

REQUEST FOR TECHNICAL CHANGE

AGENCY: Criminal Justice Education and Training Standards Commission

RULE CITATION: 12 NCAC 09B .0235

DEADLINE FOR RECEIPT: **Friday, April 11, 2014**

NOTE WELL: 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:

With the removal of the specific hour requirement for the individual components of the training in Paragraph (b), how will your regulated public know how to divvy up the 160 hours?

Is the "Juvenile Court Counselor Basic Training Manual" referenced in Paragraph (c) available online. If so, please list the web address. Also, how would someone get a copy of this? Is making a written request sufficient? You may want to consider revising this Rule to read "Copies of this publication may be obtained or inspected at the office..." in accordance with 150B-21.6.

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

Of course, this will also require conforming changes to the attached copies of the rule. Please check to see that this paperwork is in order and is returned along with the revised rule.

1 12 NCAC 09B .0235 is amended as published in volume 28, issue 6, pages 529-530 as follows:

2 **12 NCAC 09B .0235 BASIC TRAINING – JUVENILE COURT COUNSELORS AND CHIEF COURT**
 3 **COUNSELORS**

4 (a) The basic training course for juvenile court counselors and chief court counselors shall consist of a minimum of
 5 ~~144~~ 160 hours of instruction designed to provide the trainee with the skills and knowledge to perform those tasks
 6 essential to function as a Juvenile Court Counselor and a Chief Court Counselor.

7 (b) Each basic training course for Juvenile Court Counselors shall include training in the following ~~identified~~
 8 ~~topical-areas:~~

- 9 ~~(1) Orientation to Basic Training 8 Hours~~
- 10 ~~(2) Juvenile Law 8 Hours~~
- 11 ~~(3) Roles and Responsibilities of Juvenile Court Counselors 6 Hours~~
- 12 ~~(4) Special Program Procedures 2 Hours~~
- 13 ~~(5) Report Writing, Documentation and Correspondence 8 Hours~~
- 14 ~~(6) Interpersonal Communication Skills 8 Hours~~
- 15 ~~(7) Interviewing 8 Hours~~
- 16 ~~(8) Basic Individual Counseling Skills 16 Hours~~
- 17 ~~(9) Working with Families of Delinquents 4 Hours~~
- 18 ~~(10) Risk and Needs Assessment 4 Hours~~
- 19 ~~(11) Intake 8 Hours~~
- 20 ~~(12) Safety Issues 4 Hours~~
- 21 ~~(13) First Aid/CPR and Blood Borne Pathogens 8 Hours~~
- 22 ~~(14) Restraint, Control and Defense Techniques 28 Hours~~
- 23 ~~(15) Defensive Driving 8 Hours~~
- 24 ~~(16) Secure Transportation 8 Hours~~
- 25 ~~(17) Review and Examinations 8 Hours~~

- 26 (1) Juvenile Justice Common Core:
- 27 (A) Juvenile Justice Overview;
- 28 (B) Counseling and Communication Skills;
- 29 (C) Characteristics of Delinquents;
- 30 (D) Unlawful Workplace Harassment;
- 31 (E) Professional Ethics;
- 32 (F) Staff and Juvenile Relationships;
- 33 (G) Gang Awareness;
- 34 (H) Situational Awareness and Risk Assessment;
- 35 (I) Restraints, Controls and Defensive Techniques;
- 36 (J) Secure Transportation;
- 37 (K) Mental Health; and
- 38 (L) Basic Life Support: CPR and First Aid; and

- 1 (2) Juvenile Court Counselor Specific:
- 2 (A) Roles and Responsibilities;
- 3 (B) Juvenile Law;
- 4 (C) Intake;
- 5 (D) Risk and Needs Assessment;
- 6 (E) Report Writing and Documentation;
- 7 (F) Interviewing; and
- 8 (G) Driver Safety.

9 (c) The “Juvenile Court Counselor Basic Training Manual” as published by the North Carolina Department of
 10 Public Safety shall be applied as the basic curriculum for delivery of Juvenile Court Counselor basic training
 11 courses. Copies of this publication may be inspected at the office of the agency:

12 The Office of Staff Development and Training
 13 North Carolina Department of Public Safety
 14 2211 Schieffelin Road
 15 Apex, North Carolina 27502

16 ~~(d)~~ (d) Upon successful completion of a Commission-certified training course for Juvenile Court Counselors and
 17 Chief Court Counselors, the Director of the school conducting such course shall notify the Commission of the
 18 satisfactory achievement of trainees by submitting a Report of Training Course Completion for each successful
 19 trainee.

20 (e) Employees of the Division of Juvenile Justice who have successfully completed the minimum 160 hour training
 21 program accredited by the Commission pursuant to Rule .0236 of this Section after January 1, 2013 who transfer
 22 from a Juvenile Justice Officer position to a Juvenile Court Counselor position shall be required to successfully
 23 complete only the portions of the course identified as specific to the duties and responsibilities of a Juvenile Court
 24 Counselor under Subparagraph (b)(2) of this Rule.

25 *History Note: Authority G.S. 17C-2; 17C-6; 17C-10;*
 26 *Temporary Adoption Eff. April 15, 2003;*
 27 *Eff. May 1, 2014; April 1, 2004.*
 28

REQUEST FOR TECHNICAL CHANGE

AGENCY: Criminal Justice Education and Training Standards Commission

RULE CITATION: 12 NCAC 09B .0236

DEADLINE FOR RECEIPT: **Friday, April 11, 2014**

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

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

With the removal of the specific hour requirement for the individual components of the training in Paragraph (b), how will your regulated public know how to divvy up the 160 hours?

Is the "Juvenile Court Officer Basic Training Manual" referenced in Paragraph (c) available online. If so, please list the web address. Also, how would someone get a copy of this? Is making a written request sufficient? You may want to consider revising this Rule to read "Copies of this publication may be obtained or inspected at the office..." in accordance with 150B-21.6.

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

Of course, this will also require conforming changes to the attached copies of the rule. Please check to see that this paperwork is in order and is returned along with the revised rule.

1 12 NCAC 09B .0236 is amended as published in volume 28, issue 6, pages 530-531 as follows:

2 **12 NCAC 09B .0236 BASIC TRAINING - JUVENILE JUSTICE OFFICERS**

3 (a) The basic training course for Juvenile Justice Officers shall consist of a minimum of 160 hours of instruction
 4 designed to provide the trainee with the skills and knowledge to perform those tasks essential to function as a
 5 juvenile justice officer.

6 (b) Each basic training course for Juvenile Justice Officers shall include training in the following identified topical
 7 areas:

- | | | |
|----|---|---------------------|
| 8 | (1) Facility Specific Safety, Security and Supervision | 24 Hours |
| 9 | (2) Orientation, Roles and Responsibilities of the JJO | 8 Hours |
| 10 | (3) Interpersonal Communication Skills | 12 Hours |
| 11 | (4) Basic Group Leadership Skills | 8 Hours |
| 12 | (5) Adolescent Development | 4 Hours |
| 13 | (6) Characteristics of Delinquents | 4 Hours |
| 14 | (7) Gang Awareness | 2 Hours |
| 15 | (8) Basic Individual Counseling Skills | 16 Hours |
| 16 | (9) Effective Behavior Management of Juveniles | 12 Hours |
| 17 | (10) Crisis Intervention Techniques | 8 Hours |
| 18 | (11) Working with Families of Delinquent Juveniles | 4 Hours |
| 19 | (12) Treatment Program Operation | 6 Hours |
| 20 | (13) Maintaining Documentation of Activities and Behaviors | 8 Hours |
| 21 | (14) First Aid/CPR and Blood Borne Pathogens | 8 Hours |
| 22 | (15) Restraint, Control and Defense Techniques | 28 Hours |
| 23 | (16) Review and Examinations | 8 Hours |
| 24 | (1) <u>Juvenile Justice Common Core:</u> | |
| 25 | (A) <u>Juvenile Justice Overview;</u> | |
| 26 | (B) <u>Counseling and Communication Skills;</u> | |
| 27 | (C) <u>Characteristics of Delinquents;</u> | |
| 28 | (D) <u>Unlawful Workplace Harassment;</u> | |
| 29 | (E) <u>Professional Ethics;</u> | |
| 30 | (F) <u>Staff and Juvenile Relationships;</u> | |
| 31 | (G) <u>Gang Awareness;</u> | |
| 32 | (H) <u>Situational Awareness and Risk Assessment;</u> | |
| 33 | (I) <u>Restraints, Controls and Defensive Techniques;</u> | |
| 34 | (J) <u>Secure Transportation;</u> | |
| 35 | (K) <u>Mental Health; and</u> | |
| 36 | (L) <u>Basic Life Support: CPR and First Aid; and</u> | |
| 37 | (2) <u>Juvenile Justice Officer Specific:</u> | |
| 38 | (A) <u>Treatment Program Operation;</u> | |

- 1 (B) Maintaining Documentation of Activities and Behaviors;
- 2 (C) Basic Group Leadership Skills;
- 3 (D) Crisis Intervention Techniques;
- 4 (E) Effective Behavior Management;
- 5 (F) Health Services Overview; and
- 6 (G) Trauma and Delinquents.

7 (c) The “Juvenile Justice Officer Basic Training Manual” as published by the North Carolina Department of Public
8 Safety shall be applied as the basic curriculum for delivery of Juvenile Justice Officer basic training courses. Copies
9 of this publication may be inspected at the office of the agency:

10 The Office of Staff Development and Training
11 North Carolina Department of Public Safety
12 2211 Schieffelin Road
13 Apex, North Carolina 27502

14 ~~(e)~~ (d) Upon successful completion of a Commission-certified training course for Juvenile Justice Officers the
15 Director of the school conducting such course shall notify the Commission of the satisfactory achievement of
16 trainees by submitting a Report of Training Course Completion for each successful trainee.

17 (e) Employees of the Division of Juvenile Justice who have successfully completed the minimum 160 hour training
18 program accredited by the Commission under Rule .0235 of this Section after January 1, 2013 who transfer from a
19 Juvenile Court Counselor position to a Juvenile Justice Officer position shall be required to successfully complete
20 only the portions of the course identified as specific to the duties and responsibilities of a Juvenile Justice Officer
21 pursuant to Subparagraph (b)(2) of this Rule.

22

23

24 *History Note: Authority G.S. 17C-2; 17C-6; 17C-10;*
25 *Temporary Adoption Eff. April 15, 2003;*
26 *Eff. May 1, 2014; April 1, 2004.*

27

REQUEST FOR TECHNICAL CHANGE

AGENCY: Criminal Justice Education and Training Standards Commission

RULE CITATION: 12 NCAC 09B .0241

DEADLINE FOR RECEIPT: **Friday, April 11, 2014**

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

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

On the Submission for Permanent Rule Form, please correct the Rule name to the new name of "Juvenile Justice Specialized Instructor Training – Restraints, Controls and Defensive Techniques."

In Paragraph (a), line 6, is the word "specialized" also supposed to be deleted? If so, please strikethrough. If not, then is it supposed to be capitalized?

With the removal of the specific hour requirement for the individual components of the training in Paragraph (b), how will your regulated public know how to divvy up the 70 hours in Paragraph (a)?

In (c), line 15, is it supposed to read "Juvenile Justice Specialized Instructor..."? That appears to be the full term elsewhere in the Rule. Also, I am a bit confused by the language of Paragraph (c). What exactly is the applicant applying for? Is the applicant required to meet the qualifications set forth in (c)(1) and (c)(2) in order to take the course? You may want to consider revising this Paragraph to make it more clear.

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

Of course, this will also require conforming changes to the attached copies of the rule. Please check to see that this paperwork is in order and is returned along with the revised rule.

1 12 NCAC 09B .0241 is amended as published in volume 28, issue 4, page 326 as follows:

2 **12 NCAC 09B .0241** ~~DJJD~~ **JUVENILE JUSTICE SPECIALIZED INSTRUCTOR TRAINING –**
 3 **RESTRAINT, CONTROL AND DEFENSE TECHNIQUES RESTRAINTS,**
 4 **CONTROLS AND DEFENSIVE TECHNIQUES**

5 (a) The instructor training course requirement for the Department of ~~Juvenile Justice and Delinquency Prevention~~
 6 ~~(DJJD)~~ Public Safety, Division of Juvenile Justice specialized ~~Restraint, Control and Defense~~ Restraints, Controls and
 7 Defensive Techniques Instructor certification shall consist of at least 70 hours of instruction presented during a
 8 continuous period of not more than two weeks.

9 (b) Each ~~DJJD~~ Juvenile Justice specialized ~~Restraint, Control and Defense Techniques Instructor training~~ Specialized
 10 Instructor Training – Restraints, Controls and Defensive Techniques course shall be designed to provide the trainee with
 11 the skills and knowledge to perform the function of a ~~criminal justice~~ Restraint, Control and Defense ~~the Juvenile Justice~~
 12 Restraints, Controls and Defensive Techniques Instructor in the "Basic Training for Juvenile Justice Officers" course and
 13 the "Basic Training for Juvenile and Chief Court Counselors" courses, as well as in-service training courses for juvenile
 14 justice officers and juvenile and chief court counselors.

15 (c) Each applicant for ~~specialized Restraint, Control and Defense Techniques Instructor training~~ Specialized Instructor
 16 Training – Restraints, Controls and Defensive Techniques shall:

- 17 (1) Have completed the criminal justice general instructor training course; and
- 18 (2) Possess a valid CPR certification that includes cognitive and skills testing.

19 (d) Each ~~DJJD~~ specialized Restraint, Control and Defense Techniques Instructor training Juvenile Justice Specialized
 20 Instructor Training – Restraints, Controls and Defensive Techniques course shall include the following identified topical
 21 ~~areas and minimum instructional hours for each area:~~ areas:

- 22 (1) Orientation 1 Hour
- 23 (2) Skills Pre Test 1 Hour
- 24 (3) Physical Assessment 4 Hours
- 25 (4) Safety Guidelines 2 Hours
- 26 (5) Physical Fitness and Conducting Safe Warm Up Exercises 12 Hours
- 27 (6) Fundamentals of Professional Liability for Criminal Justice Instructors 4 Hours
- 28 (7) Restraint, Control and Defense Techniques Instructor Guidelines 2 Hours
- 29 (8) Restraint, Control and Defense Techniques Practical Skills and Instructional Methods 28 Hours
- 30 (9) Practical Skills Enhancement 4 Hours
- 31 (10) RCDT Instructional Practicum 4 Hours
- 32 (11) Practical Skills Evaluation 4 Hours
- 33 (12) Comprehensive Examination/Course Closing 2 Hours

- 34 (1) Orientation;
- 35 (2) Introduction to Restraints, Controls and Defensive techniques;
- 36 (3) Physical Fitness/Warm-Up and Stretching Exercises;
- 37 (4) Response to Injury;

1 (5) Restraints, Controls and Defensive Techniques Basic Techniques;

2 (6) Restraint Applications; and

3 (7) RCDT Program Student Evaluation and Testing

4 (e) ~~The Commission-certified schools~~ school that ~~are~~ is certified to offer the ~~DJJD "Specialized Restraint, Control and~~
5 ~~Defense Techniques Instructor" Juvenile Justice Specialized Instructor Training – Restraints, Controls and Defensive~~
6 ~~Techniques~~ course ~~are~~. The is the Office of Staff Development and Training Unit of the North Carolina Department of
7 ~~Juvenile Justice and Delinquency Prevention. Public Safety.~~

8

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

10 *Eff. December 1, ~~2004~~ 2004;*

11 *Amended Eff. May 1, 2014*

REQUEST FOR TECHNICAL CHANGE

AGENCY: Criminal Justice Education and Training Standards Commission

RULE CITATION: 12 NCAC 09B .0305

DEADLINE FOR RECEIPT: **Friday, April 11, 2014**

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

In Paragraph (a), line 4, please state "except as set out in Paragraph (d) of this Rule."

In Sub-Paragraph (b)(1), why is Specialized Instructor Certification on line 8 capitalized, but general probationary instructor certification on line 10 is not? It seems as though since they are both certifications, they should both be capitalized. This inconsistency occurs several times throughout the Rule. .

In Sub-Paragraph (b)(2), line 15, should general certification be capitalized? Please note that it is capitalized in 12 NCAC 09G .0311.

In Sub-Paragraph (c)(1), lines 32 and 33, should "in-service training coordinator" be capitalized? Please note that it is capitalized in Sub-Paragraph (c)(2), line 1. Please make consistent.

In Sub-Paragraph (c)(1), please add a dash in between "three" and "year" on in order to be consistent with "three-year" in Paragraph (c), line 27. The same issue is present in (c)(2), (c)(3)(A), and (e). Please make consistent.

In Sub-Paragraph (3), line 16, "Specialized Instructor" is capitalized; however, it is not in Sub-Paragraph (d), line 18 and line 22 or Sub-Paragraph (e), line 26. Please make consistent.

It appears that the language on Page 2, lines 15-16, applies to the entire Paragraph. As such, it should be brought to the left margin.

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

Of course, this will also require conforming changes to the attached copies of the rule. Please check to see that this paperwork is in order and is returned along with the revised rule.

1 12 NCAC 09B .0305 is amended as published in volume 28, issue 2, pages 50-52 as follows:

2 **12 NCAC 09B .0305 TERMS AND CONDITIONS OF SPECIALIZED INSTRUCTOR CERTIFICATION**

3 (a) An applicant meeting the requirements for Specialized Instructor Certification shall be issued a certification to run
4 concurrently with the existing General Instructor Certification, except as set out in (d). The applicant must apply for
5 certification as a specialized instructor within 60 days from the date of completion of a specialized instructor course.

6 (b) The requirements for certification as a specialized instructor are determined by the expiration date of the existing
7 General Instructor Certification. The following requirements apply during the initial period of certification:

8 (1) where certification for both general probationary instructor and Specialized Instructor Certification are
9 issued on the same date, the instructor is required to satisfy the teaching requirement for only the
10 general probationary instructor certification. The instructor may satisfy the teaching requirement for
11 the general probationary instructor certification by teaching any specialized topic for which
12 certification has been issued;

13 (2) when Specialized Instructor Certification is issued during an existing period of General Instructor
14 Certification, either probationary status or full general status, the specialized instructor may satisfy the
15 teaching requirement for the general certification by teaching the specialized subject for which
16 certification has been issued;

17 (3) where Specialized Instructor Certification becomes concurrent with an existing ~~36 month~~ active period
18 of General Instructor Certification, and there are 12 months or more until the certifications' expiration
19 date, the instructor must teach 12 hours for each specialized topic for which certification has been
20 issued; and

21 (4) where Specialized Instructor Certification becomes concurrent with an existing active period of
22 General Instructor Certification, and there are less than 12 months until the certification expiration
23 date, the instructor is not required to teach any hours for the specialized subject.

24 (c) The term of certification as a specialized instructor shall not exceed the 36 month period of full General Instructor
25 Certification. The application for renewal shall contain, in addition to the requirements listed in Rule .0304 of this
26 Section, documentary evidence that the applicant has remained active in the instructional process during the previous
27 three-year period. Such documentary evidence shall include the following:

28 (1) proof that the applicant has, within the three year period preceding application for renewal, instructed
29 at least 12 hours in each of the topics for which Specialized Instructor Certification was granted and
30 ~~such instruction must be~~ that instruction was provided in a Commission-accredited training course or a
31 Commission-recognized in-service training course. Acceptable documentary evidence shall include
32 official Commission records submitted by School Directors or in-service training coordinators and
33 written certification from a School Director or in-service training coordinator;

34 (2) proof that the applicant has, within the three year period preceding application for renewal, attended
35 and successfully completed any instructor updates that have been issued by the Commission.
36 Acceptable documentary evidence shall include official Commission records submitted by School

1 Directors or In-Service Training Coordinators, or copies of certificates of completion issued by the
2 institution which provided the instructor updates; and

3 (3) either:

4 (A) a favorable written recommendation from a School Director or In-Service Training
5 Coordinator completed on a Commission Renewal of Instructor and Professional Lecturer
6 Certification Form that the instructor successfully taught at least 12 hours in each of the
7 topics for which Specialized Instructor Certification was granted. Such teaching must have
8 occurred in a Commission-certified training course or a Commission-recognized in-service
9 training course during the three year period of Specialized Instructor Certification; or

10 (B) a favorable evaluation by a Commission or staff member, based on an on-site classroom
11 evaluation of a presentation by the instructor in a Commission-certified training course or a
12 Commission-recognized in-service training course, during the three-year period of
13 Specialized Instructor Certification. Such evaluation shall be certified on a Commission
14 Instructor Evaluation Form.

15 Upon submission of the required documentation for renewal the Commission staff shall renew the
16 certification as a Specialized Instructor. Such renewal shall occur at the time of renewal of the General
17 Instructor certification.

18 (d) Certification as a specialized instructor in the First Responder, Physical Fitness, Explosive and Hazardous Materials,
19 and Juvenile Justice Medical Emergencies topical areas as outlined in Rule .0304(d)(1), (g)(2), (i)(1), and (j)(1) of this
20 Section, specifically those certifications not based upon General Instructor Certification, shall remain in effect for 36
21 months from the date of issuance. During the 36 month term all non-Commission certificates required in Rule
22 .0304(d)(1), (g)(2), (i)(1), and (j)(1) for specialized instructor certification in the First Responder, Physical Fitness,
23 Explosive and Hazardous Materials, and Juvenile Justice Medical Emergencies topical areas must be maintained.

24 (e) All instructors shall remain active during their period of certification. ~~If an instructor does not teach at least 12 hours~~
25 ~~in each of the topic areas for which certification is granted, the certification shall not be renewed for those topics in which~~
26 ~~the instructor failed to teach.~~ Any specialized instructor training courses previously accepted by the Commission for
27 purposes of certification shall no longer be recognized if the instructor does not teach at least 12 hours in each of the
28 specialized topics during the three year period for which certification was granted. Upon application for re-certification,
29 such applicants shall meet the requirements of Rule .0304 of this Section.

30 (f) The use of guest participants in a delivery of the "Basic Law Enforcement Training Course" is permissible. However,
31 such guest participants are subject to the direct on-site supervision of a Commission-certified instructor and must be
32 authorized by the School Director. A guest participant shall be used only to complement the primary certified instructor
33 of the block of instruction and shall in no way replace the primary instructor.

34
35 *History Note: Authority G.S. 17C-6;*

36 *Eff. January 1, 1981;*

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Amended Eff. May 1, 2014; June 1, 2012; November 1, 2007; January 1, 2006; December 1, 2004; August 1, 2004; August 1, 2000; July 1, 1991; July 1, 1989; December 1, 1987; February 1, 1987.

1 12 NCAC 09B .0502 is amended as published in volume 28, issue 2, page 53 as follows:

2 **12 NCAC 09B .0502 TERMS AND CONDITIONS OF SCHOOL DIRECTOR CERTIFICATION**

3 (a) The term of certification as a school director is two years from the date the Commission issues the certification,
4 unless earlier terminated by action of the Commission. Upon application the certification may subsequently be renewed
5 by the Commission for ~~two~~three year periods. The application for renewal shall contain documentation meeting the
6 requirements of Rule .0501(b)(2) and (3) of this Section.

7 (b) To retain certification as a school director, the school director shall:

- 8 (1) ~~Attend an annual school directors conference~~ Participate in annual training conducted by commission
9 staff;
- 10 (2) Maintain and comply with the current version of the "Basic Law Enforcement Training Course
11 Management Guide";
- 12 (3) Maintain and ensure compliance with the current version of the "Basic Law Enforcement Training
13 Instructor Notebook" assigned to each certified school; and
- 14 (4) Perform the duties and responsibilities of a school director as specifically required in Rule .0202 of
15 this Subchapter.

16
17 *History Note: Authority G.S. 17C-6;*
18 *Eff. January 1, 1985;*
19 *Amended Eff. May 1, 2014; April 1, 2009.*
20

REQUEST FOR TECHNICAL CHANGE

AGENCY: Criminal Justice Education and Training Standards Commission

RULE CITATION: 12 NCAC 09E .0104

DEADLINE FOR RECEIPT: **Friday, April 11, 2014**

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

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

Please correct the Rule name on the Submission for Permanent Rule Form.

In Item (1), lines 9-11, the phrase "delivering CPR certifications that include cognitive and skills testing, use of equipment training conducted by a manufacturer, manufacturer's representative or a service provider and documented through a certificate of completion" is not clear. Perhaps it would be more clear if it was broken into several sentences? It is difficult to decipher which instructors do not need the Instructor Certification as written.

In Item (2), "department head" is not capitalized. This is inconsistent with "Department head" in Paragraph (5), line 33. Please make consistent.

Also in Item 2, do you need the language on lines 20 and 21, "in addition to meeting the above testing requirement,"? It seems duplicative.

In Item 3, delete the "as" line 26.

Does your regulated public know where to get the forms referenced in Items 4 and 5? Are they available online? You may want to consider adding this information.

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

Of course, this will also require conforming changes to the attached copies of the rule. Please check to see that this paperwork is in order and is returned along with the revised rule.

1 12 NCAC 09E .0104 is amended as published in volume 28, issue 4, pages 326-327 as follows:

2 **12 NCAC 09E .0104 INSTRUCTORS: ANNUAL IN-SERVICE TRAINING**

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

- 5 (1) The instructor shall hold Instructor Certification issued by the Commission as outlined in 12
6 NCAC 09B .0302, 09B .0304, and 09B .0306, except for instructors ~~delivering Incident Command~~
7 ~~System training for NIMS (National Incident Management System) compliance. Those instructors~~
8 ~~must be certified through FEMA (Federal Emergency Management Agency) as Incident~~
9 ~~Command Instructors.~~ delivering CPR certifications that include cognitive and skills testing, use
10 of equipment training conducted by a manufacturer, manufacturer's representative or a service
11 provider and documented through a certificate of completion, or include Incident Command
12 System training for NIMS (National Incident Management System) compliance who are certified
13 through FEMA (Federal Emergency Management Agency) as Incident Command Instructors. In
14 addition, each instructor certified by the Commission to teach in a Commission-certified course
15 shall remain competent in his or her specific or specialty areas. Such competence includes
16 remaining current in the instructor's area of expertise, which may be demonstrated by attending
17 and successfully completing all instructor updates issued by the Commission.
- 18 (2) Instructors who teach a required in-service training topic must achieve a passing grade on a topic
19 specific test developed by the North Carolina Justice Academy or by the agency delivering the
20 training. Instructors who teach a required in-service training topic online, in addition to meeting
21 the above testing requirement, must also complete the in-service training for the topic he or she
22 will be teaching. Instructors who teach an in-service training topic in a traditional classroom
23 format will receive credit toward their own in-service training requirements, provided that they
24 pass all required tests and have their instruction documented by the department head or in-service
25 training coordinator once completed.
- 26 (3) The instructor shall deliver the training consistent with the specifications as established in Rules
27 09E .0105 and .0106.
- 28 (4) The instructor shall report the successful or unsuccessful completion of training for each officer to
29 the Department head. Such reporting shall be on a Commission form.
- 30 (5) Where the officer fails to qualify with a weapon, the instructor shall inform the officer that the
31 officer did not qualify and the instructor shall deliver a Commission form to the officer which
32 shall be signed by the officer. This form shall instruct the officer not to use the weapon and shall
33 require the officer to notify the Department head or designated representative within 24 hours of
34 the failure to qualify. The instructor shall personally deliver this form or send the form by
35 certified mail to the Department head or designated representative within 72 hours of the failure to
36 qualify.

37

1 *History Note: Authority G.S. 17C-6; 17C-10;*
2 *Eff. July 1, 1989;*
3 *Amended Eff. May 1, 2014; February 1, 2013; April 1, 2008; January 1, 2006; January 1, 2005.*
4

REQUEST FOR TECHNICAL CHANGE

AGENCY: Criminal Justice Education and Training Standards Commission

RULE CITATION: 12 NCAC 09G .0311

DEADLINE FOR RECEIPT: **Friday, April 11, 2014**

NOTE WELL: 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:

The language in this Rule very closely tracks the language in 12 NCAC 09B .0305. Why is the language necessary in both Rules?

In Sub-Paragraph (b)(1), line 8, why is Specialized Instructor Certification capitalized, but general probationary instructor certification on line 10 is not? It seems as though since they are both certifications, they should both be capitalized.

In Sub-Paragraph (c)(1), line 31, please change "such instruction must be" to "that instruction was provided."

In Rule 09G .0311, please change "three year" to "three-year" in Paragraphs (c) and (d) to be consistent with 12 NCAC 09B .0305.

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

Of course, this will also require conforming changes to the attached copies of the rule. Please check to see that this paperwork is in order and is returned along with the revised rule.

1 12 NCAC 09G .0311 is amended as published in volume 28, issue 2, pages 54-55 as follows:

2 **12 NCAC 09G .0311 TERMS AND CONDITIONS OF SPECIALIZED INSTRUCTOR CERTIFICATION**

3 (a) An applicant meeting the requirements for Specialized Instructor Certification shall be issued a certification to run
4 concurrently with the existing General Instructor Certification. The applicant must apply for certification as a specialized
5 instructor within 60 days from the date of completion of a specialized instructor course.

6 (b) The terms of certification as a specialized instructor shall be determined by the expiration date of the existing
7 General Instructor Certification. The following requirements shall apply during the initial period of certification:

8 (1) where certifications for both general probationary instructor and Specialized Instructor Certification
9 are issued on the same date, the instructor shall only be required to satisfy the teaching requirement for
10 the general probationary instructor certification. The instructor may satisfy the teaching requirement
11 for the general probationary instructor certification by teaching any specialized topic for which
12 certification has been issued;

13 (2) when Specialized Instructor Certification is issued during an existing period of General Instructor
14 Certification, either probationary status or full general status, the specialized instructor may satisfy the
15 teaching requirement for the General Certification by teaching the specialized subject for which
16 certification has been issued; ~~and~~

17 (3) where Specialized Instructor Certification becomes concurrent with an existing ~~36 month~~ active period
18 of General Instructor Certification, and there are 12 months or more until the certifications' expiration
19 date, the instructor must teach 12 hours for each specialized topic for which certification has been
20 issued; and

21 (4) where Specialized Instructor Certification becomes concurrent with an existing active period of
22 General Instructor Certification, and there are less than 12 months until the certification expiration
23 date, the instructor is not required to teach any hours for the specialized subject.

24 (c) The term of certification as a specialized instructor shall not exceed the 36 month period of full General Instructor
25 Certification. The certification may subsequently be renewed by the Commission at the time of renewal of the full
26 General Instructor Certification. The application for renewal shall contain, in addition to the requirements listed in ~~42~~
27 ~~NCAC 09G .0310~~ Rule .0310 of this Section, documentary evidence that the applicant has remained active in the
28 instructional process during the previous three year period. Such documentary evidence shall include the following:

29 (1) proof that the applicant has, within the three year period preceding application for renewal, instructed
30 at least 12 hours in each of the topics for which Specialized Instructor Certification was granted and
31 such instruction must be in a Commission-certified training course or a Commission-recognized in-
32 service training course. Acceptable documentary evidence shall include official Commission records
33 submitted by School Directors and written certification from a School Director; and

34 (2) either:

35 (A) a favorable written recommendation from a School Director accompanied by certification
36 that the instructor successfully taught at least 12 hours in each of the topics for which
37 Specialized Instructor Certification was granted. Such teaching must have occurred in a

1 Commission-certified training course or a Commission-recognized in-service training course
2 during the three year period of Specialized Instructor Certification; or

3 (B) a written evaluation by a staff member, based on an on-site classroom evaluation of a
4 presentation by the instructor in a Commission-certified training course or a Commission-
5 recognized in-service training course, during the three year period of Specialized Instructor
6 Certification.

7 (d) ~~If an instructor does not teach at least 12 hours in each of the topic areas for which certification is granted, the~~
8 ~~certification shall not be renewed for those topics in which the instructor failed to successfully teach.~~ Any specialized
9 instructor training courses previously accepted by the Commission for purposes of certification shall no longer be
10 recognized if the instructor does not successfully teach at least 12 hours in each of the specialized topics during the three
11 year period for which certification was granted. Upon application for re-certification, such applicants shall be required to
12 meet the requirements of ~~12 NCAC 09G .0310.~~ Rule .0310 of this Section.

13
14 *History Note: Authority G.S. 17C-6;*
15 *Temporary Adoption Eff. January 1, 2001;*
16 *Eff. August 1, 2002;*
17 *Amended Eff. May 1, 2014; June 1, 2012; January 1, 2006.*

18

REQUEST FOR TECHNICAL CHANGE

AGENCY: Criminal Justice Education and Training Standards Commission

RULE CITATION: 12 NCAC 09G .0415

DEADLINE FOR RECEIPT: **Friday, April 11, 2014**

NOTE WELL: 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 Paragraph (a), delete or define "continuous."

In Paragraph (b), line 6, should it read "Corrections Specialized Instructor Training – Firearms"?

In Paragraph (b), on line 8, please add a space between the hyphen separating "Training" and "Correctional"

In Paragraph (c), should "Corrections Specialized Firearms Instructor Training" be capitalized on line 11?

Please correct the formatting in Paragraph (c).

Please change the semi-colon in Sub-Paragraphs (c)(7), (c)(9), and (c)(11) to a colon.

Please add the word "and" to (c)(7)(B), line 24, (c)(9)(B), line 1, (c)(11)(C), line 10, and (c)(11)(D), line 11.

Please add a period at the end of (c)(12), line 12.

In Paragraph (d), the Commission is accrediting and certifying schools, not just one or the other? I note that in Rule 09G .0416(d), you instead refer to only certification.

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

Of course, this will also require conforming changes to the attached copies of the rule. Please check to see that this paperwork is in order and is returned along with the revised rule.

1 12 NCAC 09G .0415 is amended as published in volume 28, issue 4, pages 327-328 as follows:

2 **12 NCAC 09G .0415 CORRECTIONS SPECIALIZED INSTRUCTOR TRAINING – FIREARMS**

3 (a) The instructor training course requirement for ~~corrections specialized firearms instructor~~ Corrections Specialized
4 Instructor Training – Firearms certification shall consist of at least 80 hours of instruction presented during a continuous
5 period of not more than two weeks.

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

11 (c) Each corrections specialized firearms instructor training course shall include the following topical areas:

12 (1) ~~Overview;~~

13 (A) (1) Course Overview;

14 (B) ~~(2) Legal Considerations for Firearm Instructors;~~

15 (C) (3) Department of ~~Correction~~ Public Safety, Division of Adult Corrections Firearms Training
16 Courses;

17 (2) ~~(4) Firearms Safety;~~

18 (3) ~~(5) Range Operations;~~

19 (4) ~~(6) Medical Emergencies on the Range;~~

20 (5) ~~(7) Handgun - Operation, Use and Maintenance;~~

21 (A) Handgun Training-Classroom and Range;

22 (B) ~~Standard Handgun Courses of Fire Range~~

23 (C) (B) Introduction to Low/Limited Light (LLL) Fire-Classroom and Range Handgun Low/Limited
24 Light Fire;

25 (D) ~~(C) Handgun Care and Maintenance;~~

26 (6) ~~(8) Advanced Handgun Training;~~ Training – Classroom and Range;

27 (A) ~~Advanced Handgun Training – Classroom~~

28 (B) ~~Advanced Handgun Courses of Fire – Range~~

29 (7) ~~Handgun Night Firing;~~

30 ~~Handgun Low/Limited Light Fire – Classroom and Range~~

31 (8) ~~Rifle Training and Qualification;~~

32 (A) ~~Rifle Training – Classroom~~

33 (B) ~~Rifle Training – Range~~

34 (C) ~~Rifle Qualification and Low/Limited Light Fire Familiarization Course – Range~~

35 (9) Shotgun Training and Qualification; Operation, Use and Maintenance;

36 (A) Shotgun Training – Classroom and Range;

37 (B) ~~Shotgun Training – Range~~

- 1 ~~(C)~~ (B) Shotgun Low/Limited Light Fire – Range;
- 2 ~~(10)~~ (C) ~~Maintenance and Repair of Rifles and Shotguns;~~ Shotgun Care and Maintenance;
- 3 ~~(11)~~ (10) Special Techniques, Training Aids, and Methods;
- 4 ~~Special Techniques for the Reluctant/Frightened Shooter~~
- 5 ~~(12)~~ ~~Chemical Weapons;~~
- 6 ~~Chemical Agents, Equipment, Tactics and Storage~~
- 7 ~~(13)~~ (11) Situational Use of Firearms;
- 8 (A) The Shooting Decision;
- 9 (B) Situational Use of Firearms;
- 10 (C) Situational Exercises – Day;
- 11 (D) Situational Exercises – Low/Limited Light;
- 12 ~~(14)~~ (12) Administrative Matters, Testing, and Evaluation;
- 13 (d) The Commission-accredited schools school that are accredited is certified to offer the "Corrections Specialized
- 14 Instructor Training - Firearms" course ~~are: The~~ is the Office of Staff Development and Training of the North Carolina
- 15 Department of ~~Correction.~~ Public Safety.

16

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

18 *Temporary Adoption Eff. January 1, 2001;*

19 *Eff. August 1, 2002;*

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

21

REQUEST FOR TECHNICAL CHANGE

AGENCY: Criminal Justice Education and Training Standards Commission

RULE CITATION: 12 NCAC 09G .0416

DEADLINE FOR RECEIPT: **Friday, April 11, 2014**

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The Rules Review Commission staff has completed its review of this rule prior to the Commission's next meeting. The Commission has not yet reviewed this rule and therefore there has not been a determination as to whether the rule will be approved. You may call 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 Paragraph (a), delete or define "continuous."

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

Of course, this will also require conforming changes to the attached copies of the rule. Please check to see that this paperwork is in order and is returned along with the revised rule.

1 12 NCAC 09G .0416 is amended as published in volume 28, issue 4, page 328 as follows:

2 **12 NCAC 09G .0416 CORRECTIONS SPECIALIZED INSTRUCTOR TRAINING - CONTROLS,**
 3 **RESTRAINTS, AND DEFENSIVE TECHNIQUES**

4 (a) The instructor training course requirement for corrections specialized controls, restraints, and defensive techniques
 5 (CRDT) instructor certification shall consist of at least 80 hours of instruction presented during a continuous period of
 6 not more than two weeks.

7 (b) Each corrections specialized controls, restraints, and defensive techniques instructor training course shall be designed
 8 to provide the trainee with the skills and knowledge to perform the function of a corrections controls, restraints, and
 9 defensive techniques instructor in the "Basic Training-Correctional Officer" course, "Basic Training-Probation/Parole
 10 Officer" course, ~~"Basic Training Probation/Parole Officer Intermediate" course, and in-service training courses for~~
 11 ~~correctional officers, PERT teams, probation/parole officer intermediate, and all Department of Juvenile Justice and~~
 12 ~~Delinquency Prevention unarmed self-defense courses.~~ course, and in-service training courses for correctional officers
 13 and probation/parole officers.

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

- 16 (1) Introduction to Controls, Restraints, and Defensive Techniques;
- 17 (2) ~~Patterns of Movement;~~ Physical Fitness/Warm-up and Stretching;
- 18 (3) Response to Injury;
- 19 (4) Basic Controls and Techniques;
- 20 (5) Advanced Controls and Techniques;
- 21 (6) Restraint ~~Applications;~~ Applications; and
- 22 (7) Program Evaluation; and CRDT Program Student Evaluations and Testing.
- 23 (8) ~~Advanced Instructional Techniques.~~

24 (d) ~~The Commission-certified schools school that are is~~ certified to offer the "Corrections Specialized Instructor
 25 Training/Controls, Restraints, and Defensive Techniques" course ~~are: The is the~~ Office of Staff Development and
 26 Training of the North Carolina Department of ~~Correction.~~ 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