed for amendment under temporary procedures as follows	s:
2				
3	12 NCAC 09B .0	417	SPECIALIZED EXPLOSIVES AND HAZARDOUS MA	TERIALS INSTRUCTOR
4			TRAINING	
5	(a) The instructor	training	course required for Specialized Explosives and Hazardous Mat	erials Instructor Certification
6	shall consist of a	minimuı	m of 59 hours of classroom instruction plus time required to co	mplete Instructor Practicums
7	presented during	a contin	nuous period of not more than two weeks. The Director of the	e Criminal Justice Standards
8	Division may allo	ow addi	tional breaks in a specific course delivery when the Director	determines that doing so is
9	necessary based o	on circur	nstances related to a lawfully declared State of Emergency.	
10	(b) Each Speciali	zed Exp	olosives and Hazardous Materials Instructor Training course sha	all be designed to provide the
11	trainee with the sl	kills and	knowledge to perform the function of a criminal justice explos	ives and hazardous materials
12	instructor in a Ba	sic Law	Enforcement Training Course or a Law Enforcement Officers	' Annual In-Service Training
13	Program.			
14	(c) Each applicar	nt for Sp	ecialized Explosives and Hazardous Materials Instructor Train	ing shall:
15	(1)	have co	empleted either:	
16		(A)	the criminal justice instructor training course; or	
17		(B)	the Fire Service Instructor Methodology Course or the equival	ent utilizing the Instructiona
18			Systems Design model, an international model with application	eation in education, military
19			training, and private enterprise;	
20	(2)	present	a written endorsement by either:	
21		(A)	a certified school director indicating the student will be utiliz	ed to instruct explosives and
22			hazardous materials in Basic Law Enforcement Training Cou	rses; or
23		(B)	a department head, certified school director, or in-service tra	ining coordinator, indicating
24			the student will be utilized to instruct explosives and hazard	ous materials training in the
25			Law Enforcement Officer's Annual In-Service Training Progr	ram; and
26	(3)	present	a completed OSHA Respirator Medical Evaluation Questi	onnaire, accompanied by a
27		stateme	nt from a licensed medical professional stating the applicant i	s physically fit to participate
28		in the c	ourse.	
29	(d) Each Special	lized Ex	splosives and Hazardous Materials Instructor Training course	shall include the following
30	identified topic ar	eas and	minimum instructional hours for each area:	
31	(1)	Orienta	tion	2 Hours
32	(2)	Introdu	ction to Hazardous Materials	1 Hour
33	(3)	Hazardo	ous Materials Identification	2.5 Hours
34	(4)	Awaren	ess Level Actions at Hazardous Materials Incidents	1.5 Hours
35	(5)	Chemic	al Properties and Hazardous Materials Behavior	3 Hours
36	(6)	Inciden	t Management	3 Hours
37	(7)	Strategi	c Goals and Tactical Objectives	3.5 Hours

1	(8)	Terrorist and Other Criminal Activity	5 Hours
2	(9)	Personal Protective Equipment	5 Hours
3	(10)	5 Hours	
4	(11)	Product Control	4 Hours
5	(12)	Air Monitoring and Sampling	1.5 Hours
6	(13)	Victim Rescue and Recovery	4 Hours
7	(14)	Evidence Preservation and Sampling	3 Hours
8	(15)	Illicit Laboratories	2 Hours
9	(16)	Introduction to Explosive Devices	1 Hour
10	(17)	Improvised Explosive Device Anatomy	2 Hours
11	(18)	Packaged Improvised Explosive Devices	1 Hour
12	(19)	Suicide/Homicide Improvised Explosive Devices	1 Hour
13	(20)	Vehicle Borne Improvised Explosive Devices	1 Hour
14	(21)	Radio Controlled Improvised Explosive Devices with Live Demonstration	5 Hours
15	(22)	Improvised Explosive Device Threat Response	1 Hour
16	(23)	Explosives and Hazardous Materials Emergencies and BLET Lesson Plan	
17		Review	1 Hour
18	(24)	Completion of tasks associated with Instructor Practicums. The number of	of required hours to
19		complete this portion of the curriculum shall be based on the number of studen	nts and instructors.
20	(e) The basic	curriculum for delivery of the Specialized Explosives and Hazardous Materials	s Instructor Training
21	course shall be	the Specialized Explosives and Hazardous Materials Instructor Training Manual,	" as published by the
22	North Carolina	Justice Academy. Copies of these publications may be inspected at the agency:	
23		Criminal Justice Standards Division	
24		North Carolina Department of Justice	
25		1700 Tryon Park Drive	
26		Raleigh, North Carolina 27610	
27	ar	nd may be obtained at no cost to the student from the Academy at the following a	ddress:
28		North Carolina Justice Academy	
29		Post Office Box 99	
30		Salemburg, North Carolina 28385	
31	(f) The North	Carolina Justice Academy is certified to offer the Specialized Explosives and	Hazardous Materials
32	Instructor Train	ing course.	
33			
34	History Note:	Authority G.S. 17C-6; 17C-10;	
35		Eff. June 1, 2013;	
36		Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public to	interest Eff. May 25,
37		2019;	

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1 Amended Eff. January 1, 2021.

2

3

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[Authority G.S. 150B-21.1]

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VOLUME:

ISSUE:

1. Rule-Making Agency: North Carolina Criminal Justice Education Training and Standards Commission			
2. Rule citation & name: 12 NCAC 09G .0414 INSTRUCTOR TRAINING			
3. Action: Adoption Amendment Repeal			
4. Was this an Emergency Rule: Yes Effective date:			
5. Provide dates for the following actions as applicable:			
a. Proposed Temporary Rule submitted to OAH: September 7, 2021			
b. Proposed Temporary Rule published on the OAH website: September 14, 2021			
c. Public Hearing date: October 25, 2021			
d. Comment Period: September 15, 2021-October 5, 2021			
e. Notice pursuant to G.S. 150B-21.1(a3)(2): 150B-21.1(a1)			
f. Adoption by agency on: October 28, 2021			
g. Proposed effective date of temporary rule [if other than effective date established by G.S. 150B- 21.1(b) and G.S. 150B-21.3]: November 30, 2021			
h. Rule approved by RRC as a permanent rule [See G.S. 150B-21.3(b2)]:			
6. Reason for Temporary Action. Attach a copy of any cited law, regulation, or document necessary for the review.			
A serious and unforeseen threat to the public health, safety or welfare. The effective date of a recent act of the General Assembly or of the U.S. Congress. Cite: Effective date:			
A recent change in federal or state budgetary policy.			
Effective date of change: A recent federal regulation. Cite:			
Effective date: A recent court order.			
Cite order:			
☐ State Medical Facilities Plan. ☐ Other:			
Explain: The Governor of North Carolina issued Executive Order No. 228, authorizing the extension of time to complete Criminal Justice Training Courses as need to ensure the completion of training to certify trainees, officers, and instructors. Also, to			

for any further potential unforeseen threat to public health or safety CJETS is pursuing rulemaking.

coordinate a response and enact protective measures to help prevent the spread of COVID-19 and other variants. The COVID-19 is a respiratory disease that can result in severe illness or death. Once an outbreak of the COVID-19 begins, it isn't easy to contain. North Carolina Community Colleges and agencies facilitate many of the Criminal Justice Training Courses. To preserve the health and well-being of the staff, students, and community, training courses began to close for 2-3 weeks. Training closures exceeding the requirements set forth in the NCAC 12 09B, 09C, and 09G impact the completion of training, certification of criminal justice officers and instructors' carry out their respective professional duties. In addition, Executive Order No. 228 expired on October 27, 2021. Criminal Justice Officers per code are required to complete specific training to maintain their certification. Failure to comply with the requirements results in delayed or loss of officers' certification to serve their communities and enforce the law. To prepare

rule is required?	ss of officers' certification to serve their communities and enforce
8. Rule establishes or increases a fee? (See G.S. 12-3.1)	
Yes Agency submitted request for consultation on: Consultation not required. Cite authority:	
⊠ No	
9. Rule-making Coordinator: Charminique D. Williams	10. Signature of Agency Head*
Phone: (919) 779-8206	
E-Mail: cdwilliams@ncdoj.gov	* If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with
Agency contact, if any:	this form. Typed Name: Chris Blue
Phone:	Title: Commission Chair
E-Mail:	E-Mail: CBLUE@townofchapelhill.org
RULES REVIEW COMMISSION USE ONLY	
Action taken: Su	abmitted for RRC Review:
Date returned to agency:	

1	12 NCAC 09G	.0414 is proposed for amendment under temporary procedures as follows:	
2			
3	12 NCAC 09G	.0414 INSTRUCTOR TRAINING	
4	(a) The Instruc	tor Training course required for General Instructor certification shall consist of at least the minimum	
5	number of hours of instruction as defined in 12 NCAC 09B .0209 to be completed within 15 business days. The		
6	Director of the	Criminal Justice Standards Division may allow additional breaks in a specific course delivery when	
7	the Director de	termines that doing so is necessary based on circumstances related to a lawfully declared State of	
8	Emergency.		
9	(b) Each Instru	actor Training course shall be designed to provide the trainee with the skills and knowledge to perform	
10	the functions of	a criminal justice instructor.	
11	(c) The "Instr	uctor Training Manual" published by the North Carolina Justice Academy shall be applied as the	
12	curriculum for	instructor training courses. Copies of this publication may be inspected at the agency:	
13		Criminal Justice Standards Division	
14		North Carolina Department of Justice	
15		1700 Tryon Park Drive	
16		Post Office Drawer 149	
17		Raleigh, North Carolina 27602	
18	and may be pur	chased at the cost of printing and postage from the North Carolina Justice Academy at the following	
19	address:		
20		North Carolina Justice Academy	
21		Post Office Drawer 99	
22		Salemburg, North Carolina 28385	
23			
24	History Note:	Authority G.S. 17C-6;	
25		Temporary Adoption Eff. January 1, 2001;	
26		Eff. August 1, 2002;	
27		Amended Eff. July 1, 2018; April 1, 2018; January 1, 2018; January 1, 2015;	
28		Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25,	
29		2019;	
30		Amended Eff. July 1, 2021; January 1, 2021.	
31			
32			

1 of 1 75



[Authority G.S. 150B-21.1]

OAH	USE	ONLY
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VOLUME;

1. Rule-Making Agency: North Carolina Criminal Justice Education Training and Standards Commission			
2. Rule citation & name: 12 NCAC 09G .0415 CORRECTIONS SPECIALIZED INSTRUCTOR TRAINING-FIREARM	1 S		
3. Action: Adoption Amendment Repeal			
4. Was this an Emergency Rule: Yes Effective date:			
5. Provide dates for the following actions as applicable:			
a. Proposed Temporary Rule submitted to OAH: September 7, 2021			
b. Proposed Temporary Rule published on the OAH website: September 14, 2021			
c. Public Hearing date: October 25, 2021			
d. Comment Period: September 15, 2021-October 5, 2021			
e. Notice pursuant to G.S. 150B-21.1(a3)(2): 150B-21.1(a1)			
f. Adoption by agency on: October 28, 2021	İ		
g. Proposed effective date of temporary rule [if other than effective date established by G.S. 150B- 21.1(b) and G.S. 150B-21.3]: November 30, 2021	ļ		
h. Rule approved by RRC as a permanent rule [See G.S. 150B-21.3(b2)]:			
6. Reason for Temporary Action. Attach a copy of any cited law, regulation, or document necessary for the review.			
A serious and unforeseen threat to the public health, safety or welfare. The effective date of a recent act of the General Assembly or of the U.S. Congress. Cite: Effective date: A recent change in federal or state budgetary policy. Effective date of change: A recent federal regulation. Cite:			
Effective date: A recent court order.			
Cite order: State Medical Facilities Plan. Other:			
Explain: The Governor of North Carolina issued Executive Order No. 228, authorizing the extension of time to complete Crimin-Justice Training Courses as need to ensure the completion of training to certify trainees, officers, and instructors. Also, to coordinate a response and enact protective measures to help prevent the spread of COVID-19 and other variants. The COVID-19 a respiratory disease that can result in severe illness or death. Once an outbreak of the COVID-19 begins, it isn't easy to contain. North Carolina Community Colleges and agencies facilitate many of the Criminal Justice Training Courses. To preserve the healt and well-being of the staff, students, and community, training courses began to close for 2-3 weeks. Training closures exceeding requirements set forth in the NCAC 12 09B, 09C, and 09G impact the completion of training, certification of criminal justice officers and instructors' carry out their respective professional duties. In addition, Executive Order No. 228 expired on October 2' 2021. Criminal Justice Officers per code are required to complete specific training to maintain their certification. Failure to comp with the requirements results in delayed or loss of officers' certification to serve their communities and enforce the law. To prepar for any further potential unforeseen threat to public health or safety CJETS is pursuing rulemaking.	is the the ly		

rule is required?	r loss of officers' certification to serve their communities and enforce
8. Rule establishes or increases a fee? (See G.S. 12-3.1)	
☐ Yes Agency submitted request for consultation on: Consultation not required. Cite authority:	
⊠ No	
9. Rule-making Coordinator: Charminique D. Williams	10. Signature of Agency Head*:
Phone: (919) 779-8206	
E-Mail: cdwilliams@ncdoj.gov	* If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form.
Agency contact, if any:	Typed Name: Chris Blue
Phone:	Title: Commission Chair
E-Mail:	E-Mail: CBLUE@townofchapelhill.org
RULES REVIEW COMMISSION USE ONL Action taken:	Y Submitted for RRC Review:
☐ Date returned to agency:	

2 3 12 NCAC 09G .0415 CORRECTIONS SPECIALIZED INSTRUCTOR TRAINING - FIREARMS 4 (a) The instructor training course requirement for Corrections Specialized Instructor Training – Firearms certification 5 shall consist of at least 80 hours of instruction presented during a period of not more than two consecutive weeks. The 6 Director of the Criminal Justice Standards Division may allow additional breaks in a specific course delivery when 7 the Director determines that doing so is necessary based on circumstances related to a lawfully declared State of 8 Emergency. 9 (b) Each Corrections Specialized Instructor Training – Firearms course shall be designed to provide the trainee with 10 the skills and knowledge to perform the function of a corrections firearms instructor in the "Basic Training -11 Correctional Officer" course, "Basic Training - Probation/Parole Officer" course, and in-service training courses for 12 correctional officers and probation/parole officers. 13 (c) Each Corrections Specialized Firearms Instructor Training course shall include the following topical areas: 14 (1) Course Overview; 15 (2) Legal Considerations for Firearm Instructors; 16 (3) Department of Public Safety, Division of Adult Correction Firearms Training Courses; Firearms Safety; 17 (4) 18 Range Operations; (5) 19 Medical Emergencies on the Range; (6)20 **(7)** Handgun – Operation, Use and Maintenance: 21 Handgun Training - Classroom and Range; (A) 22 (B) Handgun Low/Limited Light Fire; and 23 (C) Handgun Care and Maintenance; 24 (8) Advanced Handgun Training - Classroom and Range; 25 (9)Shotgun Operation, Use and Maintenance: 26 (A) Shotgun Training – Classroom and Range; 27 (B) Shotgun Low/Limited Light Fire - Range; and 28 (C) Shotgun Care and Maintenance; 29 (10)Special Techniques, Training Aids, and Methods: 30 (11)Situational Use of Firearms: 31 (A) The Shooting Decision; 32 (B) Situational Use of Firearms; 33 (C) Situational Exercises – Day; and 34 Situational Exercises - Low/Limited Light; and (D) 35 (12)Administrative Matters, Testing, and Evaluation.

12 NCAC 09G .0415 is proposed for amendment under temporary procedures as follows:

1

(d) The Con	mmission certified school that is certified to offer the "Corrections Specialized Instructor
Training - Fire	arms" course is the Office of Staff Development and Training of the North Carolina Department of
Public Safety.	
History Note:	Authority G.S. 17C-6;
	Temporary Adoption Eff. January 1, 2001;
	Eff. August 1, 2002;
	Amended Eff. May 1, 2014; April 1, 2008; February 1, 2006; August 1, 2004;
	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25
	2019.
	Training - Fired Public Safety.



[Authority G.S. 150B-21.1]

OAH	USE	ONLY
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VOLUME:

1. Rule-Making Agency: North Carolina Criminal Justice Education Training and Standards Commission
2. Rule citation & name: 12 NCAC 09G .0416 CORRECTIONS SPECIALIZED INSTRUCTOR TRAINING-CONTROL, RESTRAINTS, AND DEFENSIVE TECHNIQUES
3. Action: Adoption Amendment Repeal
4. Was this an Emergency Rule: ☐ Yes Effective date: ☐ No
5. Provide dates for the following actions as applicable:
a. Proposed Temporary Rule submitted to OAH: September 7, 2021
b. Proposed Temporary Rule published on the OAH website: September 14, 2021
c. Public Hearing date: October 25, 2021
d. Comment Period: September 15, 2021-October 5, 2021
e. Notice pursuant to G.S. 150B-21.1(a3)(2): 150B-21.1(a1)
f. Adoption by agency on: October 28, 2021
g. Proposed effective date of temporary rule [if other than effective date established by G.S. 150B- 21.1(b) and G.S. 150B-21.3]: November 30, 2021
h. Rule approved by RRC as a permanent rule [See G.S. 150B-21.3(b2)]:
6. Reason for Temporary Action. Attach a copy of any cited law, regulation, or document necessary for the review.
A serious and unforeseen threat to the public health, safety or welfare. The effective date of a recent act of the General Assembly or of the U.S. Congress. Cite: Effective date:
A recent change in federal or state budgetary policy.
Effective date of change: A recent federal regulation. Cite:
Effective date: A recent court order.
Cite order: State Medical Facilities Plan. Other:
Explain: The Governor of North Carolina issued Executive Order No. 228, authorizing the extension of time to complete Criminal Justice Training Courses as need to ensure the completion of training to certify trainees, officers, and instructors. Also, to coordinate a response and enact protective measures to help prevent the spread of COVID-19 and other variants. The COVID-19 is a respiratory disease that can result in severe illness or death. Once an outbreak of the COVID-19 begins, it isn't easy to contain. North Carolina Community Colleges and agencies facilitate many of the Criminal Justice Training Courses. To preserve the health and well-being of the staff, students, and community, training courses began to close for 2-3 weeks. Training closures exceeding the requirements set forth in the NCAC 12 09B, 09C, and 09G impact the completion of training, certification of criminal justice officers and instructors' carry out their respective professional duties. In addition, Executive Order No. 228 expired on October 27, 2021. Criminal Justice Officers per code are required to complete specific training to maintain their certification. Failure to comply with the requirements results in delayed or loss of officers' certification to serve their communities and enforce the law. To prepare for any further potential unforeseen threat to public health or safety CJETS is pursuing rulemaking.

rule is required?	or loss of officers' certification to serve their communities and enforce
8. Rule establishes or increases a fee? (See G.S. 12-3.1) Yes Agency submitted request for consultation on:	
Consultation not required. Cite authority:	
9. Rule-making Coordinator: Charminique D. Williams Phone: (919) 779-8206 E-Mail: cdwilliams@ncdoj.gov	* If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form.
Agency contact, if any:	Typed Name: Chris Blue
Phone: E-Mail:	- Title: Commission Chair-
RULES REVIEW COMMISSION USE ONL Action taken:	E-Mail: CBLUE@townofchapelhill.org X Submitted for RRC Review:
Date returned to agency:	

1	12 NCAC 09G.	.0416 is proposed for amendment under temporary procedures as follows:
2		
3	12 NCAC 09G	.0416 CORRECTIONS SPECIALIZED INSTRUCTOR TRAINING - CONTROLS,
4		RESTRAINTS, AND DEFENSIVE TECHNIQUES
5	(a) The instructo	or training course requirement for corrections specialized controls, restraints, and defensive techniques
6	(CRDT) instruct	tor certification shall consist of at least 80 hours of instruction presented during a period of not more
7	than two consec	eutive weeks. The Director of the Criminal Justice Standards Division may allow additional breaks in
8	a specific course	e delivery when the Director determines that doing so is necessary based on circumstances related to
9	a lawfully decla	red State of Emergency.
10	(b) Each corre	ctions specialized controls, restraints, and defensive techniques instructor training course shall be
11	designed to pro	wide the trainee with the skills and knowledge to perform the function of a corrections controls,
12	restraints, and	defensive techniques instructor in the "Basic Training - Correctional Officer" course, "Basic
13	Training - Pro	obation/Parole Officer" course, and in-service training courses for correctional officers and
14	probation/parole	e officers.
15	(c) Each correct	tions specialized controls, restraints, and defensive techniques instructor training course shall include
16	the following to	pical areas:
17	(1)	Introduction to Controls, Restraints, and Defensive Techniques;
18	(2)	Physical Fitness/Warm-up and Stretching;
19	(3)	Response to Injury;
20	(4)	Basic Controls and Techniques;
21	(5)	Advanced Controls and Techniques;
22	(6)	Restraint Applications; and
23	(7)	CRDT Program Student Evaluations and Testing.
24	(d) The Cor	nmission-certified school that is certified to offer the "Corrections Specialized Instructor
25	Training/Contro	ols, Restraints, and Defensive Techniques" course is the Office of Staff Development and Training of
26	the North Caroli	ina Department of Public Safety.
27		
28	History Note:	Authority G.S. 17C-6;
29		Temporary Adoption Eff. January 1, 2001;
30		Eff. August 1, 2002;
31		Amended Eff. May 1, 2014; November 1, 2005; August 1, 2004;
32		Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25,
33		2019.
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35		

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